

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, December 6, 2012 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of the National Day of Remembrance and Action on Violence Against Women

Hon. Ms. Taylor: I rise on behalf of our caucus and on behalf of the Independent member to pay tribute to December 6, the National Day of Remembrance and Action on Violence Against Women in Canada. Established in 1991 by Parliament, this day marks the anniversary of the murders in 1989 of 14 young women at l'École Polytechnique de Montréal. They were killed because they were women.

December 6 represents an opportunity for all Canadians to reflect and speak out about violence against women in our society. It's also an opportunity to consider the women and girls for whom violence is a daily reality and to remember those who have died as a result of gender-based violence. Finally, it is a day on which communities and individuals can consider concrete actions to eliminate all forms of violence against women and girls.

Here in the Yukon we have an unacceptable level of violence against women. Compared to the provinces, we have rates of sexual assault that are two to three times higher. Statistics Canada continues to show that the highest proportion of spousal violence continues to be here in the north.

It also shows that Yukon is one of the jurisdictions with the highest rates of charges being laid for spousal abuse. In Canada, four out of five people murdered by their spouses are women murdered by men. In 2009, every six days on average a woman in Canada was killed by her intimate partner. Women and girls continue to be the most likely victims in police-reported spousal violence, accounting for 83 percent of victims, and that is just for those incidents that happen to be reported. It is conservatively estimated that only one-third of all incidents ever get reported.

The fear of violence also limits the freedom women experience in their lives. Forty-two percent of women, compared with 10 percent of men, feel totally unsafe walking in their own neighbourhoods after dark, which in Canadian winters can begin at 3:30 p.m. and even earlier in the north. Over one-third of women compared with one in 10 men, are worried about being in their own homes alone in the evening or at night. This too is a difficult reality to accept. Of those who have been reported or killed here in our territory and across Canada, we do remember their names and their families. The memory of many others

who have gone missing still sends a chill through each and every one of us. It's hard not to feel immobilized by grief and fear.

More and more people are speaking out and taking action, including men. I find that encouraging. One hundred and fifty Yukoners are showing their support with their portrait sketches on the "Am I the Solution?" Facebook page. They too are sending a strong message that they believe in a community without violence. It's a good start, but we still need Yukon men to speak with their sons, their brothers, their friends and their fathers about treating women and girls with respect. That would go a long way toward bettering society for both men and women.

I'd like to thank all those in our community who work with victims of violence every day. I'd also like to thank the Victoria Faulkner Women's Centre, Les EssentiElles, Kaushee's Place, Whitehorse Aboriginal Women's Circle, Yukon Aboriginal Women's Council, Yukon Status of Women Council, Liard Aboriginal Women's Society, Skookum Jim Friendship Centre, Dawson City Women's Shelter, White Ribbon Youth, the Women's Directorate and many others for their work in their community to raise awareness about violence through their events and public information campaigns during the 12 Days to End Violence Against Women, which ends today with this year's annual vigil.

Mr. Speaker, I would also like to take this opportunity to recognize Yukoners who have given their pledge during the 12 days on the "Am I the Solution?" campaign, or the White Ribbon Yukon Facebook page or at one of the Silhouettes exhibits. I encourage all to take strength and courage from one another, to speak out against violence when we see it happening, and to find the power within ourselves to be agents of progressive, lasting change in our community.

I'd like to conclude this tribute by leaving you with the "Am I Solution?" tagline: "The way you think is where your power begins." Thank you.

Ms. White: I rise on behalf of the Official Opposition to pay tribute to this National Day of Remembrance and Action on Violence Against Women.

On Wednesday, December 6, 23 years ago, 25-year-old Marc Lépine entered the campus of l'École Polytechnique on the northern face of Mount Royal in Montreal. No one could have predicted how this day would be etched in history and shake Canada to its core. Armed with an illegally obtained mini-14 rifle and a hunting knife, he entered classroom 303 at the university. He separated the male students from the female students, claiming that he was fighting feminism. In an extreme expression of hate and misogyny, he shot all nine women in the room, killing six.

He then roamed through the corridors, the cafeteria and another classroom, room 311, specifically targeting women. On that day in 1989, Marc Lépine shot 28 people before turning the gun on himself.

In less than 20 minutes, he had murdered 14 women, injured 10 other women and four men, and changed the lives of thousands. Canadians reacted with shock, sorrow and outrage.

December 6 became the day that we commemorate the 14 young women whose lives ended in an act of gender-based violence that shocked the nation. These women were targeted and killed because of their sex. December 6 represents an opportunity for Canadians to reflect on the phenomenon of violence against women in our society. It is an opportunity to consider the women and girls for whom violence is a daily reality and to remember those who have died as a result of gender-based violence.

It is a day on which communities consider concrete actions to eliminate all forms of violence against women and girls. Canada is not yet a safe country for women. Violence against women is the world's largest and most persistent human rights violation and, sadly, Canada is no exception. Every six days, a woman in Canada is killed by her intimate partner. On any given day in Canada, 4,000 women are living in emergency shelters to escape violence.

More than 50 percent of Canadian women will experience an incidence violence at some point in their lives — the majority before they turn 25. In most cases, women know their abuser.

Today we remember the victims of the Montreal massacre: Michèle Richard, 21; Hélène Colgan, 23; Nathalie Croteau, 23; Maryse Leclair, 23; Sonia Pelletier, 28; Annie Turcotte, 21; Maryse Laganière, 25; Barbara Daigneault, 22; Anne-Marie Lemay, 22; Anne-Marie Edward, 21; Maud Haviernick, 29; Annie St-Arneault, 23; Geneviève Bergeron, 21; and Barbara Klucznik-Widajewicz, 31.

We remember these 14 women and think of all the others who continue to experience violence in their lives. Every day we must continue to fight against the parts of society that still teach women how not to be victims instead of teaching men not to victimize. Today we recommit to eradicating violence, whether physical, psychological or financial, by taking action of violence against women and girls until our streets, our campuses and our homes are safe.

Mr. Silver: I rise today on behalf of the Liberal caucus to also acknowledge and pay tribute to National Day of Remembrance and Action on Violence Against Women.

December 6, 1989, is etched in history by the shooting deaths of 14 young women who were singled out for their gender and murdered on the campus of École Polytechnique in Montreal. The Montreal massacre became a galvanizing moment in which mourning turned into outrage about all violence against women. This annual remembrance remains important; yet 23 years later gender-based violence continues to be a disturbing reality. It can happen to anyone regardless of race, age, sexual orientation, religion and it can take many forms including physical, sexual, emotional, economic and psychological abuse. The rates of rape and sexual assault have increased and rates of spousal violence against women have remained relatively unchanged in nearly all of the provinces over the last few years.

Women are especially vulnerable to acts of violence because of many social and economic factors that make it difficult for women to escape violence. Our society is still based on

unequal wealth, unequal status, unequal opportunity and unequal power. By eliminating inequality, we will help eliminate violence. We need to work on changing social attitudes about violence against women. We need to speak out against violence or abuse when we see it happening. We all have a role to play in communicating that abuse and violence is always unacceptable.

December 6 has become a day to remember and to commemorate the 14 young women who lost their lives in the Montreal Massacre and for all women and children who have died as a result of gender violence — a day to recommit and to take action on violence against women and girls until all our streets, our campuses and our homes are safe.

The White Ribbon campaign started in 1991 when a handful of men in Canada decided that they had a responsibility to urge men and to speak out against violence against women.

The White Ribbon campaign is the largest effort in the world of men working to end violence against women. Wearing the white ribbon is a personal pledge to never commit, condone or remain silent about violence against women and girls. It's our way of saying that our future has no violence against women, period.

In the Yukon, the 12-day campaign to end violence against women released a calendar featuring Yukon men called "Yukon Men Can End Violence". This year's campaign is focused on men and how important it is for men to know about the issue and to be the ones who think about what we can do to prevent these issues. Throughout the 12-day campaign, many events and activities were held to raise awareness on the realities of violence against women and how we as a society can take action to help end that violence.

We salute the efforts of Yukon women and the many women's organizations across the territory for bringing the issue of violence against women to the forefront in the hope of ending this violence.

We also commend the many Yukon men who have stepped forward to support the ending of violence against women, and we encourage all men to make that pledge to end violence against women.

Today we can make a commitment for change; today we can help to end violence against women; and today we can help end gender-based violence.

In recognition of Mallory Pigage

Hon. Mr. Graham: I rise today in the House on behalf of all members to recognize Mallory Pigage during Disability Awareness Week, which began with the International Day of Persons with Disabilities, as tributed earlier this week. Mallory is the subject of a video being launched tomorrow by the Yukon Human Rights Commission, entitled *Aren't You Supposed to Be Doing Something? — Mallory's Story*.

Born with CHARGE syndrome, a genetic disorder in which the acronym stands for commonly affected areas, this young woman has not let disability stand in her way. Despite intellectual and physical difficulties, Mallory graduated from Porter Creek High Secondary School in 2011, and last May she graduated from Yukon College with a certificate in skills for employment.

The lives of individuals with intellectual difficulties can be difficult and challenging in ways that the rest of us can't possibly comprehend.

Not only do they deal with their own personal issues daily, they must also struggle with a society that often doesn't understand them, what they are going through, and it doesn't often understand that many things don't make sense to them, and society don't even recognize the disability or try to accommodate it. Despite the best intentions, there are often barriers that appear insurmountable to these people.

Mallory is sharing her story on film, thanks to the Human Rights Commission, and she will give us a snapshot of her life, her challenges and her successes. In the film she will talk about her experience attending school in Whitehorse and about her experiences at Yukon College, which in turn opened up more opportunities and experiences for Mallory in her life. It's an important story that everyone should hear if we are to begin to remove barriers and become a truly inclusive society. This year the theme for the International Day of Persons with Disabilities was "Removing barriers to create an inclusive and accessible society for all."

Yesterday it was my privilege to attend a lunch offered by the Challenge group at Mount McIntyre at noon hour. Unfortunately, I was able to spend too little time with them, but during my time there I saw a number of people with physical, cognitive, visual, mobility and other impairments, and they were all communicating in a variety of manners, and they were all helping each other in what I thought was a true reflection of what an inclusive, accessible society should really look like. Evidence shows us that when barriers are removed and persons with disabilities are empowered to participate fully in life, the entire community benefits. Mallory's story speaks to that.

Mr. Speaker, the government already does much to offer assistance to individuals with disabilities, but removing barriers is the responsibility of each and every one of us as individuals, communities and governments. That's why this story is so important to everyone. It shows us how we can do things better, and I would like to thank, not only the Human Rights Commission for taking on this project and Mallory for starring in it, but also her wonderfully supportive parents who stood behind her all the way during the difficulties she experienced in school and again at Yukon College. Mostly we would like to thank Mallory for sharing her story. We need these stories, Mr. Speaker, if we are really going to effect change in the Yukon. Thank you.

Applause

In recognition of Arctic National Wildlife Refuge 52nd anniversary

Mr. Elias: I rise on behalf of all members to pay tribute to the 52nd birthday of the Arctic National Wildlife Refuge and the 25th anniversary of the Gwich'in efforts to permanently protect the coastal plain of the refuge.

The Arctic National Wildlife Refuge is an irreplaceable, unspoiled wilderness, and home to millions of birds, bears, fish, muskoxen and many other species of wildlife. The refuge is made up of soaring mountains, verdant valleys, lush wetlands and majestic rivers and lakes. It is an unspoiled wilder-

ness. The coastal plain of the Arctic National Wildlife Refuge is the birthing and nursery grounds of the 170,000-strong Porcupine caribou herd. It is a herd that the Gwich'in Nation depends on for food. It is the foundation of our culture and traditions. That herd is central to the social, economic and spiritual fabric of our being.

The Arctic National Wildlife Refuge is a special place not only to the Gwich'in, but to millions of North Americans who have time and time again voiced their steadfast support of permanent protection of the coastal plain of the refuge.

Today, on December 6, we celebrate the 52nd birthday of the Arctic National Wildlife Refuge. It was on this date in 1960 that President Eisenhower established the Arctic National Wildlife Refuge to preserve its unique wildlife, wilderness and recreation values. In 1980, the United States Congress expanded the refuge to encompass more winter habitat of the Porcupine caribou herd, and to specify the refuge's purpose to provide for continued subsistence uses.

Most recently, the United States Fish and Wildlife Service received close to one million comments in support of wilderness declaration for the Arctic refuge, the results of which we hope to see at the end of January 2013. Each spring between 40,000 and 50,000 calves are born on the calving grounds within the Arctic National Wildlife Refuge. It is because of the caribou that we as Gwich'in people have been able to maintain our way of life. For thousands of years, we depended on this herd for our sustenance, clothing, shelter, tools and even games. In a world of climate change, the refuge has been increasingly important to polar bears that den and nurse their young on the coastal plain and are the first vertebrate species to be listed by the United States *Endangered Species Act* as threatened by extinction due to climate change.

My own personal journey with the refuge and the caribou began in my mother's womb and it continues today. I was there in 1988 in Arctic Village, Alaska when an important decision was made. With an increased threat of oil and gas development in the birthplace and nursery grounds of the Porcupine caribou herd, the Gwich'in Nation came together and agreed unanimously to speak with one voice in opposition to oil and gas development on the coastal plain of the Arctic National Wildlife Refuge. That day stands as the most powerful life-changing event I've ever attended.

I will always remember that moment when the oldest Gwich'in elder spoke to the nation and she said in Gwich'in: "When you speak around the world to protect our caribou, you do it in a good way and don't harm anyone." To accomplish this task the communities established the Gwich'in Steering Committee. Next summer will mark 25 years of the Gwich'in Steering Committee's tireless efforts to protect the Arctic National Wildlife Refuge and our way of life.

I'll tell you a quick story. I was once camped right beside the Arctic National Wildlife Refuge in my former job as a senior park warden for Vuntut National Park. One morning I was walking toward the refuge and a mountain pass and there wasn't a cloud in the sky and I heard a rumbling. I stopped and I looked and a cow caribou came over the mountain with her calf and then another and then another and in a few minutes I

was surrounded by what must have been 20,000 caribou. It's a moment that I'm never going to forget.

If I ever have an audience with the President of the United States, Barack Obama, my one and only request would be for him to designate the coastal plain of the Arctic National Wildlife Refuge in Alaska as wilderness and protect it for all time.

I'd like to take this time to thank those thousands of Yukoners and the Yukon and federal governments for their support of the Gwich'in efforts to protect the Arctic National Wildlife Refuge coastal plain and the calving grounds of the Porcupine caribou herd in Alaska from industrial intrusion. Mahsi' cho. *[Member spoke in native language. Text unavailable]* for the hundreds of times the people of Old Crow have travelled to Washington, D.C. to help protect the Porcupine caribou's calving grounds in the refuge. Today is the refuge's birthday and we celebrate it and all that it supports and protects. It is the sacred place where life begins.

Thank you.

INTRODUCTION OF VISITORS

Ms. Stick: I would ask the members of the Legislature to join me in welcoming the instructor and the students from l'AFY. They are students in the intermediate English as a Second Language class, and I would like to introduce them. There is Karen Walker, their instructor; Begum Khodeja from Bangladesh; Li Qing from China; Dong Le from China; and Lucie Payment from Quebec. Please welcome them.

Applause

Hon. Mr. Dixon: I'd like to ask members to join me in welcoming a friend and constituent, Ms. Brittany Cross, to the audience.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

Are there any reports of committees?

Speaker's statement

Speaker: Prior to calling for petitions, the Chair would like to make a statement on something that occurred yesterday during Petitions.

Yesterday, during his response to Petition No. 7, the Minister of Energy, Mines and Resources referred to a government motion that, in his view, addressed the substance of the petition. He then made a comment that identified which members supported the motion and which members voted against it. Those comments are not in order.

Members have been advised that in presenting petitions they may read the text of the petition, or summarize the content of the petition and inform the House of the number of signatories of that petition. They are not to make other comments, including partisan comments, as there is no opportunity for debate at that time.

The same rule applies to responses to petitions. There is no opportunity for debate during a response to a petition. As such,

ministers responding to a petition should speak to the petition and not make other comments, including partisan comments.

Are there any petitions to be presented?

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 Government of Yukon to provide a donation of \$25,000 in disaster relief to the Red Cross to aid the Filipino people in the province of Compostela Valley, struck by a typhoon the first week of December 2012.

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

THAT it is the opinion of this House that the Canadian Conference of the Arts:

(1) was a fundamental, invaluable organization to Canadian arts, cultures and creators in all genres;

(2) was an advocate representing the interests and aspirations of more than 400,000 artists and creators;

(3) worked with a coalition to resist the federal government's unacceptable copyright legislation;

(4) helped to develop, nurture and maintain strong Canadian voices across all cultural sectors;

(5) helped to withstand cultural submersion from outside Canada; and

(6) that the federal government should reinstate funding for it.

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

THAT this House urges the Government of Yukon to protect public safety by committing to build, in 2013, the Freegold Road Bypass in Carmacks, that will keep heavy industrial traffic away from a residential area that includes a toddlers park, a school zone and a community boardwalk, where people walk, bike and run.

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

THAT this House urges the Government of Yukon to remove from the Order Paper or call for debate on Monday, December 10, Bill No. 49, *Act to Amend the Oil and Gas Act*, 2012.

I also rise to give notice of the following motion:

THAT this House urges the Government of Yukon to remove from the Order Paper or call for debate on Monday, December 10, Bill No. 48, *Act to Amend the Access to Information and Protection of Privacy Act*.

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

THAT this House urges the Minister of Education to work with his partners in education to explore options related to adopting *Together Today for Our Children Tomorrow* as the theme for the 2013 Education Week.

Speaker: Is there a statement by a minister?
This brings us to Question Period.

QUESTION PERIOD

Question re: Hydraulic fracturing

Ms. Hanson: To date, almost 2,400 Yukoners have signed a petition calling for a Yukon-wide moratorium on fracking. Yesterday, in his brief response to the petition, the minister avoided the concerns of Yukoners and instead repeated his desire to conduct a targeted dialogue on a particular project in a single region with just a single First Nation government involvement, yet the Oil and Gas branch has identified the Southeast Yukon as a prime target for the development of shale gas, which would require large-scale fracking.

The government's amendments to the *Oil and Gas Act* are meant to pry the Liard Basin open for fracking. Does this government intend to focus attention on a dialogue on the north Yukon while at the same time opening up the southeast to fracking?

Hon. Mr. Cathers: Again, we see the NDP engaging in a manner in this House that does not reflect the facts. We heard the Leader of the NDP again characterize inaccurately the motion that was passed in this House as being something targeted only to north Yukon. That's incorrect. If the member were actually listening to the debate that has gone on or reading the motion, the member would know it.

In fact, we have indicated that, because of the recent experience the Vuntut Gwitchin First Nation has had in reviewing Northern Cross' application and because it is the only area where there's active oil and gas exploration at this time, we believe the starting point for this should be talking to the Vuntut Gwitchin First Nation and other stakeholders about how to best design a territory-wide public dialogue that is open to all Yukon citizens. So again we see mischaracterizations from the Leader of the NDP and, in fact, I would point out to the member that, despite her assertions, there is also significant conventional gas in southeast Yukon.

Ms. Hanson: The minister's attacks on the Official Opposition are disingenuous. The NDP has been clear on our support for the inclusion of all Yukon First Nations and all Yukoners in a full public consultation process on oil and gas development. The government is diverting attention away from the southeast Yukon where EFL Overseas, a Houston-based company, wants to frack the Liard Basin.

Yukoners want government to engage in good-faith public consultation on an issue that affects the entire territory, whether it is north Yukon, the Liard Basin or the Whitehorse Trough. So Mr. Speaker, will the government stop dividing Yukoners and launch a full public consultation on the responsible devel-

opment of Yukon's oil and gas resources, including the use of fracking?

Hon. Mr. Cathers: The only ones dividing Yukoners are the NDP. The NDP's approach consistently — whether intentional or not — in this House is a way that is aimed at dividing Yukoners. That is the net effect. They consistently bring forward information in this House that is contrary to the facts, including the assertions made by the Leader of the NDP during Question Period.

The leader has had ample opportunity to make herself well aware of the fact that government in fact is talking about an open and informed public dialogue across the territory. I'd remind the member, if she'd read our press release, that the motion passed by this Assembly —

Speaker's statement

Speaker: Direct your comments to and through the Chair, please.

Hon. Mr. Cathers: Mr. Speaker, if members would read this press release they would be well aware of the fact that the motion passed by this Assembly committed to working with the Vuntut Gwitchin First Nation stakeholders to facilitate and inform public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing — also known as fracking — before any regulatory approvals or permitting allows use of this activity in the Yukon. The NDP voted against that public dialogue.

Ms. Hanson: The minister opposite is selective. In 2009 and 2012, Yukon First Nation governments, including the Council of Yukon First Nations, came out united and strongly opposed the government's attempts to unilaterally change the *Oil and Gas Act* consent clause.

This November, the Chief of Tr'ondëk Hwëch'in First Nation said, "We need to stand together to ensure our lands and waters remain healthy. We cannot allow government to divide and conquer Yukon First Nations." It would seem that this government is trying to do just that by focusing on the north Yukon to the exclusion of other regions. So the question is simple: Will this government stop its divisive and confrontational approach and withdraw the amendments to the *Oil and Gas Act*?

Hon. Mr. Cathers: It's the approach of the NDP that is confrontational and divisive.

Let me remind the member of excerpts from letters I've tabled in this House. From my March 31, 2009 letter to the federal Minister of then-Indian and Northern Affairs: "Yukon was approached by the Liard First Nation to negotiate an oil and gas consent and economic development agreement that would enable new oil and gas exploration and development in the Liard Basin. The agreement would provide LFN with commercial and oil and gas rights to land that would normally be subject to bid." That proposal, from the Liard First Nation — a fact the members opposite and the NDP like to ignore. I'd also remind the member of correspondence from October 23, 2009, from then-minister of Energy, Mines and Resources, Archie Lang, to Chief McMillan of Liard First Nation, indicating, "As the Yukon government and LFN previously discussed,

if we weren't able to achieve consent under section 13, repealing that section was our best alternative to an agreement."

Members have had ample opportunity to be aware that the information the NDP presents is inaccurate, and the members have had ample opportunity to be aware of the fact that the informed public dialogue we have talked about is for all members of the Yukon public and all First Nations to participate in, but the starting point, because Vuntut Gwitchin is the other government that has had recent experience with activity and has active activity in their territory, is to begin by sitting down with them and talking about how to best facilitate that informed public dialogue.

Question re: Women's Directorate

Ms. White: In 1978, the precursor to the Women's Directorate began with the signing of a staffing agreement between the Government of Yukon and the federal government. It provided for a temporary, half-time policy position, which was to review all Yukon legislation to ensure it met with the current views on women's rights. In 1985, the New Democratic government established the present Women's Directorate.

The original purpose of the directorate has merit and is still necessary. Does the mandate of the Women's Directorate still include providing leadership in gender and diversity, analysis of legislation and other initiatives throughout the Government of Yukon?

Hon. Ms. Taylor: I would also like to add that, on April 1, 2003, under the Yukon Party government, the Women's Directorate was fully restored to its previous status, prior to the renewal initiative that was undertaken by the previous Liberal government, which means that the director of the Women's Directorate reports directly to the Cabinet minister — me in this case — on all program matters and absolutely has a full financial responsibility for the Directorate.

The member opposite should know full well that the mandate of the Women's Directorate is to enhance women's equality when it comes to legal, social and economic — and very much so. I applaud all of the work that the Women's Directorate continues to do in collaboration with each and every department in terms of supporting women's organizations, in terms of supporting housing initiatives, and certainly eradicating barriers to women's equality.

Ms. White: Unless and until all government policy analysts have been thoroughly trained in gender-based analysis, this analysis should be provided to the Deputy Ministers Review Committee. It should be tasked to the Women's Directorate. Today, December 6, we remember that violence against women is far too prevalent. One man killed 14 women on this day in 1989 because of his hateful view of women. We must do all we can to challenge sexist attitudes head-on as we work to prevent another tragedy. Government should lead by example and strive to achieve gender equality in all government programs and policies and indeed, in all government decision-making. Despite best efforts, we know we can do more.

Will the minister strengthen the vital role of the Women's Directorate across government by ensuring all government decisions are subjected to a gender lens?

Hon. Ms. Taylor: Mr. Speaker, as I attempted to articulate for the member opposite just a few short days ago, certainly the Women's Directorate promotes the use of gender-inclusivity and diversity analysis to assess the impacts of policies, programs and legislation on women. It offers employee training sessions each and every year and provides workshops to many of the departments throughout the Government of Yukon.

We offer support to all government departments in gender-based research, writing and analysis of policies and programs. Again, we continue to explore ways to enhance that very capacity. Mr. Speaker, in addition to that, our government continues to work to address key barriers that influence women's vulnerability to violence.

We are working on enhancing women's housing security through a victims-of-abuse policy with the Yukon Housing Corporation, which provides that priority access to women to social housing for women who are leaving abusive partnerships. We are building affordable, secure housing such as the one in Riverdale, which provides more than 30 units of secure and affordable housing for single-parent families.

We are providing second-stage housing through Kaushee's transition home — 10 additional units, in addition to the ones in rural Yukon. We are working to certainly —

Speaker: Order please. The minister's time has elapsed.

Question re: Parks Canada funding cuts

Mr. Silver: I'd like to follow up with the Minister of Tourism and Culture about his government's efforts, or lack thereof, to have their federal cousins in Ottawa reverse the decisions to cut services at Parks Canada. Yesterday the minister made public three letters he has written on this issue to Government of Canada: one to the local MP and two to the minister responsible for Parks Canada. The letters revealed this government's efforts to reverse the decision have been very minimal. I was wondering if the Minister of Tourism and Culture thought it was important enough to raise this issue with the Prime Minister this summer. Surely, the minister has spoken personally with the federal minister responsible for Parks Canada on this issue.

Will the minister share with Yukoners the results of these other conversations, because surely there is more being done this issue?

Hon. Mr. Nixon: Mr. Speaker, I actually agree with the member opposite. He's right; there is a lot more being done on this issue. This is something that I have been following up since I heard of the cuts just earlier this year. I tabled three letters on the floor of this Legislature yesterday. I was actually quite pleased just to see a letter come across my desk this morning from the City of Dawson to our MP, Ryan Leef. I know that, through conversations with both our Senator and our Member of Parliament, they are working diligently on this file.

I've been actively engaged on this file. I saw just yesterday in the media that the MP will have a report and an announcement to make in the new year, so I'm looking forward to find-

ing out the outcome of our hard work, and I'm optimistic there will be some positive steps moving forward.

Mr. Silver: The minister mailed a copy of the motion we debated in this House to Ottawa. That is the extent of the government's lobbying on this issue. In the minister's letter, he also said — and I quote: "He's hopeful that we will be able to find solutions to achieve the Government of Canada's goal of fiscal responsibility."

The mandate and responsibility of the Minister of Tourism and Culture is to Yukoners who have lost their jobs at Parks Canada and to the tourism businesses that have suffered because of these cuts. It's not to help the Government of Canada to manage its finances. I am more concerned about people who have gotten laid off, and that should be the government's top priority as well.

Our Member of Parliament did say he was going to make some type of announcement in January. The minister is up to speed on this issue. Can he tell Yukoners what these options are?

Hon. Mr. Nixon: As I reported just yesterday, this government — the Yukon Party government — is extremely concerned about the Parks Canada cuts. Parks Canada is an important partner in managing the heritage resources and providing tourist activities, not only to Yukoners, but to people who travel to Yukon from all over the world.

As I also mentioned yesterday, the officials from Tourism and Culture will continue to meet with the local Parks Canada staff to explore possible mitigations on the cuts and the impact they will have to Yukoners and tourists from across the globe.

The member is well aware I've been actively engaged, not just with three letters to the MP and the minister responsible, but with conversation and dialogue on the phone and in person. As I said, I'm optimistic, and we're hoping for some good news and some mitigation on this file, and hopefully next summer is positive for Yukon.

Mr. Silver: "Hopefully" is right, and I would love to know what these conversations were and what kind of traction we're getting here. In the letter that was tabled yesterday, the Minister of Tourism and Culture demonstrated that the top priority of this government is to "achieve the Government of Canada's goal of fiscal responsibility." I find this unbelievable.

My top priority as the MLA for Klondike is trying to get people's jobs back. My top priority is to ensure that Dredge No. 4 is open and available to the public for tours. My top priority is to ensure that *SS Klondike* is open for guided tours; and my top priority is to ensure that the collection of Yukon's history in Dawson is maintained and showcased. We only have a few months to go until the next tourist season.

Will the minister stand up for Yukoners and ensure that these iconic attractions can be enjoyed by tourists this summer?

Hon. Mr. Nixon: Quite frankly, Mr. Speaker, I find it interesting and a little odd that the member keeps discussing "top priority, top priority, top priority." I need to point out that the Parks cuts were introduced early in this year, so I don't understand why the Member for Klondike waited so long to address his own concerns on behalf of his constituents.

As I mentioned, I've been working on this since May. The Member for Klondike didn't address this issue to me until late September or early October. How can he purport to be advocating on behalf of his constituents? But I am glad to see that the member opposite has a new interest in Parks Canada and is showing willingness to work to mitigation and move forward on this file.

Question re: Telecommunications infrastructure review

Mr. Elias: One year ago, the Intelecom Regulatory Policy 2011-771, the Canadian Radio-Television and Telecommunications Commission stated that Northwestel's infrastructure is aging and services comparable to those provided in the rest of Canada are unavailable in many remote communities.

The commission went on to express concern that this situation has likely affected the quality, reliability and choice of services available to customers as evidenced by a number of outages in various communities and the lack of service options. This past October, when Bell's bid to acquire Quebec-based Astral Media was blocked by the CRTC, the CEO of Northwestel stated that the north's "smallest communities will have to come off the table". Since that time, has the government been informed by Northwestel as to which small communities will not see infrastructure upgrades?

Hon. Mr. Dixon: Thanks to the member opposite for the question. I do agree and we recognize there is a disparity between the services provided to communities that are rural and isolated like the member's community of Old Crow and those offered to citizens in other parts of Canada. We were happy to welcome the announcement by the CRTC yesterday that they will be conducting a comprehensive review of infrastructure and services available to northern communities and northern citizens. I would encourage the member opposite and citizens in his community to participate in that public consultation process that is being launched by the CRTC, which is intended, in the words of the CRTC, to "allow us to conduct a comprehensive review of Northwestel's services and its planned improvements."

I think this is a good step forward for the CRTC in addressing the needs, both infrastructure and services, of rural and remote communities in the north, and I am sure the member opposite is excited about that opportunity as well.

Mr. Elias: Northwestel is a private company and it's in the enviable position of receiving \$20 million a year in government subsidies. In addition to this, many of Northwestel's services are protected from competition by regulations. This government-mandated monopoly helps the company generate more than \$70 million in revenue each year. The federal government has effectively removed the natural economic element of competition from the environment that Northwestel operates in.

Does the Yukon government support this form of publicly funded protection and support of a privately held company, and can Yukoners' interests really be served by such an arrangement or should local government play a more direct role, like SaskTel?

Hon. Mr. Dixon: Mr. Speaker, I have to say that I agree with the member's comments. There has been a regulatory disincentive to invest in infrastructure in the north, and that's why I am happy to see that the CRTC is changing its tack and launching a comprehensive review of services and infrastructure development in the north. I think this is a tremendous step forward for the CRTC and for northerners.

I can assure the member that the government will be participating and submitting input into that process. But not just the government, Mr. Speaker. Yukoners on the whole and northerners on the whole are being asked to provide comment. I am sure the citizens of Old Crow and other rural and remote communities in the Canadian north will be very happy to learn that the CRTC is taking a new tack when it comes to the regulatory system applied to the north.

I would note that the CRTC has said that it wants citizens to participate in a public process that will scrutinize how Northwestel offers telecom services in northern Canada, so I think this is precisely what the member opposite is talking about, and I'm sure he will be encouraging the citizens in his community to participate, and I encourage all Yukon citizens to participate in that process as well.

Mr. Elias: I thank the minister for his comments because he seems to recognize that there are going to be serious economic implications if we continue this telecommunications gap in our territory.

Northwestel is owned by a company based in Montreal. The CRTC is a federal agency based in Ottawa. Ultimately the interests of both these organizations remain in southern Canada, but they make all the decisions about telecommunications in the Yukon. To date, the Yukon government has been satisfied to remain on the sidelines and limit its involvement in the very important matter of telecommunications in the north. There is a gap in northern stewardship here with regard to telecommunications.

Will this government continue to leave a critical public infrastructure like telecommunications up to the private boardrooms of Ontario and Quebec, or does it recognize the need for a northern champion in these matters — one that works directly in the interest of every Yukon citizen and community?

Hon. Mr. Dixon: I agree that while the CRTC is based in the south their mandate is to consider services across the country, including the Canadian north.

I will be the first to admit that, throughout the years, they may or may not have paid enough attention to the north, but what is clear about the announcement they made yesterday is that they are taking an absolutely new path when it comes to paying attention to the development of telecommunications infrastructure in the north and the services provided to northern citizens.

We know that a lack of affordable telecommunications choices and modern networks are barriers to providing basic services like banking, health care, education and small businesses. We know that telecommunications are important to Yukoners and we will be engaging in the public consultation process that's being undertaken by the CRTC. I would encourage Yukoners — Yukon citizens, Yukon businesses and other

organizations — to provide their input about the services they receive in the north related to telecommunications. I will be conveying to the CRTC through this process the opinion of Yukon citizens and Yukon businesses through the process that has been established. As I've said before, I think this is a dynamic time for telecommunications in the north and I'm excited about the opportunities that lie ahead.

Question re: Homelessness

Ms. Stick: We're hearing on the news the number of homeless people without adequate shelter during this cold snap. Service providers are struggling to provide what they can. It's an unacceptable reminder of the failure of this government to address homes for everyone.

The Salvation Army emergency shelter cannot be the only solution to this complex problem. What's needed is a commitment by this government to end homelessness, followed by political leadership to make this goal a reality. NGOs, the City of Whitehorse and the private sector cannot solve homelessness without a strategy and without the leadership of the Yukon government. Will the Minister of Health and Social Services commit to exploring all avenues to end homelessness by the end of his term?

Hon. Mr. Graham: In the first place, this is a difficulty that occurs every year at this time during the first cold snap. It was interesting to listen to the question. I listened to the same news reports, and we interpreted them in two different ways, obviously. The Salvation Army said that there was not an unusual number of people this year, as compared to past years. But we also have staff at the Department of Health and Social Services that are dedicated to looking after people who come to us for assistance. If the members opposite know of individuals who require assistance, then I encourage them to send them to the department, because that's what these people do.

It's very difficult for me to grasp at the allusions that seem to come from the Opposition. We heard of snow caves — I took three trips up there myself, one with my executive assistance because his eyes are much better than mine — and we never found any of the snow caves. So it's really difficult to respond to things that we hear about but we don't have anything factual to look at.

Ms. Stick: This is not about allusions to caves. They are there. It's not about those people — it's about the fact that there are people in this territory who do not have a warm place to go. Yes, there are people at the Salvation Army, and it can be interpreted as that they are handling it, but people are sitting in chairs. People are putting chairs together in order to have a place to sleep. It's not safe. It's crowded. Sure, they're coping, but it's not appropriate.

Will this government implement or commit to implementing a strategy that will reduce poverty and end homelessness before yet another long, cold winter has come and gone — and we're not saying, "Well, it's the same as last year"?

Hon. Mr. Graham: One of the things you have to take a look at is the tremendous increase in social housing stock that has come into force during the time of this government.

We're not stopping there as members opposite know; we're in the process of approving a social inclusion policy that we should be able to announce in the next week or so. We're also carrying out negotiations on a daily basis with other operations in order to help resolve the situation in the territory. We're not happy with the status quo either, but all of these things take time to do. It's not something that you're going to snap your finger and resolve overnight. We're working on it. We're committed to doing everything we can to resolve the problem and we'll continue to do so.

Ms. Stick: We're still waiting on the social inclusion and poverty reduction reports; we're still looking for answers on the hard-to-house. How are we going to provide permanent housing for these people, not emergency housing? Homelessness has huge costs. It increases pressures on emergency services, health care systems, social supports — all of these things. This has been going on for years.

Two months ago, the president and CEO of the Calgary Homeless Foundation visited the territory. He told us about their 10-year plan to end homelessness in Calgary and some of the positive outcomes they have already experienced. He explained that institutional solutions are by far the most expensive while emergency shelters are a distant second.

The most cost-effective solutions are in supportive housing and affordable housing. It's the idea known as Housing First. Will the Minister of Health and Social Services agree that long-term solutions to poverty and homelessness must be based in housing first?

Hon. Mr. Graham: There's no doubt that we believe that long-term solutions are the goal of this government. The member opposite just talked about a 10-year plan. I've been here for a year; we've done a number of very important things. I would be happy to make an announcement about a social inclusion policy that was just approved, and we will do that probably tomorrow or Monday and will release that newly approved policy. So one of the things members opposite are waiting for has been accomplished.

We're also looking at a number of things together with my colleague, the minister responsible for the Yukon Housing Corporation, to resolve some of these issues. We have a difference of philosophy here between the Yukon Party and the New Democratic Party and we're never going to resolve some of those differences in policy.

We will deal with the issues as we see fit and we're trying to do that at the present time.

Question re: Access to Information and Protection of Privacy Act amendments

Ms. Stick: The Minister of Highways and Public Works has a habit of not answering my question on changes to the *Access to Information and Protection of Privacy Act*. I respectfully suggest we don't need any more reminders that the Legislative Assembly has a Question Period and debates issues, nor do we need another repeat of tired lines to support shutting the door on public and media access to government information. No, what we need instead from the minister is a straightforward answer.

Will the government support the NDP motion to take the access to information changes out to public consultation? Yes or no.

Hon. Mr. Istchenko: As I've alluded to before, it's imperative that ATIPP be allowed to operate as it was originally intended — allowing the public wide access to government information and records with only limited exclusion to information that may compromise personal privacy or prevent the development of sound public policy.

When Cabinet confidences are not upheld and incomplete drafts and preliminary briefings are thrown into the public sphere, political crowing and scaremongering often occurs. These minor amendments are to give the decision-makers something that they don't have, which is the opportunity to complete their work. Assumptions about direction or outcome are often formed before a decision is complete, making the work of the public officials all that more time-consuming and costly, a burden that ultimately the taxpayers bear.

These amendments reinforce and clarify the concept of Cabinet confidences by striking a balance between the ability for advisors to provide full advice in a full and frank manner.

Ms. Stick: The minister's use of the idea of protecting personal privacy to justify closing doors on government information is gross distortion of the *Access to Information and Protection of Privacy Act*. Privacy means the personal privacy of individual members of the public. It has nothing to do with government information. The minister knows better and should be embarrassed by his arguments.

Will the government further debate their gutting of the *Access to Information and Protection of Privacy Act* before it becomes law, or is less than a 30-minute talk on something that limits people's democratic rights good enough?

Hon. Mr. Istchenko: I'll speak a little bit to the provision. It helps ensure ministers receive all the forthright advice that they require to make good decisions on behalf of all Yukoners, which is the job that they were elected to do — that I was elected to do — to represent the interests of the public and to develop and maintain good public policy.

Ms. Stick: I can again only assume that the minister doesn't understand the question or doesn't want to answer.

The Yukon government praises the idea of consultation when it's convenient, yet now, when people's democratic rights are under attack, they refuse to give the public a say. They refuse to debate the bill, and they will likely use the guillotine clause to force it into law. There is nothing democratic about that.

Will the minister tell this House why the Yukon Party government opposes public consultation and meaningful debate on an issue that affects people's democratic rights?

Hon. Mr. Istchenko: The amendments that we're proposing are consistent with legislation in other Canadian jurisdictions. This is not something new. Both Newfoundland and Labrador and Alberta have recently introduced amendments similar to ours. When they developed ATIPP legislation in other Canadian jurisdictions, this was already provided for in their legislation. They have it in Northwest Territories, Nunavut, British Columbia and Saskatchewan.

I speak to fear-mongering, Mr. Speaker.

Speaker's statement

Speaker: Order please. Yesterday, I ruled against personalizing comments and, in particular, suggesting that a member is not doing their job of representing their constituents to the best of their ability. It was ruled out of order.

I'm certainly not happy to hear it today. These comments are not conducive to any sort of decorum in this House, as established by the members here. In recognition of that I would ask the Minister of Tourism to please apologize for personalizing his comment to the Member for Klondike.

Withdrawal of remark

Hon. Mr. Nixon: I retract my statements and apologize to the member opposite.

Speaker: The time for Question Period has now elapsed.

We will proceed with Orders of the Day.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: It's my pleasure to recognize outgoing Chief of the Ross River Dena Council, Jack Caesar, and the current Chief of Liard First Nation, Liard McMillan. We invite all members of the House to welcome these guests to our gallery.

Applause

Mr. Elias: With your indulgence, Mr. Speaker, I ask all members to join me in welcoming my cousin, Victor Kison, to the gallery today.

Ms. Hanson: I'd also like to welcome — I know it's difficult when we have guests here to pick out people, but you know him well — we have in the gallery today the new Chief of the Ross River Dena Council, Brian Ladue, Hammond Dick, George Miller, from the Daylu Dena Council, Kaska Dena, and I think Alex Morrison from the Liard First Nation Development Corporation. Forgive me, but I forget the other two gentlemen's names.

Applause

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 50: *Statute Law Amendment (Nurse Practitioners) Act* — Third Reading

Clerk: Third reading, Bill No. 50, standing in the name of the Hon. Mr. Graham.

Hon. Mr. Graham: I move that Bill No. 50, entitled *Statute Law Amendment (Nurse Practitioners) Act*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Minister of Health and Social Services that Bill No. 50, entitled *Statute Law Amendment (Nurse Practitioners) Act* be now read a third time and do pass.

Hon. Mr. Graham: These are the final consequential amendments that have been brought forward to recognize nurse practitioners in various pieces of legislation in the Yukon Territory. Cabinet has recently passed the regulatory changes, allowing the practice of nurse practitioners in the territory. In order to incorporate them in several other pieces of legislation across the territory, this act was brought forward.

I just want to make sure that everyone understands that this whole process doesn't end here. We still have work to do to ensure that nurse practitioners have the ability to practice to the full extent and scope of their abilities and training throughout the territory in a number of different settings. We will bring those future pieces of legislation forward in the next year.

So I think, during second reading and Committee, everybody understood what this bill is all about, so I'll end my comments there. Thank you.

Speaker: Does any other member wish to be heard? Minister of Health and Social Services, closing comment.

Hon. Mr. Graham: No, I don't, except thank you very much to all members for working with us in passing this piece of legislation.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

Motion for third reading of Bill No. 50 agreed to

Speaker: I declare that Bill No. 50 has passed this House.

Bill No. 46: Act to Amend the Income Tax Act — Third Reading

Clerk: Third reading, Bill No. 46, standing in the name of the Hon. Mr. Pasloski.

Hon. Mr. Pasloski: I move that Bill No. 46, entitled *Act to Amend the Income Tax Act*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 46, entitled *Act to Amend the Income Tax Act*, be now read a third time and do pass.

Hon. Mr. Pasloski: It is my pleasure to introduce Bill No. 46, an *Act to Amend the Income Tax Act*, for third reading. Given the fact that on April 18, 2012, this Assembly unanimously supported Motion No. 162 to introduce this very credit, I will keep my comments brief.

The primary purpose of this bill is to establish a Yukon children's art tax credit for parents or guardians of children involved in music, arts or tutoring. This is another example where we continue to reduce the tax burden by putting more money in families' pockets. We are pleased to be able to assist parents in the development of their children. The credit will be in place for the 2012 tax return. The credit allows parents or guardians to claim annually a non-refundable amount of up to \$500 per child less than 16 years of age. If the child qualifies for the disability amount, the age limit is increased to 18 for children and the maximum annual amount is increased to \$1,000. Eligible expenses include activities that are intended to improve a child's dexterity or coordination or helps in acquiring or applying knowledge through artistic or cultural activities such as literary arts, visual arts, performing arts, music, media, languages, customs and heritage.

There are a few housekeeping clauses in the bill that have no monetary impact on the government or taxpayers. The consequential amendments simply improve eligibility under the act and modify the timing of payments of the Yukon child benefit for shared-custody parents. Yukon is required to have the same administrative rules for this benefit as the national benefit in order for Canada to efficiently administer the program.

Canada recently changed the timing of payments to separated parents with shared custody such that each parent receives 50 percent of their entitlement for all 12 months of the year.

Ms. Hanson: I rise as the Leader of the Official Opposition to indicate as we said during prior debate that the Official Opposition — notwithstanding the concerns that we expressed that tax credits may serve a certain portion of the population, but at some point, this House and this society will have to give serious thought to how we address the serious issues of accessibility of programs and access to programs of this nature so that people with taxable income will be able to benefit from these kinds of measures. So they are good for those people who can afford the services; they do not improve the lot of the majority of children in this territory. Notwithstanding that, the NDP, the Official Opposition, will continue to support this bill.

Speaker: Are there any other members who wish to be heard?

Hon. Mr. Pasloski: I'm excited about this legislation, the amendments to this act. As we had discussed during second reading and Committee of the Whole, this government maintains support for children from all economic backgrounds. We continue to support children through many different venues and support mechanisms for those children of lower income parents, as well as children from parents of middle income.

This is an opportunity to create the ability for parents to have a little more money in their pocket to help them make the decisions that are right for their family.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

Motion for third reading of Bill No. 46 agreed to

Speaker: I declare that Bill No. 46 has passed this House.

Bill No. 43: Act to Amend the Securities Act — Third Reading

Clerk: Third reading, Bill No. 43, standing in the name of the Hon. Ms. Taylor.

Hon. Ms. Taylor: I move that Bill No. 43, entitled *Act to Amend the Securities Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 43, entitled *Act to Amend the Securities Act*, be now read a third time and do pass.

Hon. Ms. Taylor: I am pleased to rise for the final time to speak to Bill No. 43, *Act to Amend the Securities Act*. The bill before us today will incorporate nationally agreed-upon changes to the Yukon's *Securities Act* and correct a number of housekeeping matters in the legislation. Most of the proposed changes are being made as part of Yukon's participation in the Canada-wide harmonization of securities legislation. The provinces and territories have been working together since 2004 through the passport system of securities regulation harmonization to ensure that securities are regulated similarly across the country. The cooperative effort ensures that business is not slowed down by the red tape of different securities regulations in every province and territory. It also provides Yukoners with the same investment opportunities and protection as in the rest of the country.

To stay current with our partners in the passport system of securities regulation, the proposed amendments to the *Act to Amend the Securities Act* contain provisions that will regulate credit rating organizations, recognize bodies that oversee auditors, securities issuers, insured mandatory disclosure requirements for products such as mutual funds, update accounting and auditing terminology and appoint, when required, a deputy superintendent of securities.

We anticipate these amendments will be followed in future by further changes to the legislation so that Yukon stays current with our partners in the passport system. The current and future amendments to our legislation will strengthen and modernize our securities regulation regime and will help to reinforce that Yukon remains an investor-, commerce- and business-friendly jurisdiction.

Speaker: Does any other member wish to be heard?

As no other member wishes to be heard, Minister of Community Services, closing statement please?

Hon. Ms. Taylor: Thank you, Mr. Speaker, and I'd like to thank all members for their overwhelming support for this legislation going forward, and I look forward to getting on with the business of the day.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

Motion for third reading of Bill No. 43 agreed to

Speaker: I declare that Bill No. 43 has passed this House.

Bill No. 47: Act to Amend the Retirement Plan Beneficiaries Act — Third Reading

Clerk: Third reading, Bill No. 47, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move that Bill No. 47, entitled *Act to Amend the Retirement Plan Beneficiaries Act*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Minister of Justice that Bill No. 47, entitled *Act to Amend the Retirement Plan Beneficiaries Act*, be now read a third time and do pass.

Hon. Mr. Nixon: Given that we have discussed this in both second reading and Committee of the Whole, I'd like to offer a few comments here to summarize the "why" and the "what" of this bill.

Why are we bringing this bill forward? We're responding to the developments of the federal scene. Canada is in the process of implementing a new kind of retirement savings plan called a "pooled registered pension plan". To give pooled registered pension plan participants the ability to designate a beneficiary, the *Retirement Plan Beneficiaries Act* needed to be amended to apply the new plans.

Yukon's *Retirement Plan Beneficiaries Act* allows a member of a pension plan, or an investor in an RSP or other registered plan to name a beneficiary who will get their benefits if they die.

We're also bringing this bill forward to establish a regulating power to allow for future pension instruments to be brought into the plan as required by regulation, rather than opening the act for each new pension type. This addition to the regulating power is in anticipation of other pension vehicles that may be considered in the future by the federal government.

The act also clarifies the application of the act regarding the home ownership savings plan that ended in the mid-1980s, but it may be possible that a plan of this nature may still indeed exist.

This kind of act is not controversial and is certainly part of our responsibilities, as Yukon's Legislative Assembly, to ensure our citizens have the full benefit of new programs or services offered by the federal government. All jurisdictions in Canada will be required to make these small amendments to their respective legislation in order to fully implement the new pooled registered pension plans.

In the year that I've been in office, I've had the opportunity to work with two very impressive departments. As I reflected on the year that I've been the Minister of Justice, I was reminded of the exceptional work that our department officials do. It's a tremendous pleasure to work with the staff at Justice, and I am very grateful for their professionalism and their support. Whether I'm meeting with the deputy minister or with the senior management team or speaking with the front-line workers, I'm consistently impressed with their dedication and determination to help Yukoners.

Speaker: Does any other member wish to be heard?

As no other member wishes to be heard, the final statement from the Minister of Justice.

Hon. Mr. Nixon: I appreciate the opportunity to share with this House the relevance and importance of this amendment. I would like to conclude by saying that our amendment today is designed to assist Yukoners as they prepare for their futures.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Order please. Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

Motion for third reading of Bill No. 47 agreed to

Speaker: I declare that Bill No. 47 has passed this House.

Bill No. 44: *Miscellaneous Statute Law Amendment Act, 2012* — Third Reading

Clerk: Third reading, Bill No. 44, standing in the name of the Hon. Mr. Kent.

Hon. Mr. Nixon: I move that Bill No. 44, entitled *Miscellaneous Statute Law Amendment Act, 2012*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Justice that Bill No. 44, entitled *Miscellaneous Statute Law Amendment Act, 2012*, be now read a third time and do pass.

Hon. Mr. Nixon: The government brings forward a miscellaneous statute act to make minor corrections to a series of Yukon acts. The Department of Justice is working through all Yukon bills in an effort to consolidate them as part of a continuing consolidation of statutes to protect projects that the department has undertaken.

That consolidation project has brought several items to our attention. Miscellaneous amendments are not associated with any policy changes, nor are they controversial. We use them to correct language errors, grammatical and numbering errors, remove incorrect references, ensure that the French draft matches the English draft, ensure that all consequential amendments resulting from previous changes have been made and ensure that the language of the bill correctly represents the practice of those using the act.

I'm sure that members of this House support the work of the department to move toward a continuous consolidation of statutes. This is especially important when members of this House or the general public try to read bills that regularly get amended, such as the *Motor Vehicles Act*, which over a long period of time and many changes can become a challenge to try to decipher.

Members may be aware that we already continuously consolidate the regulations every four months and that updated regulations are posted on the legislation website as they become available. This will soon also be true for all Yukon statutes as they will be consolidated and posted on the web shortly after each legislative sitting. For now, the department is working to complete the initial consolidation next year and there will be legislative work to come related to that project as we go — similar to the work that occurred in 2002, the last time our legislation was consolidated.

The *Miscellaneous Statute Law Amendment Act, 2012* contains 31 sections. Given we have already discussed these in some detail in both the second reading speeches and in Committee of the Whole debate, I do not intend to review the list here. I will say that each one of the changes in this act is to correct language errors, grammatical and numbering errors, remove incorrect references and ensure that the French draft matches the English draft, and so on — as I have indicated previously in my speech.

I've been advised by my colleague, the Member for Riverdale North, that opposition members wished for more substantive items to be brought forward in this bill. As this House can see, the act is consistent with our practice of having only minor amendments addressed in a miscellaneous statute law amending bill. I hope that the detailed explanation of this act provided previously gave comfort to the members in that the government is taking the responsible approach to ensure that our legislation is up to date and accurate.

Ms. Hanson: As Leader of the Official Opposition, I stand to indicate that the Official Opposition, the New Democratic Party, will support this *Miscellaneous Statute Law Amendment Act, 2012*, but I will pick up on the minister's comments that the opportunity that is provided to government is to make amendments that are not controversial and that do, in the words used, correct and make changes to incorrect references. We will continue to urge this government to respect First Nation final agreements and self-government agreements and to use every opportunity when amending legislation to be mindful of the fact that we are now approaching the 20th anniversary of the signing of the first four agreements and that all — all — Yukon legislation should reflect the fact that we are talking about Yukon First Nations, Yukon First Nation governments and settlement land so that those consequential amendments should be non-controversial. They should in fact just merely reflect the facts and the actual state — the legal state — of the land of this territory.

So we will continue to urge the government to do that. We will support this legislation.

Hon. Mr. Cathers: Just to comment on the Leader of the NDP's comments — I would remind her that her colleague to her left was Minister of Justice for I believe four years and didn't bring forward the types of amendments that the Leader of the NDP described.

Speaker: Does any other member wish to be heard?

As no other member wishes to be heard, Minister of Justice, your final statement, please.

Hon. Mr. Nixon: I won't go into any further comments pertaining to the bill, but as I did in the last bill, I wish to reiterate that it has been a tremendous pleasure to work with the staff at Justice and I'm extremely grateful for their professionalism and their support and look forward to a continued relationship, so I appreciate the support coming from the members opposite.

Speaker: Are you prepared for the question?

All Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

Motion for third reading of Bill No. 44 agreed to

Speaker: I declare that Bill No. 44 has passed this House.

Hon. Mr. Cathers: Before moving that we resolve into Committee of the Whole, I will just provide a brief explanation to members. Assent by the Commissioner — or the Administrator in this case — is going to be slightly delayed because the Administrator is en route, so we will interrupt Committee of the Whole once he has arrived to provide assent to bills that have been passed here today.

With that, Mr. Speaker, I move that 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 that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

Motion re appearance of witnesses

Committee of the Whole Motion No. 2

Hon. Mr. Cathers: I move

THAT Mark Pike, Chair of the Yukon Workers' Compensation Health and Safety Board, and Mark Hill, Director of Corporate Services 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 Thursday, December 6, 2012, 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 Mark Hill, Director of Corporate Services 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 Thursday, December 6, 2012, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.

Prior to beginning debate, would members like to take a 10-minute break?

All Hon. Members: Agreed.

Recess

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

We are going to begin debate on a motion by Hon. Mr. Cathers regarding the Yukon Workers' Compensation Health and Safety Board.

Hon. Mr. Cathers: This is a common matter as members will be aware. There is in fact a statutory requirement under the *Workers' Compensation Act* to bring witnesses in at least once a year. I advised House leaders earlier in the week that we'd be doing this today, so I trust and hope that all members will be supportive of this motion and we can get on with other business.

Chair: Is there any other member who wishes to join in the debate?

Committee of the Whole Motion No. 2 agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: Order please. I will now call the House to order.

We are now prepared to receive the Administrator of Yukon, acting in his capacity as Lieutenant Governor, to grant assent to the bills which have passed this House.

Administrator Cameron enters the Chamber announced by the Deputy Sergeant-at-Arms

ASSENT TO BILLS

Administrator: Please be seated.

Speaker: Mr. Administrator, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Statute Law Amendment (Nurse Practitioners) Act, Act to Amend the Income Tax Act, Act to Amend the Securities Act, Act to Amend the Retirement Plan Beneficiaries Act, Miscellaneous Statute Law Amendment Act, 2012.*

Administrator: I hereby assent to the bills as enumerated by the Clerk.

Administrator leaves the Chamber

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

Chair: The matter before the Committee is Bill No. 51, *Residential Landlord and Tenant Act*.

Ms. Taylor would like five minutes for officials. We will recess for five minutes.

Recess

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

Bill No. 51: Residential Landlord and Tenant Act — continued

Chair: We are going to resume clause-by-clause examination of Bill No. 51, *Residential Landlord and Tenant Act*.
On Clause 17 — continued

Hon. Ms. Taylor: I'm very pleased to be able to bring forth this bill once again for continued debate on the *Residential Landlord and Tenant Act*. Perhaps I'll just sit down and entertain further questions from the members opposite.

Ms. White: I'd like to thank the minister for this opportunity. Pursuant to Standing Order 14.3, I request unanimous consent of the Committee of the Whole to deem clauses 17 to 35 of Bill No. 51 read and agreed to.

Unanimous consent re deeming clauses 17 to 35 of Bill No. 51 read and agreed to

Chair: Unanimous consent of the Committee has been requested to deem clauses 17 to 35 of Bill No. 51, *Residential Landlord and Tenant Act*, read and agreed to. Are you agreed?

Some Hon. Members: Agree.

Some Hon. Members: Disagree.

Chair: Unanimous consent has been denied.

We will continue debate on clause 17. Is there any further debate on clause 17?

Hon. Ms. Taylor: Clause 17 for members opposite of course, pertains to limits on the amount of security deposit. As in the case of 17(1)(a), it limits deposit on a weekly tenancy to no more than one week's rent; 17(1)(b) also refers to the limit of the deposit on any other tenancy to no more than one month's rent; following on through 17(2), which authorizes the tenant to deduct any overpayment in deposit from their rent.

For the members opposite, clarity on security deposit versus damage deposit was very much front and centre when it came to the select committee's recommendations for review and for change. This adds to the bill and very much adds to what the select committee intended.

Clause 17 agreed to

On Clause 18

Hon. Ms. Taylor: Clause 18 refers to landlords being prohibited from requesting a security deposit at any time other than at the beginning of a tenancy. It also refers to requesting more than one security deposit. Again, the section really limits the request to one security deposit.

I know that the member opposite put forth an amendment to the bill not long ago — a few days ago. This section, at the

request of the Select Committee on the *Landlord and Tenant Act*, wanted to not only bring clarity to this specific issue — and that is in fact what we are doing — preventing the landlord from requesting additional deposits. So this is trying to streamline the number of deposits being made, whether for a pet or fuel deposit.

You can imagine, for example, if a landlord were to ask for a fuel tank to be filled when the tenant vacates, and may include a condition in the tenancy agreement — that would be a specific example of having a specific fuel deposit.

In that particular case, if a tenant did not fulfill that condition or if a dispute were to arise, again, that would apply to the director for the dispute resolution — all the while saying that the bill reflects having one security deposit for the purposes of streamlining and not being cost prohibitive, as well, for the potential tenant. Clause 18(c) also refers to requiring or including a term in an agreement saying that the landlord automatically keeps all or part of the deposit at the end of the tenancy.

Clause 18 agreed to

On Clause 19

Hon. Ms. Taylor: Clause 19 refers to — again, by definition — a security deposit being applied to a liability, such as damages, bills or rent owed, for example. Again, this clarifies that it may not be applied to last month's rent unless the landlord has given written consent. As members opposite may be aware, the current act that is here today allows the deposit to be applied to last month's rent without the landlord's consent — so, again, providing that added clarity.

Clause 19 agreed to

On Clause 20

Hon. Ms. Taylor: Clause 20 refers to the area of future rent, thereby preventing the landlord from accepting any money for rent in advance, including last month's rent. I should also add that this section does not prohibit postdated cheques for rent, for example.

Clause 20 agreed to

On Clause 21

Ms. White: In clause 21, it says: "A tenancy agreement must not include a term that all or part of the rent payable for the remainder of the period of the tenancy agreement becomes due and payable if a term of the tenancy agreement is breached." Does that mean that if a tenant has signed a year-long lease and chooses to leave after eight months, with two months' notice, that they are not going to be penalized for the remainder of the rent owed?

Hon. Ms. Taylor: With respect to the member opposite's question, it does refer to that if, in fact, a tenant were to breach the agreement, such as being late in paying rent, for example, the landlord cannot ask for the remainder of the rent in advance. Again, it would be a breach of the agreement, but there are limitations as well.

Ms. White: Just to seek clarification, nowhere in section 21 does it speak of a breach. It speaks of the end of a tenancy agreement. Just to clarify: If a tenant has a lease for a year and gives adequate notice of vacating, are they free and clear of any additional charges after their notice?

Hon. Ms. Taylor: I think if you look at the actual clause 21, in the very latter part it talks — I'll read it over here: "A tenancy agreement must not include a term that all or part of the rent payable for the remainder of the period of the tenancy agreement becomes due and payable if a term of the tenancy agreement is breached." So it does refer to an actual breach of the agreement.

Clause 21 agreed to

On Clause 22

Ms. White: In clause 22, it refers to the condition inspection at the start of a tenancy. We have six points that come down in it. One of them talks about how the landlord must in good faith offer the tenant at least two opportunities for inspection. It talks about how someone can move in and the inspection can happen on a mutually agreed upon day. Just for clarification, if the tenant moves in prior to the inspection happening and there turns out to be a grievous problem with the unit, how will that be dealt with once the inspection is happening past the move-in date?

Hon. Ms. Taylor: In that particular instance or example the report would have to reflect just that, but I do want to talk about condition inspection reports and how very important this is in providing clarity for both tenant and landlord. It was another issue that was identified of great importance to the select committee and by Yukoners as well. It provides that record of comparison for moving in and moving out, which assists the landlord and the tenant to determine whether damages occur during the tenancy or whether the landlord may keep all or some of the tenant's security deposit at the end of the tenancy. The particular section in the clauses thereafter that reflect the intent of this specific initiative are all for the purpose of clarity.

Clause 22(1) actually refers to landlord and tenant having to have that requirement of inspecting the unit together on the day of possession or whatever day is agreed to, providing that flexibility if need be. There is a transition provision later on that states that clause 22 and clause 24 do not apply to tenancies started before the act came into force. In other words, since the condition inspection reports were not required under the *Landlord and Tenant Act* as it is today, the landlord and tenant will not have the requirement to have a new report at the start of their tenancy, as I understand.

As the member opposite referred to, the clause also refers to having a couple of opportunities available to the tenant to complete the inspection. It also refers to an inspection report form that must comply with regulation and, again, this was brought up during discussions about having the need for a standardized form for both landlord and tenant to be able to comply or follow from. Again, that will be reflected by way of regulation. The landlord must give a copy of the report, signed by both parties, within a couple of weeks — two weeks — of the inspection.

In this case, the landlord would complete the inspection and sign the report if the landlord has offered the tenant two opportunities to participate, and the tenant has not participated. This section also refers to where, if the landlord has done the above, they must provide a copy of the signed report to the tenant within two weeks.

Seeing the time and in keeping with past practice in previous years and to provide time for the witnesses to come, set up and appear before the Legislature, I move that the Chair report progress.

Chair: It has been moved by Ms. Taylor 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. 2 adopted earlier today, Committee of the Whole will now receive witnesses from Yukon Workers' Compensation Health and Safety Board.

In order to allow the witnesses to take their place in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

Recess

Appearance of witnesses

Chair: Committee of the Whole will now come to order. Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 2, adopted on this day, Committee of the Whole will now receive witnesses from the Workers' Compensation Health and Safety Board. I would ask all members to refer their remarks through the Chair when addressing the witnesses. I would also ask the witnesses to refer their answers through the Chair when they are responding to the members of the Committee.

Witnesses introduced

Hon. Mr. Graham: The witnesses appearing before Committee of the Whole are Mark Pike, the Chair of the Yukon Workers' Compensation Health and Safety Board, and Mark Hill, Director of Corporate Services of the Workers' Compensation Health and Safety Board. We apologize that Joy Waters is unavailable to come today, but she is very ill and was unable to come to work.

Chair: Would the witnesses like to make any opening remarks?

Mr. Pike: My name is Mark Pike, as Minister Graham has mentioned, and with me I have Mark Hill. I'd like to thank you for the opportunity to appear here today.

I apologize again, as Mr. Graham has, for our CEO Joy Waters, who was unable to make it today and is very, very ill.

You all have our annual report and so I'm not going to spend a whole bunch of time going through all the details in there. I'm sure you have had a look. The Workers' Compensation Health and Safety Board has been able to continue our success in decreasing our assessment rates for four years in a row and in 2013, they should fall again. The Yukon continues to be a leader in the country in our return-to-work success. If you read up on that issue, that's really what we're all about — getting people back to their lives.

Our strategic plan, which was developed last year, stresses that our goal is zero. We want zero injuries, zero disabilities, zero deaths and we continue to strive for that. That goal permeates through everything we do. Our stakeholders have all bought in and have committed to and contributed to that goal,

and our organization from bottom to top has been marvelous in helping us move along the road toward that goal.

In addition, we maintained a financially healthy balance sheet and are fully funded, which means that injured workers can be confident that they will be looked after and will receive the benefits they're entitled to.

In addition, that allows us to report that we comply with our legislative requirement to be fully funded.

I don't really have anything else to say in my opening remarks, and I'll turn it over to Mark in case he has anything he'd like to add. If not, we're open to questions.

Mr. Hill: I'll pass, but thank you, Madam Chair.

Chair: Thank you.

Ms. Hanson: I thought everybody was going to jump to ask questions.

I would like to, first of all, through you, welcome the guests today from the Yukon Workers' Compensation Health and Safety Board. It's so much easier to say WCB, and with their indulgence I will simply say that this afternoon.

It is a really important area in terms of the work that the WCB does on behalf of all Yukoners, workers and employers alike. So it's a great opportunity to spend some time this afternoon both reviewing the successes of the Workers' Compensation Health and Safety Board and the challenges and opportunities it as an organization is facing as it represents the employers and employees throughout this territory.

So I do want to focus on some of the issues that are identified in the annual report, which we received recently. But before we do that, I would like to come back to the chair. Mr. Pike referenced the Yukon Workers' Compensation Health and Safety Board's strategic plan, and I have a couple of questions generally that arise from that, and then we can move into other areas, if that's okay with you.

In the Workers' Compensation Health and Safety Board's strategic plan — and, again, as the chair had noted, the overall objectives and the theme of this five-year plan are preventing disability. I'm interested in the key areas that are contained, and I'd like to touch on each of the key areas in the environmental scan because I think they do set the context for much of the conversation that we need to have as we talk about worker safety in this territory.

It is noted in the strategic plan that there is a significant opportunity that arises from Workers' Compensation Health and Safety Board working with First Nation government structures and organizations and development corporations that, as we know, are becoming quite a significant labour force and employer in this territory. So the language is formulated such that Yukon Workers' Compensation Health and Safety Board can assist developing employers to ensuring assessment, right to work and occupational health and safety programs are established and talks about the potential workforce among First Nation graduates, in terms of the work of the Workers' Compensation Health and Safety Board. I would be interested to know a little bit more in-depth as to how the Workers' Compensation Health and Safety Board foresees working with both First Nation government structures and their development corporations.

What work has been accomplished to date, and what's the actual implementation plan for this aspect?

Mr. Hill: I'm afraid I'm going to be a bit scant on details on this. As you are aware, we've had a leadership change this year, and there are some things that are still being developed in terms of planning for implementation. It is an area of some considerable interest for us in a number of ways.

You may be aware that First Nation governments are not under our occupational health and safety jurisdiction. They are under federal jurisdiction. This has been a problem and continues to be a problem, in the sense that the federal government has no occupational health and safety representative here in the territory. It has been a source of some frustration. In the past, we worked very hard to arrive at a memorandum of understanding with the federal government to allow us to take on those responsibilities, with some funding, of course, toward the position, and be able to provide occupational health and safety services here.

The person we were working with in the federal government retired, and unfortunately, we have made no progress since then.

We have been approached on a number of occasions by First Nation governments to get health and safety services, basically at a consultation level — entirely volunteer, of course. We are delighted to be able to offer those services when we are invited to do so. We would like to see some progress in this area in the future to be able to provide those kinds of services.

To date, the economic development corporations tend to be primarily contract-based. They tend to have a very limited number of full-time employees or permanent employees — contract-based — and there, again, we have had good communication and good success.

As we see more and more First Nation students graduating not only from high school but from university and college programs, it makes great sense to look to them and see them as not only future partners in their own areas, but there are growing areas — more and more companies are COR — to see some of them go toward safety management occupations and also working for Workers' Compensation Health and Safety Board, which is something we're aware of and something that needs more progress.

Mr. Pike: I just want to add one comment. From the board perspective, we are very, very interested in having the First Nations be part of the Yukon system and having the occupational health and safety rules applied uniformly across the territory and to get rid of the anomaly. I always welcome my CEO to step in here if I say something that's not technically correct — the anomaly that the First Nation governments are not under the *Occupational Health and Safety Act*, but their development corporations are. You scratch your head and say that just doesn't make sense.

Chair: Excuse me, if I can just remind the witnesses to allow the Chair to identify who's speaking for *Hansard* and the record, so it won't be really possible for someone to interject when you're speaking.

Ms. Hanson: Thank you to the chair and director. In posing the questions this afternoon, I'm not attempting to put

you on the spot or anything, but it's very helpful in terms of setting the context, because in this particular area, as you say, we're at early — not early stages, but it's the beginning of the work of the Workers' Compensation Health and Safety Board's strategic focus on this area. So as we see over time and we come back in a year or so from now, hopefully the work between jurisdictions and recognizing the difference in the government stature of the First Nation government and their corporations, which are at arm's length — we'll see some progress toward the potential that you've identified in this plan, because we would agree with that as having significant potential and a real need to ensure that employees throughout the territory, regardless of who their employer is, share the same objectives.

One of the other areas that the strategic plan — the next area that is identified and was spoken to and referenced in some detail during the appearance of the CEO at the last appearance by the WCB before this Committee — was the implications of a mining and construction boom.

The Yukon Workers' Compensation Health and Safety Board identified in its strategic plans that the growth in the industries of mining and construction provides an opportunity and a challenge. That should be pretty self-evident, and we see that reflected in some of the statistics that are in your annual report. So there is an acknowledgement in the plan that there is an increasing employer base across the territory, which gives you a chance to spread your costs — so that's a good thing — but these industries — the kinds of industries that we're talking about are the ones that have the biggest risks — at least, as I understand and heard it from the previous CEO and read it in your annual report — from both a safety and a return-to-work perspective.

So what I would be interested in knowing is what particular challenges the Workers' Compensation Health and Safety Board identifies, in terms of managing the resources; how you have to adapt your programs and services in this kind of a boom economy versus what you do in a more stable kind of economy; and what kind of adaptive measures the board has had to implement as you have gone through these very extreme spikes in employment numbers — in actual numbers, in terms of the numbers of people employed in this territory.

What kind of agility or flexibility had to be built into the board's responses and working with here today/gone tomorrow kind of camp situations — not totally gone tomorrow, but they may be here for a few months, and they're gone shortly thereafter.

Mr. Pike: I'll just deal first with that from the board level. We're very cognizant of what you might refer to as the boom-and-bust cycle, and employers who fund our system are very concerned that we, as an organization, don't lose sight of the fact that tomorrow things could change dramatically. Where we're practical in order to accommodate what we're referring to as the boom, we have tried to put in place temporary or contract people to allow us the flexibility to deal with that in the event that there is a dramatic change next week, or next year, or two years down the road.

It's a bit of a balancing act always because trying to keep a highly skilled, good person on a contract basis is not always

practical or easy, but certainly it enters much of our discussion about our budgeting and rates.

Mr. Hill: As I go through a number of elements that I'll get into in a moment, it still is summed up in predictability, which simply isn't there. Of course, that is the essence of your question, so I can't answer it that way. There are a number of things in the last three years, and not so much this year; as you are well aware, exploration was huge and expanding. There are a number of challenges with exploration. Number one, there is no predictability about where they are going to be, who's going to be there and so on, so the ability to monitor these companies on an occupational health and safety basis was very difficult. Sometimes we'd get a report from somebody of where they were; sometimes our safety officers would be in a helicopter flying to a camp that they know is there and they spot something that is a complete surprise and drop in and visit.

As one might expect, those companies embody the entire range from phenomenal employers where you go in and it's a wilderness camp, but it's something that looks like it is out of a Disney set, it's so perfectly put together, and others where shoddy doesn't begin to describe them.

The second aspect of those is, in perhaps the majority of cases, it's not only young workers but workers from other places. When somebody gets injured, there's not a lot of room for accommodation within a camp environment if your job, for example, is staking. You break your leg, you go to Dawson or wherever the nearest nursing station is and by the time the paperwork shows up at Workers' Compensation, the worker is at home, perhaps in Kelowna, perhaps in Saskatchewan, perhaps in North Dakota, and we are trying to deal with a return-to-work situation where the person is happily at home; the employer isn't able to deal with it; we're looking at having to get them all the way back to the Yukon to start doing a return to work. It can be challenging, at the very least, to manage that.

The other thing about highs and lows is that the company may not have work to offer them by the time they're in a situation to return to work. We know that a return to work is an incredibly important part of the healing process. Detachment from work tends to lead to disability if it's prolonged. So those are some of the challenges on that side.

A plus from that is flush cash. One of the reasons the fund is as full as it is, is because of those high-risk industries where they were charged based on actuarial predictions, then the costs of the injuries were not as high, so that money is left for the benefit of all employers within the fund.

Finally, of course, simply the resources on the occupational health and safety side — how much do you budget for helicopter time? How much do you need the miners here? Occupational health and safety officers are very difficult for us to get, to begin with. We need a very large — a considerable resumé — and a good fit to get the right person.

That same person could go to any of the cities where there are lots of cranes on the horizon and get one and a half to two times what we're able to offer them, and then to be able to turn around and say, "Well, we don't know if we're going to need you in three years because of the economy, so actually we want to give you insecure work. It's going to be on a contract basis

and we're going to pay you two-thirds or half of what you could get in the private sector," makes it very, very difficult to manage those things.

So the movement — trying to stay up with that — where the risks are, where they emerge, where the young workers are being hired, where the new workers are being hired. New workers are, on average, six times as likely to be injured as somebody who has been in that same workplace — even if they're highly experienced in other workplaces in the same kind of work, they actually fall in the same category as young workers, in terms of their risk level.

So any time you have change, you have higher likelihood of injury, more difficulty addressing it on the safety side, more difficulty knowing where the problems are, and it tends to be more reactive than we would like it to be.

Ms. Hanson: I appreciate the remarks with respect to the challenges with working and managing the risks associated with young and inexperienced workers and that's certainly in the strategic plan — the board identified that issue of demographic changes because, as was just stated, they identified the increased numbers of young and inexperienced workers is a challenge, but you also have a general workplace reflective almost of this Legislative Assembly that tends to be older workers who, when injured, take longer to — I said "generally" — recover and return to work. So the demographics are evident here in this Assembly, with one or two anomalies. I think that's a challenge, and I'll come back to the issue. I think there are a number of issues related to young workers who have been discussed in this Legislative Assembly before today, and we'll want to come back to that in a bit more detail in a moment.

Another area that is not unique to the Yukon Workers' Compensation Health and Safety Board is that of attracting and retaining a qualified, trained workforce, and what was noted in the strategic plan was the whole issue of the housing shortage and its implications for both. As the board indicated in its plan, they heard consistently from stakeholders that the current and projected housing shortage is having a significant impact. That shortage could result in more workers flying into Yukon to work, but living Outside. We heard reference already this afternoon to the challenges that presents, in terms of case management and the management of the ultimate goal, which is return to work. I guess it presents a double challenge, in terms of if you've got these people flying in and out, are there specific actions or different kinds of focus to be taken, in terms of working with workers who are not resident in this territory, in terms of a different focus for safety and emphasis than you would if you had a resident workforce.

So it's two parts. First, has the Workers' Compensation Health and Safety Board found the housing shortage to be a challenge, in terms of attracting and retaining a qualified, trained workforce? Second is the issue of how they adapt the programs to — for want of a better word — a transient workforce.

Mr. Hill: We have run into the challenge of workers who were well-suited to positions we had that were not able to be filled with fully-qualified applicants locally and had to work through the challenge of whether this was an attractive enough

place for them to come, just simply because of the cost of buying a home here. We had been very fortunate a couple of times where they were so attracted to being in the Yukon they were willing to work through anything. In one case, somebody already had property here, which made it easier. But there have been cases where we have lost out as a result of that.

In terms of the second part of the question, it was more of a challenge when the companies, as well as the workers, were more transient. In general, the mines are the main employers of fly-in, fly-out workers and tend to have very good return-to-work practices. It's easier to work with the employer in advance of any kind of injury to say: Here's what needs to happen should somebody be injured, and it's in your best interest to do so. We tend to get good cooperation there. Where the company itself has a temporary presence in the Yukon, it can be quite a bit more challenging to do that.

Huge companies that may have a construction project here — again, it doesn't tend to be an issue because in their home province they are required to do that. As exploration has died down it has been less of a problem, but it hasn't entirely gone away. The problem of course that we fear most is not that you are not a Yukon resident, but that you are not a Canadian resident, because that can be quite challenging. We've had very limited experience with that at this point, and would like to keep it that way, actually.

Ms. Hanson: I'll come back to that issue in a few moments, I hope — the last issue that was mentioned by Mr. Hill.

Just a couple of other questions with respect to issues coming out of the plan, in trying to work toward having a workplace that has an integrated culture of safety and another objective or goal of the compensation board, which is the fourth one — both 100-percent compliance with the Yukon Workers' Compensation Health and Safety Board's legislative requirements — both goals of the plan speak, in consultation with stakeholders, to update the *Occupational Health and Safety Act* to reflect today's Yukon workplace reality and legislative needs. It's clearly a matter that is deemed to be important. I'd be interested in knowing if there is any projected timeline for beginning this process or perhaps it has already begun — just a bit of information about that from the perspective of the board.

Hon. Mr. Graham: Perhaps, Madam Chair, it's more appropriate that question be answered by this side of the House.

At the present time, the Workers' Compensation Health and Safety Board's act is on our legislative agenda, but it isn't set. There hasn't been a set date or session at which the changes to that legislation will be produced.

Ms. Hanson: Let's hope that that will happen so that the Workers' Compensation Health and Safety Board can check off two goals on their strategic plan, because they clearly see it as a priority, and we will too.

There is also reference in the plan to working with Yukon government and other major contracting organizations to expand the certificate of recognition — the COR program requirements. We have raised COR certification in Question Period this week. In 2008, the Yukon committed to the COR

safety program, and this would apply to government operations and companies large and small operating in the Yukon and to contractors bidding on government jobs.

The original plan, as I understand it, was to have a phased-in approach for contractors so that by 2011, COR certification would be required to bid on any size of government contracts. It's my understanding that there have been two delays to the original plan.

In 2012, contractors wanting to bid on government jobs valued at above \$100,000 must be COR-certified, and they were also going to have those under \$100,000 to be exempt from the safety certification. It's our understanding that that is going to continue. I guess the issue would be how this fits in, and whether or not the Workers' Compensation Health and Safety Board has any issues with respect to how this fits with the vision of zero disabilities, zero deaths and zero injuries. I'd be interested, not just the focus on Yukon government contracts, but are there other employers or other sectors of employers that have had a difficulty or are reluctant to move forward on COR recognition?

Also, at the same time — well, maybe I'll leave it there and I'll come back to that in a second.

Mr. Pike: I just wanted to add one quick comment and that is, on behalf of the board, we strongly believe in the COR program, in that we're a strong proponent because we believe it reduces injuries, reduces disabilities and promotes the goal that we've set out in our strategic plan.

Mr. Hill: Well, it may sound a little indirect, but let me begin with a story. Seventy-five years ago they were just completing the construction of the Golden Gate bridge. The Golden Gate bridge was a landmark, not only because of the bridge itself, which was built near the end of the Great Depression, but because of some of the things that happened on there. It was a \$35-million bridge. They knew from experience that that meant 35 men would die during the creation of that bridge, and they budgeted for that — 35 men would die during the making of the Golden Gate bridge.

The chief engineer, a man by the name of Strauss, didn't feel that that should be the case, and he did a number of things that completely changed forever the nature of workplace safety. In addition to some fairly radical things, like hard hats — and keep in mind that people were working at different levels. They were shearing off rivets, and they would drop, and there were a lot of serious head injuries and even fatalities from that. Certain positions were required to wear safety belts and tie off, and then he did something that he actually didn't announce until well into the construction of the bridge. He hung a net that was cantilevered so it was spread under the length of the bridge, cantilevered 10 feet out on either side and 14 feet beyond the farthest point where a man could work.

His reasoning was that if a person didn't have to worry about falling, they were far more likely to be able to focus on the work. In fact, 19 men were saved by that net and it wasn't very long underway before the first person would be saved. The media of the day dubbed them the "Halfway to Hell Club." As I say, 19 men were saved by that net and a number of others by the other measures he took. It cost \$130,000 in Depression-

era dollars. This wasn't something that was funded under the New Deal. This was something that was funded by people in the area buying bonds, by mortgaging their homes and their farms so that they could raise enough money to pay for this bridge. So there was a hue and cry when it was found out that he had spent \$130,000 on a circus net under a bridge, because everybody knew if you were any good at your job, you wouldn't fall. As it turned out, 11 people — not 35 — died in the construction of that bridge, 10 of those in a horrific incident where there was unsecured scaffolding that fell into the net, which, of course, was not built for such a weight. Other than that, one other person died.

He was proven right. They finished that bridge four months faster than anybody considered even possible, because these people could focus on the work, rather than on not falling. He changed the nature of workplace safety as a result, because he proved that it worked.

Seventy five years later, in many ways, we're having some of the same conversations. Whenever there's a new safety measure put into place, it's really — if you're good at your job, you're not going to get hurt? Isn't this spending too much money? People should be able to do it without these kinds of measures.

While some people are shocked at the fact that they coldly budgeted for 35 deaths on that bridge, the fact is, that's kind of what we do. Workers' Compensation Health and Safety Board, together with our actuaries, look at the track record in the Yukon and in various industries and what's happening with economic activity. We look forward to the next year and say probably about 1,800 people will get hurt at work and somewhere between one and five people will die.

Unlike chief engineer Strauss, we're not planning the work. We're not supervising the work. We're not doing the work. We're not in a position to say, "Here are the new rules. If you don't obey them, you get fired." Keep in mind that COR is not about a whole new bunch of safety rules. In fact, it is just an organized system to be sure that you are following the laws and the regulations that are already in place.

While being able to systemize it is something different to wrap your head around, in fact, all the things that you need to be doing to keep yourself safe and to keep your workers safe — those requirements are already in place. Then COR is also scaled for various sizes of business. There is SECOR, small enterprise certificate of recognition. There is owner/operator COR, which you can do in a weekend. Those are scaled for various sizes of businesses.

You look at the data — the first industry to go COR as an industry was bridge construction. Bridge construction — boy, it was a struggle for them and I get it. There were a lot of changes, but about three years later, their rates absolutely plummeted. They were pretty delighted with that result.

Recently, we decided to have a closer look at data in another industry where there is some COR and no COR and that's industry group 202, which is building construction, renovation and demolition. We broke it down by COR and non-COR companies — and bear in mind we've been working quite aggressively with the non-COR companies as well with the zero-

tolerance program and so on. You can see when you drive around town the difference between construction now and construction five years ago. Five years ago, you saw somebody with a hard hat and a high-visibility vest and you knew they were from out of town. Now it's pretty much every site that is following those kinds of things. It's rare to see somebody on a roof without fall-arrest. If you do, they are probably a homeowner and not actually a construction worker. Even so, having a look at it, we broke out the data and then we scaled it by assessable payroll so we were comparing apples and apples. I can tell you that over the last four years, the claims cost for non-COR companies are double the claims cost of COR companies. So does it have an effect? Absolutely. Does it pay? Absolutely, there's no question. We are strong supporters of COR; we are not involved in the political decision of who must or must not, but I do point out that even with the requirements that exist now, nobody is forcing anybody to become COR. If you want to bid for a certain kind of contract, you need to be COR. Just like, for example, if you want to bid on a welding contract, you need to have welding qualifications. You don't say, I have a five-gallon bucket of contact cement, let's try this instead. So from our viewpoint, it has proven itself; it has proven itself in study after study elsewhere and it has proven itself here in the Yukon.

Ms. Hanson: Thank you very much for that response. One of the concerns we've heard expressed is that there are difficulties in smaller communities, particularly with smaller owner-operator businesses becoming COR-certified.

Has there been a particular focus on that segment of the employer population and what challenges are being faced there? By what means do you see that you might be able to get them who may say, "Well, it's too expensive; I can't afford the time off to do that?" The analogy provided about the thinking — the analogy of the Golden Gate Bridge — is quite powerful. How do you get somebody who has his owner-operated business — and is sort of saying that they are already working too many hours and can't afford this — to actually see the benefits?

Mr. Hill: I get it. As a former small business owner, the last thing I needed was more paperwork. I understand that. At the same time, owner-operator COR from beginning to end is a weekend at worst and it's quite affordable. The Northern Safety Network Yukon delivers the COR training. They've done quite a bit of work in the communities, which is not to say that there isn't more to be done. We've had conversations with Northern Safety Network and with the Department of Highways and Public Works and asked: "How can we make this easier?" The fact is there have been courses scheduled for small communities and then they go out there and almost nobody shows up for the course.

In their defence, you get a call for a sudden contract — a furnace change, something like that — you're going to do the work. So how can you work around that? These are some of the challenges that we have to tackle.

There are also, frankly, cases where there is just hostility to the idea. I'm not sure how to deal with those. But we do know that there are areas where we can do better working with

highways and Northern Safety Network to make sure that we're able to spend more time in those communities and find a way to work around their schedule and make it achievable.

As I say, owner-operator COR – it's a half a day of class and then you can sit down and adopt some already created procedures to work for what you do. There's not that much to it. SECOR is a little more, but again, not that big. COR is daunting, and if I were a small business, I'd be terrified of it — but COR is for big companies.

Ms. Hanson: I appreciate the clarification there in terms of which program applies to which. The response elicits a question from me with respect to the statistics of small communities' incidents, accidents and owner-operated versus — or the medium to large companies and those that are located in larger community centres.

Is there a difference in terms of the incidence of accidents for those who are non-COR and non-SECOR and those who are?

Hon. Mr. Graham: I'll ask Mr. Hill to first of all go through the process and outline exactly what you need COR certification for because under the *Occupational Health and Safety Act*, safety standards and safety processes are required for companies up to 20 people but, for under 20 people, COR is not a requirement unless — for example, the territorial government requires you to have COR for a contract, as does the City of Whitehorse. In fact, I think it was the first. Perhaps you can go through that process too because I think we could get mixed up otherwise.

Mr. Hill: At no point under *Occupational Health and Safety Act* regulations is anybody required to have COR. There are different — exactly as Minister Graham points out — standards when you have 20 workers on a regular basis. There are different standards for first aid. There are different standards for your health and safety committee. It's further complicated by the nature of the risk of the work you're doing and so on. But COR and SECOR are not required at any point.

As I say, COR — the actual safety elements are there and in place for everybody. These are programs that are designed to systematically ensure that not only are you meeting the regulations, you're able to demonstrate that. So for example, were somebody to be terribly hurt, there is very likely to be an occupational health and safety investigation and one of the first questions the investigator will ask is, "Can you show what you have done? Don't just tell me, yes, they were trained and they were properly supervised. Show me that."

If you don't have a system in place for doing that, you're not going to be able to do it. Civil law like that is quite different from criminal law where, in fact, you need to be able to — it's not just occupational health and safety but other areas of civil law — where once it's shown that the incident took place, then it's up to the employer, the supervisor or the worker to show due diligence. So this is a system that allows you to do that, as well as just generally ensuring that you didn't miss anything — that there's proper hazard assessment in place and so you don't find out the hard way — "Oops, we forgot something." When there is a tragedy, almost without exception, there has been a series of failures. It's not one — it's a series of

failures. It's very easy to happen, particularly even when you started well.

What happens over time is a bit of complacency; you start to take a shortcut or a piece of equipment isn't available that day, and they just start to add up. When you see something go wrong, in almost all cases — it's called the swiss-cheese model — the holes happen to align and that's the point where you see a tragedy taking place.

So COR is something we encourage, or SECOR or owner-operator COR. Owner-operator COR, as it says, is just for itself. If you have an employee but you have fewer than 20, then you fall under the SECOR category. It's administered; it's signed off by the occupational health and safety director but it's administered by the Northern Safety Network. Off the top of my head, I'm unable to give you details on all the differences.

Ms. Hanson: So with that in mind, I'd still be interested in terms of the difference, in terms of incidences, the small and owner-operator, those with and those without, if you have those kinds of statistics or that information?

Mr. Hill: I could get those. I caution you that the information would be horrifically misleading, the reason being that owner-operator COR, if they are not under optional coverage, they don't have to report the injury to us, and then you have problems with data sizes, group sizes. I could dig it out. I suggest that it won't tell you a story.

Ms. Hanson: I will take that under advisement and not request it if that's not useful.

It was referenced earlier, the whole issue of young workers and the fact that we have, in various times, a particular kind of young worker who comes and works in the area, particularly in exploration. We also have an ongoing issue with respect to the employment of young or younger workers.

I want to go back to when the Workers' Compensation Health and Safety Board spoke with this Legislative Assembly in 2011. At that time the witnesses identified that when they were looking at the overall responsibility that they had for the *Occupational Health and Safety Act*, they identified — and I'm quoting here — that "There are some pieces of this issue that need to be addressed under the *Employment Standards Act*... We've engaged our prevention and safety advisory group, which consists of 26 industry and worker organizations around the territory... 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 they sent a letter to that group, and at that time in 2011 — the point that I want to get to is that in 2011, the board had not received a response on what the Employment Standards Board planned to do or not to do with respect to things like a general minimum age in the territory and some of the related things that would come under employment standards.

My question: Did the Employment Standards Board eventually respond to the request for a review and, if so, what was the outcome and is the response publicly available? Where are we at in terms of establishing a general minimum working age in the territory?

Mr. Pike: We did write the Employment Standards Board a letter, I believe, and to my knowledge we haven't re-

ceived a formal response. The general minimum working age in the territory is outside the purview of the Workers' Compensation Health and Safety Board.

We can only deal with health and safety issues, so we can deal with the minimum age for particular industries because of the occupational health and safety issues relating to that industry. Our legislation would not allow us to make across-the-board regulations or rules. I don't know whether the Employment Standards Board has approached this House or the government with respect to that issue or not.

Hon. Ms. Taylor: As the minister responsible for Community Services, which oversees employment standards in the territory, I can't give the member opposite a response as to whether or not an official response was provided. I'm not aware of an official response being provided to the board, at the direct request of the board some time ago. There was a change in the chair of the Employment Standards Board just recently. I know I have a meeting scheduled with the board in the new year to talk about issues pertinent to all areas relevant to employment standards. What I can say, though, is that through the good work of Workers' Compensation Health and Safety Board, they have been endeavouring to work with those respective stakeholders — I think there are 19 or 21 of them — to identify a category or specific industry areas for those ages, and that was debated on the floor of the Legislature some years ago, which really precipitated that work to be undertaken.

As I understand it, our department is working with the board, as we speak, to identify any specific other further gaps in that. That's the best update I can provide at this time.

Ms. Hanson: So the Employment Standards Board hasn't responded, and we don't have any information. I mean, the crux of the issue is that we don't have any standards around a minimum age. My understanding — and I'm looking for correction here — is that the challenge is to establish occupational health and safety regulations around minimum ages in particular industries. I'm wondering if the representatives of the board can comment on any progress being made to do that, in terms of if there are standards with respect to minimum age in particular industries, and if they can identify those industries. I'll leave it at that.

What progress has been made with respect to establishing occupational health and safety regulations, notwithstanding the fact we haven't heard from the Employment Standards Board on this issue? There must be something where we would say that there are minimum ages — I mean, even in the Industrial Revolution, we didn't want certain ages going in — at a certain point we decided that kids couldn't be in mines. Are there minimum ages on particular industries and occupational health and safety regulations specific to that?

Mr. Pike: Yes, just further to the question and a comment on what Minister Taylor had said — we on behalf of the board have consulted extensively with almost every industry in the territory and we were directed by this House to do that actually, and have put together a recommendation on minimum ages that have been agreed to, I think I can say unanimously, by every group that we were talking to. Those have been for-

warded to the minister for them to — I don't what word to say — do their part in the process.

Mr. Hill: Having personally facilitated the consultations and run the focus groups with young workers during the consultation the chair just referred to, there were a number of cases that made it a little more challenging.

You are probably aware that there are minimum ages under legislation now in certain areas. You can't work at the face of a placer mine below the age of 18. Anything that requires licensing — licensing virtually always has minimum ages related to it. Blasting has a minimum age and so on. So, there are some in place now and, as you pointed out earlier, some of it is entirely within the jurisdiction of the Employment Standards Board.

When you start to get into areas like family businesses, it becomes quite a bit trickier. When you get into areas where you have people who grew up around the kind of work being done and the kind of equipment being used, one sometimes gets competence at an earlier age, particularly around family businesses, but it's not cut and dried in that. Ontario did studies and a staggering percentage of young-worker fatalities were young workers who were working for a close family member, so it's not necessarily a form of protection, but it's not that simple either.

You have a family who owns a corner store and that's where mom and dad are. Is it legitimate to have the kids there working part-time, and so on? So it's not that simple. The direction, as I understand it, is to do more consultation by the Employment Standards Board. We have been invited to join in that and ensure that things are in alignment. To my understanding, there is some movement in that direction.

I can tell you that age restrictions under the proposed occupational health and safety regulations are things that you might consider fairly self-evident: forestry operations, fire-fighting, drilling and so on — those kinds of things. I don't have an exhaustive list, but well in advance of anything moving forward, that information will be accessible.

Ms. Hanson: I'd appreciate knowing when that consultation that was referenced by Mr. Pike was completed and when that information or recommendations were forwarded.

We recognize that the law needs to balance the interest of families who want to give their kids an opportunity in the family business and at the same time we need to ensure — as I think you're getting at — that there are good standards and that young workers in the family business are not either subjected to mistreatment or put in a risky situation.

I think family businesses can be a broad range of things. So yes, you may grow up on a placer mine and understand how to operate the equipment and that. You may grow up in a family grocery store, but the family grocery store then takes on selling gasoline. We've seen the incidents of young workers, unprotected and on their own, being killed. So when do we start looking at the full scope of the challenge here and looking to find a resolution?

I think it's a very real issue. As the territory grows and as we see the change in kinds of businesses that are being operated here and the lack of available lower-waged employees —

people who are willing to take — I mean, you're going to look at young workers and you're going to take family members, as many as you can, if you have them.

This relates to the comments made by the witnesses in 2011 — the representatives of the board said at that time that “Our safety advisory group, our Board of Directors, and our organization” — this was in reference to a code of practice for young workers — “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.”

So I would be interested in knowing what progress has been made on making the code of practice for young workers law? Has that been a recommendation that has been made to government or where are we at with that?

Mr. Hill: It was something that was consulted on and, as you say, is in place as a code of practice and while it's not enforceable in the sense that you can't go to a business and say, “Show me that you're meeting this,” on the other hand it is recognized by law as being the industry practice. As such, part of showing due diligence were an event or a tragedy to take place would be the measuring stick. While it is not regulation, it is not simply nice to do either. There is certainly significantly more weight to it as a code of practice. That said, it has been proposed as a regulation to go forward when the minimum age regulations go forward. I would defer to Minister Graham as to potential timing.

Hon. Mr. Graham: That's exactly the correct answer, that it hasn't gone forward yet. We will probably bring it forward as a package with the young worker ages.

I think it's really important to understand that proposed regulations on minimum-age restrictions are currently under review. We're still trying to determine the extent to which the restrictions will apply and more importantly, in which occupations and which industries. As the witnesses have said, in some industries right now there is a minimum age. So we're looking at a very narrow scope of industries and occupations where we must establish minimum age. We're still having those discussions and we haven't come up with anything concrete to bring forward as regulation yet.

Ms. Hanson: It would be my understanding that there has been a pretty thorough consultation process already done based on evidence that shows that there's a need to move this forward. So I would hope that the government will be able to resolve this issue. It's not one that you want to see any young workers placed in any vulnerable situation. We certainly don't want to be having to deal with the consequences of not having made that decision.

One of my colleagues has just pointed out to me that I didn't ask a couple of questions with respect to COR.

So with your indulgence, Madam Chair, and the witnesses, I wanted to confirm what COR requirements apply to young people being employed through the government through STEP — any employment that they get. Is there a requirement for all of those programs that are Yukon territorial government-sponsored positions within various sectors or industries? There is a range of entities that can be eligible for subsidized wages

from the territorial government to provide summer employment — if those are employment situations where worker health and safety might be in play more than just in a normal office. Is that provided, or how is that dealt with? Is there safety training in high schools in any way, in terms of preparation to getting that mindset about worker safety?

Mr. Hill: We do not administer the STEP program. My understanding is that there is not a COR requirement, and I come to that conclusion simply because you find STEP students around government and, actually, only our organization and a portion of Highways and Public Works, I believe, are COR-certified among government, but that's not an authoritative answer.

As to the second question, there is an involvement in high schools in the Planning 10 program, which isn't mandatory for all students. We have an element in that, and we have a young worker consultant — educational consultant — on staff who goes out and presents that in the various high schools, including in the rural communities and so on. That is actually expanding beyond that. We're now into the elementary schools and so on. I would love to see further advancement. I would love to see a classroom version of COR for shop classes. What would that look like? I'm not sure, but it's something that we've started to have conversations around. We're in there and progressing, advancing and looking forward. I know for a fact that the current, new Deputy Minister of Education is quite empathetic to young worker safety.

Ms. Hanson: It is wonderful to hear those transferable experiences and skills. Certainly I can echo the importance of that. Recently, during the Geoscience Forum and the Yukon Mining Summit there was a fair amount of discussion about the importance of exposing young Yukon students to the opportunities that may exist in the various resource extraction industries.

If we're going to be talking about the opportunities and the potential for employment, in terms of the trades or whatever, then it is important to ensure that with that goes the mindset of your zero, so that that's what they're coming out with — a view that they will be safe workers in whatever workplace.

At the outset of the conversation, there was some reference to the temporary foreign workers. This has certainly been a discussion of some debate within this Legislative Assembly and across the country. As part of the federal government's budget and their implementation plan with respect to that budget, there is a declaration — or there will be — by design, more temporary foreign workers working in Canada. There is an intention stated by the federal government that they will be approved in a shorter time frame.

We have seen some cases over the last short while, particularly in British Columbia, of high-profile cases of exploitation of temporary foreign workers. This is not unique. It has happened in Alberta.

Because of the outcry, a review has been sparked by the federal minister. In this territory and in this Legislature, the Yukon minister responsible has said that the limit on temporary foreign workers will be 50 per employer, but that's not a limit

of 50, but 50 per employer. So that doesn't mean that we have a number of employers; it could be many more than that.

When we had the opportunity in 2011 — I'll just refresh the memories of those who weren't here — there was a comment made that the Workers' Compensation Health and Safety Board "...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" that were being identified around the challenges and opportunities — those parentheses are mine — to work "...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 my question: What progress has been made, such as programs or regulations, to ensure that when we start — I'm not sure exactly what the status is, in terms of the numbers of temporary foreign workers, which would be useful — workers are aware of their rights? What's the process for the board to be in the loop with respect to which employers have or will be bringing in temporary foreign workers, particularly so that there can be no surprises — suddenly you see a pop-up camp and there's a bunch of people who have been brought here. That's a particular concern we would raise with respect to inspections around occupational health and safety and the necessary follow-up.

There's probably a whole series of issues that we can get into here, but I just thought I would start with that, with respect to this issue.

Mr. Hill: There are several streams or strands within the temporary foreign worker program. Most of those are administered by the federal government. The annex program is administered by the Yukon government, but the Department of Education, Advanced Education branch.

They have been incredibly responsive and incredibly easy to work with on this. I can only say great things about what that working relationship has been like. The annex program is the one in which there is a limit of 50; that does not apply to the other ones. The annex is also the one that is designed to be the most quickly responsive to deal with seasonal workers and with truly temporary jobs as opposed to merely temporary workers.

We have, with the assistance of the Department of Education, been able to break new ground in Canada with this particular program in that, for the first time, Workers' Compensation Health and Safety Board is in the loop and Occupational Health and Safety is in the loop with applications on that. We know that temporary foreign workers are at great potential risk for a whole pile of reasons. Number one, they frequently come from countries — not always — where occupational health and safety standards are much, much lower. Those from Asia, for example — it's not uncommon to see photographs of construction sites there where people are using sandals and where they are shading their faces from welding burns with newspapers.

You come from that and anything better than that seems pretty remarkable, so knowing what the standards are, knowing how to properly protect yourself, is a learning curve. Secondly, there can be cultural issues.

We know that from airline investigations in the past, for example, where there were a couple of crashes in particular where the respect for authority, which is so engrained in the culture, means you are very limited as to how much you are allowed to challenge or question authority, and where the black box shows — the tape in the last moments in the cockpit — where the co-pilot would raise a couple of times that the plane was about to run out of fuel. The captain would say something to the contrary and then the co-pilot would sit there silently and a plane full of people would die. It is not from any desire or lack of responsibility. It's very engrained in the culture.

We have seen that in Canadian hospitals, as well, where that same thing has led to near tragedies, and so part of what has to happen is instruction on how to stand up and challenge and say this just isn't right, because they've been trained from the get-go that that is absolutely disrespectful.

Often, there is a challenge with language, where English is not their first language — or French, depending on the language of the workplace, is not their first language. While they may seem to comprehend — it may be politeness; it may be not wanting to appear inadequate — the level of comprehension may not be as thorough as you would like.

One of the things we know about some Asian cultures, for example, is instructions are primarily by rote. So they are phenomenal, in many cases, with written language — reading and writing is great; spoken language is not so good, and comprehension is even lower. So there has to be ways of assessing that and making sure that they truly understood what you were saying.

Finally, they have the challenge of being new workers, and I mentioned earlier the vulnerability of workers in a new workplace, even if they are familiar with the equipment and the skills, are at greater risk. All of that has to be managed. Because of that, it is important that we have the opportunity to work with employers to make sure that, for example, the code of practice for new and young workers is in place and that they are able to protect their workers. Nobody wants to see somebody get hurt — they may not know what it takes to ensure that they're not.

Under the annex, the memorandum of understanding with the Department of Education is such that we are part of the application process. We're able to sit down with the employer and help them make sure that they have in place what they need to keep the workers safe. Then, because we're part of that process, we then know where the workers are — Where are they working? Who are they working for? What are they doing? — and we're able to add that to our inspection regime and we're able to have inspectors show up, and because of the memorandum of understanding, we're able to ask questions that are, on the face of it, outside of our immediate jurisdiction. So we can ask: "Are you getting paid okay? Are you being treated okay?"

We have that capability because of our language line of taking our Blackberries, putting them on speakerphone in private and being able to talk to them in Tagalog, or Mandarin or whatever their language is, so that there is no issue with communications and we can ensure that it's all on track.

The idea isn't to look for bogeymen. The idea is to be able to ensure that things are working the way they are supposed to work; the employer has the skills they need to keep their workers safe; and that the workers are being well-treated and being kept safe as well. This is a first in Canada. At this point, it only applies to the annex, which has not started — I believe it is on hold, pending the outcome of the federal review of the temporary foreign workers program, which I think is a very responsible move by the government in doing that.

It is our hope that when this moves forward as a pilot project that we are then able to expand that to the other streams of the temporary foreign workers as well.

I'm not sure I got all of your questions because there were an awful lot of them.

Ms. Hanson: I thank the respondent for the response, because it does provide some context. Given the long list of challenges that a temporary foreign worker faces, coming from a different cultural and linguistic background — you know, you have a group of 50 workers and you just move them holubolus into a work situation.

Is there any mandate with respect to ensuring they understand the occupational health and safety environment of North America and of the Yukon in particular before they're required to begin work? I mean it's like if you move from Shaanxi province in China to the Selwyn mine, it's a whole different world. We don't normally have 5,000 people die a year in our territory from mining. You do in China, in certain provinces. So how do we make sure that when you walk in — it sounds like this is a really well-thought-out means to try to facilitate communication with somebody, but only if they believe that they can talk with you and not get canned. Is there an intermediate step between when that worker arrives on Yukon soil, starts work and then what? Then an accident happens and then we get involved and we ask, "What happened there?" Or does this process that we're envisioning to try to make this truly unique in Canada involve some transitioning, so that workers understand their rights? I'm asking the representatives here because it seems to me that that is an inherent part of understanding the rights as workers and the responsibilities of the employer to ensure that those rights are enforced or put in place.

Mr. Hill: Your point is excellent, and it is actually part of what we would be looking for in our conversation with the employer in advance of that. The *Occupational Health and Safety Act* and regulations require now competent supervision. That includes being able to communicate with the workers in a common language. Under Canadian law, it can be English; it can be French; it can't be Cantonese, so are these people able to have that conversation or do you need somebody to interpret "run" into another language? That's clearly not acceptable. \

Orientation and training are requirements under the *Occupational Health and Safety Act* and regulations. It's part of what we would look at in terms of how you are going to make

sure, given where they are coming from and given these standards and so on. I can assure you — you are kind of throwing numbers — but that has an effect on the clarity we would be seeking in working with these employers toward the employment of these temporary foreign workers. It's not just a gross number that is coming in; it's the percentage of your existing workforce.

So you might be bringing in five people, but your existing workforce is three — right? So you're suddenly overwhelmed, even though on paper it looks like a small number. You're actually overwhelming your existing workforce. You're taking people and turning them into managers, supervisors and trainers, but do they have those capabilities? So that's part of what we look at the numbers and how they will impact the current workforce and where they're coming from. There are a number of things we want to work through and this is part of how an employer can work with us to ensure they have the success they're looking for. While we don't have an intermediate step per se, we will be looking for answers to exactly those kinds of questions.

Ms. Hanson: I thank the witnesses for those responses. Because this issue was much discussed in 2011, at that time the witness said that he was not aware of any employers who have a significant number of these truly temporary — the issue was where they were going to live. So they weren't aware at that time of the temporary foreign workers who would not live or reside in the Yukon or who would fly out, but they were anticipating seeing them go back and forth.

I have two parts to this question. One: Does the board know — currently, are there any temporary foreign workers working in the Yukon? Are there any in the Yukon? Do they reside in the Yukon or do they fly in and out?

Mr. Hill: We know there are temporary foreign workers currently in the Yukon. Beyond that, you're asking questions that we are not currently privy to. The Department of Education may be able to answer those.

Ms. Hanson: One of the other concerns that was raised — similar to the fly-in/fly-out workers from Alberta, Saskatchewan or wherever coming to work on exploration — was the notion of how return-to-work programs will work with temporary foreign workers. We saw the sad example — well, they weren't returning to work, but they were dead, killed on a work site in Fort McMurray — but in that situation in their home country essentially the compensation became a donation to some cause as opposed to going to the families.

So the issue really is this: What assurances are being put in place when we know if we have an injured worker or a temporary foreign worker injured on a work site in the Yukon? How will the kind of work that we try to do with workers to bring them back to a place where they can return to work — how is that envisioned to work in the context of temporary foreign workers? I guess it does relate — I should also have asked how many workers injured in the Yukon are actually in return-to-work programs in other jurisdictions.

Part of it is focused solely on the temporary foreign workers and part of it is the number of workers who are injured in the Yukon and are in a return-to-work situation, but they're

living elsewhere. How do we monitor progress there? So it's probably more challenging once we're in an international situation, but I'm equally interested in if there are challenges associated with getting somebody back to work if they live in Alberta or B.C.

Mr. Hill: I'm going to answer your second question first, because it's simpler: I have no idea; we'll get back to you with that information. It's a good question and I don't know the answer.

With regard to fly-in/fly-out temporary foreign workers, and thus ones from outside the country — you certainly grabbed the heart of one of our nightmares. It is something that every jurisdiction in Canada has wrestled with and continues to wrestle with and in some ways it is even worse than one might think in the sense that — and this is something that I failed to mention earlier when we were talking about non-resident workers — when we have what we generally regard as a camp situation; in other words, the workers are living on employer premises and do not have the option of living somewhere else — it could be as a condition of the employment; it could be because you're working at a camp 50 kilometres from the nearest structure. In either case it's regarded more or less as a camp situation. At that point, the employer has taken on a whole new level of liability and to a large extent this has been defined over time by case law in Canada as opposed to policy, and in fact, a number of jurisdictions have tried thoroughly unsuccessfully to limit liability through legislation, regulation and policy in this regard. When they are what is commonly termed — not in our policy or legislation, but is commonly referred to in the workers' compensation world as — “captive workers”, in that regard the liability then is no longer simply while they are working.

As you know, workers' compensation applies to an injury or illness that arises both in the course of and out of the employment, so it has to be caused by the work. When a condition of your work is that you live there, now anything that happens there, unless you have actively removed yourself from the course of employment — for example, by doing drugs you can do that — then you continue to be covered. So you can have people who are covered 24 hours a day.

Now if you have an employer who tolerates the consumption of alcohol — even if they put a limit on it — or if you have a supervisor who turns a blind eye to having a toke, and perhaps even joins a worker behind the cabinet after hours for a toke, then suddenly the use of drugs and alcohol no longer removes them from their employment.

Many employers are not yet aware of the level of liability they take on. The case law in Canada is very clear. If the employer says it's okay to have a drink and if you get drunk and get hurt, guess what? The employer is liable — or at least the workers' compensation system now has to cover them. The employer can say, “I'm sorry, they were drinking too much.” Yeah, well, I'm sorry, you set the conditions where under case law we are required to continue to cover them.

So the level of liability is much greater than where they live. It's the fact that in many cases it goes on 24 hours a day, and depending on the employer's behaviour and supervisor's behaviour and policies and how consistent they are — whether

those are enforced — it can actually be quite exhaustive. Those are huge issues as well.

Now with regard to return to work, I can say that one of the things we have addressed in our discussions — in negotiations with the Department of Education — is how we deal with somebody from somewhere else who gets hurt here. Traditionally one of the conditions on temporary foreign work permits is that if you can't do the job for which you were hired, you must leave. It used to be that if you tried to access any social service that workers' compensation was considered part of, you were forced to leave; you had to go back to your home country.

Some of that has been relaxed at the federal level and some through our negotiations with the Department of Education, where they have secured the right to be able to say, in this case, this person needs to be able to work somewhere else and get his permit. All they need from us is something in writing saying that we need to be able to accommodate this worker, either because it's during their period of healing or because they can't return to their other work, and we are able to very quickly get a revised work permit that will allow us to place them with another employer, including time off, if that's what's required. So we have far more tools now to be able to manage an injury and keep them here.

What happens if they choose to go home? At that point, you're getting into some fine legal detail, but it's a question then of whether under the act — I believe it's section 40 under the act — whether now they are cooperating with their healing and their return to work, and it may remove them from eligibility for compensation. Certainly, what would be the most difficult of all to deal with is a worker who is unable to return to work — returns to their home country in a Third World setting or an early-developing nation — and they just send us doctor's notes saying, “No, still can't work,” because you're still on the hook. Your reference to the tragedy in Fort McMurray with the Chinese workers is another example of culture and, to some extent, there are limits to what you can take on. It took them, as you may be aware, months to find the families and then, under the local culture — I'm not sure if it's a national culture, but certainly the local culture — in those cases, the parents have the right to the compensation, regardless of there being a widow and children. It's up to the parents to determine what they'll do with the money. We have no jurisdiction in another country. We can send the money, but we can't make sure it goes where it's supposed to.

Ms. Hanson: I believe the witness is putting a charitable spin on this. My more cynical side would suggest that maybe the widows didn't get a choice about where that went. Having grown up in a family who lived on workers' compensation when my father was killed, I believe that sometimes workers' circumstances are not necessarily as straightforward as they sound. Or, in that case in Alberta and the situation for those workers, when it's a state-owned entity, they may want to make it sound better.

With respect to the challenges of working in certain sectors, in the chief mining inspector's report there was a note made that there was a whole range of minimum first aid regulations that came into force in May of this year. I'm interested in

how compliance is enforced with respect to first aid regulations, because it's minimum first aid regulations on mining sites and how compliance with the *Occupational Health and Safety Act* is largely enforced in the mining industry.

Are spot checks at work sites done? Is it complaint-driven? How is it done?

Mr. Hill: We put a lot of emphasis and focus on the mining industry. The mining industry — as has been shown, I think, about three or four years ago in Ontario — was the safety industry in Ontario. Not long ago, it was the second safest industry in British Columbia — not retail, not insurance sales, but mining. It can be done well; it can be done safely. There are a lot of risks, and a lot of hazards to deal with, but one doesn't have to take a haphazard approach.

Mining, as you're well aware from many news stories, often touches more than one life at a time. Something gone wrong can affect quite a number of workers, and I can tell you that none of us wants a Westray on our watch. It's something to which we pay a lot of attention. There are regular inspections. We have a chief mine safety officer. There are others who work with him. There are regular inspections and follow-ups that look at all aspects, from safety systems to specifics. The amount of focus on a given mine really depends on their track record and what they're like to work with. Some tend to be more reactive; others lead the charge and are phenomenal employers. Nobody's perfect, but we work with them to aim for a very high standard.

All those things are taken into account. It's not something that we take as lightly as other — I shouldn't say "take as lightly" because we don't take anybody lightly, but we certainly don't have a hands-off, simply complaint-driven role. If we get a complaint, absolutely we follow up, but we're quite proactive with the mining industry.

Ms. Hanson: I'm mindful of the time and I know that the Leader of the Third Party — I just have a couple more questions. From that same report, it was anticipated that there would be two new mine safety officers who would complete their training in 2012. I'm wondering if the positions have been filled. What is the total number of employees working in mine safety?

Is staffing resourcing revisited or is it anticipated it will be revisited when new mines come on-line? What is the total anticipated annual cost for wages and training in the mine safety program?

Mr. Hill: There are two safety officers devoted to mining. One is the chief mine safety officer; the other's specialty is mine rescue. That is his background. To be clear on that, we don't do mine rescue. We ensure that the mines are able to perform that function, that they have standards and that they're able to share teams. It takes multiple teams to conduct an ongoing rescue operation. We ensure that there is training; we ensure that they're moving in the right direction with that.

There are, as needed, five other safety officers that they're able to draw on from time to time. If there is an investigation, often our investigator would be involved in that. Our investigator is also a safety officer. So there is some ebb and flow, depending on what the needs are.

I'm not sure what the anticipation is in terms of more mines opening and what the resources are. The board has been very responsive in adding positions, as needed, to ensure that we don't have the kind of tragedy that we've seen elsewhere. In terms of cost, it's an unusual area because this is the one corner of the organization that does see some tax dollars. There is a contribution from the federal government that goes toward that program, so I'm not sure that it actually costs Yukon employers anything. I couldn't tell you off the top of my head, but I know there is a contribution that does offset that cost.

Ms. Hanson: I will cede the floor right now to the Leader of the Third Party and then, if he finishes, I have a few more questions, obviously.

Mr. Silver: Thank you to Mr. Pike and Mr. Hill for their time today.

I have a few issues, a few questions here. You touched on this a bit with the foreign workers, but I have a specific question on this issue. An issue in B.C. and Alberta has been industry plans to bring in large numbers of temporary workers from China to fill jobs at northern mines. Has the Workers' Compensation Health and Safety Board been approached to consider any such applications here in the Yukon? Is the Workers' Compensation Health and Safety Board prepared for such a mass application process?

Mr. Hill: I will try to keep my answers shorter so we can go through your questions. If an employer was doing a mass application, it would not be happening through the annex, and therefore not through a stream where we would be required to be part of the application process. That said, given our relationship with Advanced Education, I would fully anticipate a phone call and a heads-up with that. It is something that we have thought a great deal about and would throw considerable resources into dealing with very quickly.

Mr. Silver: A quick question on employment standards being enforced at the Dawson hospital project, and this is a follow-up to questions that we had in the spring. Does WCB feel it has enough resources to adequately monitor what is actually taking place on every work site in our communities? Also, if they could comment particularly on the Dawson hospital.

Mr. Hill: That is a trick question. Let me say that this summer, for the second time — and it's planned to be ongoing — we have had a local office in Dawson City open from May to October, visiting both the placer mines and the work sites in and around Dawson City. One of the places they have paid close attention to is the Dawson City hospital.

There has been and continues to be ongoing opportunity for anybody with concerns to draw it to the attention of the very capable safety officer who's based there and who I know is heading back there shortly.

I understand with that one, as your reference to employment standards. Of course that's not our jurisdiction but an area where it creeps into our jurisdiction is where an employer charges workers' compensation assessments to the individual workers. We take a very dim view of that, as you can imagine. It undermines the entire system. The whole system is based on the compromise that employers fund it and in return they are

protected from lawsuit. When they turn around and pass those costs on to a worker, it's not only a direct violation of the law, it threatens the entire system, and where we are aware of those things we respond firmly — would be a diplomatic description.

In terms of the larger question of do we have sufficient resources to adequately monitor safety in workplaces throughout the communities? It's a wonderful question because nobody knows what that looks like. What is enough? To my understanding, nowhere in Canada — and I have asked — has that discussion ever taken place — what is enough? It is a difficult question to answer because you're balancing the fact — and it's a very important fact — that workers, supervisors and employers retain the responsibility for safety in the workplace. They're the ones planning the work, supervising the work and doing the work. Only they are in a position to actually monitor and keep it safe.

At the same time, you don't want to be absolutely absent. At the one extreme for us to adequately monitor, we would need a safety officer on every work site everywhere in the Yukon whenever work was taking place. It would cost more than the entire government budget to pay for that many safety officers. You would shut the place down; you couldn't do it.

At the other extreme of course — absence. It's not acceptable. What is an adequate number? That's a great question and it's hard to say because you tend to get from labour — not here; we consider them excellent partners — but certainly in other jurisdictions there tends to be a fair bit of noise about "there needs to be more." Under the system in Canada, employers pay for that, not taxpayers. At what point is that a reasonable balance? What I can tell you is that we currently have more safety officers than we have ever had. The board has been very supportive of adding resources in this area, despite pressure to keep administration costs down. It has shown a difference and continues to show a difference. A formula does not exist.

Chair: Mr. Pike, did you have something to add?

Mr. Pike: Yes, I just wanted to add one point. I can tell you at the board level that we have never once compromised the principle that the workplaces have to be safe. To the best of our ability, we budget for and make sure that we pay for whatever we think we need. As Mark mentioned, what that exactly looks like — it's sort of like how many policemen do you need and how many radar traps, versus responding to crimes? But certainly the board takes that responsibility very, very sincerely and not once in my term have we ever compromised that principle.

Mr. Silver: Credit does have to go out to WCB. After we did expose some problems with the workers in the Dawson hospital, your response was extremely quick and very professional. You definitely deserve some credit there.

I wish Joy was here today to answer this question, but I'm just confused as far as process. What is the term of the new president of the corporation? I did receive a letter from the minister responsible for the board in September stating that the appointment was offered on an interim basis. Is that the case? Will that position be made permanent or will it remain interim?

Also, did the board interview other candidates? Why or why not?

Mr. Pike: Let me respond to that because that is totally a board decision. As you are probably aware, our president and CEO is deemed to be a deputy minister under the *Public Service Act*, I believe, and serves at — this is a layman's word, but serves at pleasure — whatever that means. When the position became vacant, the board in its sole discretion determined that Ms. Waters was the candidate we wanted. We made the offer to Ms. Waters, which she could have accepted or declined, and she accepted, which we are very happy about. The board committed at that time that there would be a full review of her performance by the end of 2013. As you are aware, she was just recently appointed.

The full review is something we do for all our presidents and CEOs, and should the board determine that the performance is inadequate, not just for Ms. Waters but for anybody before or after her, we would make the decision at that time and we would anticipate that that process will be ongoing, that nothing there will change.

I don't want to put words in Minister Graham's mouth, but I think maybe the word "interim" was not quite the right word to use. From our point of view, Ms. Waters is our present CEO. I have every confidence in her and would anticipate that she will be there for the long term.

Mr. Silver: Thank you for that answer.

Moving on to the annual report, on page 14: "In 2011, penalties in the amount of \$501,000 were issued to employers who did not meet the required timelines for registering with YWCHSB, filing their annual employer payroll return and/or for not paying their assessment premiums. This money is used to offset further assessment rate calculations through allocation to assessment revenues."

How many businesses does this represent, and how widespread was this particular problem?

Mr. Hill: Well, you know you're asking an insightful question when you are echoing the Auditor General of Canada, who asked us that same question a couple of days ago. Looking at it, it is an amalgamated figure that is spit out at the long end of a chain and we are beginning the process of work back to answer those exact same questions. Once we arrive at that, we'll be happy to share it with you.

What I can say is that while that money does go into the fund, and therefore offsets the amount that needs to be collected later in rates, nonetheless, I don't know of an employer — and correct me if you have heard otherwise — in the Yukon who doesn't believe they're paying enough to Workers' Compensation, and this is one of those optional things. It can happen through poor planning; it can happen through poor communication within their organization. In some cases, the bookkeeper is doing one thing and the person who is in command doesn't know that is happening. But I would encourage all employers to have a look, and if this is affecting them, this is an optional charge. It's not a charge once the assessment has been made. Once you're being fined, it's not optional. But by talking to Workers' Compensation and working out arrangements, you really don't need to spend this extra amount of money.

Mr. Silver: When you are responding to the Auditor General, it would be nice to get some more information at that time. That would be great.

A quick question on the use of investigators: How does WCB determine how and when to launch these investigations?

Mr. Hill: Investigations are always triggered by complaints or by red flags, but that alone isn't enough. Sometimes a file will just have all kinds of red flags all over it, and you can just see that there's something really wonky here. As often, or more often, we get a call from — and the most common one is an ex-spouse, but there are other forms of calls — you know, "I was in a bar last night and this guy was bragging about blah, blah, blah".

There is an initial assessment done — of course, an examination of the file, a look at the information that came in and an assessment, including cost benefit analysis. That is then reviewed by the lawyers.

At that point, it is then taken forward to the president, and only the president is able to authorize it. Again, they have a careful look at it. If this is a fishing expedition, it's not going to happen. Is there some clear evidence that there is something really wrong here that we had better look closer at? Then we're going to do that — only the president, only after careful review, and never a fishing expedition.

Mr. Silver: Let's move on to worker rehabilitation. WCB is responsible for retraining workers who can no longer work at their pre-accident employment because of that injury.

I just wondered what efforts were being made to have vocational rehabilitation match current workplace needs. For instance, what types of jobs are injured carpenters being retrained for, and has Workers' Compensation Health and Safety Board ever teamed with Yukon College to help these workers?

Mr. Hill: First of all, there is a long list of priorities that we are aiming for because, in every case, we want to see the worker return to their pre-injury life as fully as possible, including doing the work they were doing for their employer. We look at modifications; we look at accommodation; we look at slightly different jobs and so on. There is a whole scale of priorities that we are looking at that will have the least impact on the worker, post-injury. At the bottom of that list is vocational rehabilitation. There are not a lot of people who end up there. It is typically about 10 people in a year, so there is no group. There is no large enough group to say there is a trend or we tend to do this. In every case, it's a case-by-case situation. We do, or have done, a professional vocational rehabilitation assessment, and part of that is looking at their skill set, looking at their resumé and capabilities and then it is custom-designed for them.

Of course, there is no sense training somebody in the Yukon to be an astronaut. In every case we are looking at where they are going to be able to find employment. That's a really key aspect, but it's shaped around them with work, but not as, "We need people over here, so let's get you over here." It is, "Here are the options for you," and "Look, you can find work here. It's close to what you were making before," and so on and so forth. It's a small number of people and it's specifically tailored for the person.

Mr. Silver: Let's move on here.

Does the board report the outcome of claims? For example, the return to pre-accident employer and work, return to the same work with a different employer, return to another type of work, workers requiring retraining and the outcome of that training. How does WCB measure success in terms of an injured worker?

Mr. Pike: I'm sure Mark will add some things, but I just want to say, from our perspective, the return-to-work statistic is probably the most important one. If there's something more important, I'm not sure what it is. We have a return-to-work success rate of somewhere in the neighbourhood of 98 percent. We base that on a year. By the end of the year, 98 percent of our people who filed a claim have been able to return to work in some capacity. For us that's a measurement stick that's reported to the board every month as to how that's working out. I'm not sure. I'll defer to Mark as to whether there is more specific information than that.

Mr. Hill: So in that remaining tiny number is where all the other things would fall into. I suggest that kind of data gathering for that group would be more appropriate in a place like Ontario or British Columbia where you can see trends as opposed to, really, it's the story of what happened this year and the individuals who were tragically impacted.

Mr. Silver: I'll move on to doctor shortages. What are the effects that WCB sees with many Yukoners losing their family doctors? Workers have been experiencing difficulties in getting the medical appointments to assist in recovery because of the burden put on these few doctors left, and the clinics don't have the time to be following the worker through their claim. Is there any plan to assist the worker finding and getting doctors to assist them overcoming the effects of the shortage of doctors?

Mr. Hill: There is an impact. I can't quantify it for you. It's not something that we can measure exactly. The first impact is people using, for example, the hospital room, which is three times the rate of going to a doctor, so there are cost implications there. There is the impact of people fearing a lineup for hours at the hospital and not seeking medical attention and that can complicate the injury, but it can also in every case complicate the adjudication. You show up two months later and say, a couple of months ago I hurt my back and I never went to a doctor, but I did do it at work. We're asking, "How do we know that?" We're not trying to deny anybody, but how do we know? We've got to be able to connect it.

Of course going without treatment will complicate the injury, recovery time and the question of whether they will ever fully recover. Then there is consistency of treatment. If they're at the hospital one day, the clinic one day and then somebody else — first of all, there is not a lot of follow up. There may be inconsistent diagnosis, inconsistent treatment and issues with helping them get to a full recovery, so there are impacts. I cannot quantify it for you.

In terms of us taking an active role, first of all we think all Health and Social Services is doing an excellent job of trying to recruit doctors, and Health and Social Services is doing an excellent job of trying to recruit doctors and address that issue.

We have, as other jurisdictions have, contemplated the idea of having a Workers' Compensation Health and Safety Board clinic. The problem tends to be that anybody with their own physician doesn't want to go there. Of course, there are a lot of other people who want to go who aren't necessarily clients of Workers' Compensation Health and Safety Board, so it's not something that we see as a practicable solution. It's something we are aware of and have faith that Health and Social Services is doing the work that they need to do.

Mr. Silver: I just have a couple more questions. Workers' Compensation Health and Safety Board doctors and lawyers are working under contract currently. These are true contractors when on the surface they kind of appear to be employees. On the surface, it would seem that the board would have substantial savings by having them as employees rather than as contractors. Another question is why does the website only show the contracts to the end of 2010? There is no type of information past that and I was wondering if any more information is currently available?

Mr. Hill: We have at least one doctor who is an employee, although he's not working as a doctor. He's doing other work. We have two doctors who are on contract. They are genuine contractors. They have a practice or a business interest elsewhere.

On the legal side, again, we have a lawyer on staff who is doing other work. I'm not sure which act, but I understand that under government legislation, lawyers on staff are restricted to the Department of Justice. In our case, because of that independent role from government, our counsel is dedicated to us because, as I understand the legislation, we can't have them as an employee. We have them as a contractor. I'm told that there isn't a significant difference in cost. I can't verify that, but that's certainly the information I have.

Mr. Silver: So just a legislative issue at this point. Okay, it was mentioned in regard to the minimum age standards that the public consultation had occurred, when we were talking earlier, and that there was fairly unanimous consent.

Mr. Hill here mentioned placer miners — or actually, it was Mr. Pike who mentioned the placer miners. Was the Klondike Placer Miners Association consulted in these consultations? If so, I just want to know for the record if they were actually in agreement with the minimum age standards or not.

Mr. Pike: I'll go first on that. The minimum age regs that we put together were the industry's, I believe, as directed by this House, which did not include the placer miners. I'll let Mark step in here if I say something wrong because this would be before my time, but I believe the House actually was very specific about what we were to do and with whom we were to consult. But I can tell you that I have personally sat in the room with the KPMA and talked about minimum age regulations — whether we should have some and what should be different from what is going on. I know that the board is in current discussions with them as to whether they want to have something and what it should be and what is fair. I can't tell you the exact status of those discussions now, but for sure I can tell you that I have sat in on some discussions.

Mr. Hill: Having been warned by the Chair not to interject at the outset, I didn't dare, but thanks for the invitation.

The minimum age already exists for placer mines and has for quite a while. As the Chair pointed out, there is no anticipation of addressing that through the proposed minimum age regulations.

They are outside the group; nonetheless, they have been included in all the discussions.

Mr. Silver: Just one final question: How was the Northern Safety Network chosen as the network of choice? How are they funded? What is the cost and can you comment as to whether or not they are a Yukon-based company?

Mr. Hill: In fact, it is entirely a Yukon organization. It is a not-for-profit organization that was formerly known as the Yukon Construction Safety Organization. We, together with the Contractors Association, founded it specifically to address safety issues, standardization, better training and so on. We continue to fund it. I'm afraid I'll have to get back to you, unless the chair knows off the top of his head how much we are funding it per year, but it's moving toward being a self-sustaining organization over time.

Mr. Pike: We will get back to you with the exact number. I have a number on the top of my head, but I hate to rhyme it off because I'll be wrong. But, as Mark mentioned, it was the Construction Safety Association, now called the Northern Safety Network — we fund a program delivery, so in fact they are a contractor for us and they do all kinds of other things in addition to what we ask them to do. I will get back to you with the cost of that contract.

Hon. Mr. Graham: Seeing the time, I'd just like to take the opportunity on behalf of all committee members to thank both Mark Pike and Mark Hill from the Yukon Workers' Compensation Health and Safety Board for appearing before us here in Committee today. We appreciate it and thank you very much.

Applause

Chair: Thank you, Mr. Graham. The witnesses are now excused with the Chair's thanks.

Witnesses excused

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 51, entitled *Residential Landlord and Tenant Act*, and directed me to report progress.

Also, pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 2, Mark Pike, Chair of the Yukon Workers' Compensation Health and Safety Board, and Mark Hill, Director of Corporate Services of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses before Committee of the Whole from 3:30 p.m. to 5:30 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 report carried.

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

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

Motion agreed to

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

The House adjourned at 5:31 p.m.