WORKERS' COMPENSATION ACT REVIEW
Public Consultation

Willow Room, Yukon Inn, Whitehorse, Yukon
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Open Microphone Discussion on All Issues

PANEL:	Patrick Rouble	Chair
	Ivan Dechkoff	Member
	Michael Travill	Member
PRESENT:	Robbie King	Injured Workers' Alliance
	Julia Skikavich	The Whitehorse Star

(The meeting was called to order at 7:35 p.m.)

Mr. Rouble: We might as well come to order here. Robbie, it looks like you are the person that is here tonight, so I think I will dispense with my opening comments because I think you've heard them a few times before. The format tonight was to be an open mike format, to allow people, who weren't able to come to our daytime meetings and who wanted to make a presentation in person, to come out tonight to present their comments on any of the 88 issues brought forward.

Why don't we just turn the floor over to you, Mr. King, and… take it away.

Mr. King: Thank you, Mr. Chairman. I'd just like to clarify things; I think that your ad said it's an open mike to discuss what has been done so far today. Because I did attend the day meetings, I think I'm here tonight to just reinforce some of the positions of those daytime conversations that I had. So it's not because I couldn't make it during the day, it's because I'm trying to clarify what I was putting forward in the past. So that's what I'm here for tonight.

I just went through this Act Review, and I started going through the issues that I felt were of importance to us. They mostly deal with benefits and appeals. So, of course, we haven't discussed the second Appeals Process, Legal and Policy Issues yet. That will be tomorrow.

So, what I have here is about six or seven issues on benefits issues that I'd like to clarify. Starting with commuting of benefit payments, I just want to clarify things here. This issue, here, seems to be kind of hacked up and not very well understood, and not very well presented, in this Act Review, simply because there's a strong presence that this was interpreted to be a lump sum payout.

Now, in the ’86 Act, and two Acts previous to that, there is a section, and it’s section 55, and it’s called “Commutation of Compensation Payments.” And, basically, it says here that payments may be commuted, instead of weekly or monthly, to such periodic payments, and thereafter the payment of compensation shall be made on that commuted basis. So it’s not a one-time payment commutation of benefits, or commutation of benefit payments. It’s talking about commutation is just changing the time between payments. Not a lump sum payment. Because lump sum is dealt with in a different section; that’s section 32. So commutation of compensation payments is not a lump sum payout.

The comments that were received here indicate that there seems to be quite a bit of confusion around this issue. Even in the Act Review discussion paper, the Board’s comment is, the Yukon has some provision for lump sum payments in prior years’ legislation, and that’s under “Commuting benefit payments”. So, obviously, the Board has taken this issue to mean “lump sum payments”, and that’s incorrect.

So I just wanted to clarify that I think this whole issue should be just dropped, and brought up at a later Act Review, because it has been so mixed up.

The comments are really out of line, too. On page 11 of the March 24th minutes, in relation to section 32 of the ’86 Act, I said “It’s not a commutation of benefits. It’s a lump sum payout.” Mr. Rody responded, “Of all your benefits.” And I said “Yes.” He said, “That’s commutation of benefits.” He’s wrong. That’s not a commutation of benefits; that’s a lump sum payout.

So, I just wanted to clarify that. This has been misinterpreted by a lot of people, I think including business, the interpretation of how it was presented. So, I don’t know, either you just revisit it at a later date; or else just disregard it.

Mr. Rouble: May I ask a question?

Mr. King: I’m ready.

Mr. Rouble: Is there some change that you’d like to see to the legislation, to address the initial issue that was brought forward, about the ability to pay out is full and final?

Mr. Travill: Would you like something like the old section 32, the lump sum, put into the Act again?

Mr. King: Well, I tell you what, as time goes on, policies change and the Acts change, and a person who is collecting lifetime benefits, you know, things start changing for him, drastically, as the Act changes. If this Board commits themselves to follow what’s in place when that person got injured, when his claim was accepted, then I don’t have any problem with

maintaining the way it is now; you know, just maintain the payments. But, because the Board changes so many things… I mean, look what's happened just in the recent past here. All of a sudden, they come up with a lump sum payout policy, which is so restrictive I don't think anyone is going to get their lump sum, using that policy. So, that was brought in, and now people, who were entitled to a lump sum payment, or entitled to at least have a chance to get one (the Board still has to okay it), this policy just throws it out the window.

So I'm saying that, if the Board can't agree to maintain what's in place at the time of injury, the policies and whatnot, then perhaps a lump sum payout should be considered, because, as time goes on, things are changing all the time, to change the real picture, or to change the picture as it was, of a person's claim, to something different, because of policies and Act changes, and interpretation of the Act.

So, all I'm saying is that, if the Board can commit themselves to following the policies and the Act that was in place at the time, then I don't see a real need for a lump sum payout, or a real pressing need for a lump sum payout, and a need for that to be in the Act. I think they should be considerate of what happened at the time, and start to change things, so that it makes things different here.

Basically, you asked me what I'd like to see… that's what I'd like to see. But the way it is now even the response from Doug Rody, I mean, he doesn't understand it himself, and he's representing YFL. He calls it commutation of benefits, and it's not. So that just indicates what level that it's being understood at, as presented here. So, I hope that makes it a little bit clearer to all you guys.

Mr. Rouble: Thank you.

Mr. King: Now I'm going to go to Issue #13, "Calculation of wage loss benefits", on page 67. Now, this calculation of wage loss benefits was perhaps presented in a way that was a little bit skewed, because it didn't tell all the Act here.

Paragraph 2 says: "Subsections 36(1) and (2) of the Act provide that an injured worker's compensation will be 75% of the worker's weekly loss of earnings and that the manner and method of making payment will be determined by the board." Now, "manner and method of making payment" does not say the calculation of the payment will be determined by the Board. The "manner and method", to me, seems like it's how it's to be paid.

Section 36(1) and (2) does not provide the Board with determining how his weekly loss of earnings will be calculated. That's in section 37. And section 37 is very clear, where it says "A worker's weekly loss of earnings is equal to the difference, if any, of…" this, this and this. So, basically, it states what it is; how it's to be determined.

What the Board does, is go further, with Policy CL-35, and they determine what the worker should be getting; whereas the Act makes it very clear what they should be getting. So I don't think the policy reflects, accurately, the wording of the Act, for one thing. I think the policy is driving the legislation on it, actually, in my mind. My understanding is that that's how it's working here; whereas the legislation is not driving the policy.

I just want to get it clear, that the Act is clear what it should be; the policy kind of manipulates the Act. I think Mr. Travill is looking at that, is that right?

Mr. Travill: Well, the Worker Advocate office is, yes.

Mr. King: One of the things about this issue, in paragraph 7, it says "The Yukon is the only Canadian jurisdiction that continues to provide wage loss replacement on the basis of 75% of gross earnings… 75% of gross earnings approach provides the majority of injured workers with greater than 100% of net pay and as such provides more than full replacement of economic loss for most workers." There is nothing here that shows these calculations, so I don't know how I can take that. I can't just take that as verbatim, because there's nothing here to show these calculations.

Now, the only workers that would receive 75% would be those that are totally disabled; because, otherwise, the worker would get deemed to be capable of doing a job. So, what would happen is that a person, who is making 40,000 a year, at 75% his benefits would be 30,000; then he would get deemed to be capable of doing something else, and so the benefits might end up being 75% of 20,000.

Mr. Dechkoff: Robbie, I think this is referring to prior to deeming, though.

Mr. King: Prior to deeming?

Mr. Dechkoff: I believe so… yes. Because the deeming section is another portion of the Act, is it not?

Mr. King: It is, but the two should be read together, though, I think. Because, if you're going to have deeming, you have to give consideration to this calculation –

Mr. Dechkoff: Yes, I agree.

Mr. King: New in the Act, also, is the part about returning the worker to work – is that what they call it?

Mr. Travill: Return to work.

Mr. King: Return to work. So, this 75% wouldn't be such a big number, because a person gets back to work, he's been making 40,000, he can get back to work and make 20,000, his benefits would be 75% of $20,000. So I think they're trying to present that it's a windfall or something, and it's not necessarily so.

Also, it says, "As the Yukon workers compensation system is based on 75% of gross, higher income injured workers receive the most generous benefits in Canada." I don't think that's necessarily so, because of this deeming and the cutback of CL-35.

The last thing I have to mention about this calculation section here, Issue #13, is that, in the last paragraph before options, it talks about claims costs, talking about how wage loss benefits calculation should be considered with claims costs. I think that's a poor addition to this. Because you're trying to calculate the wage loss benefits, and you're mentioning claims costs. So you're talking about wage loss benefits, and claims costs, in the same section here. You talk about claims costs in section 12, before that.

So claims costs shouldn't be considered when calculating wage loss benefits, I don't believe. There's lots of things in claims costs. I think that what happens is that the easiest and quickest way to reduce claims costs is to reduce the benefits paid. Well, what about other things: look at the size of the Board; look at the size of the staff. It's just huge.

Going back to "Calculation of wage loss benefits", I think there should be no change to the legislation, because of what's in place right now. That's it for that section. Any questions?

Mr. Dechkoff: No, I understand.

Mr. King: Then I go to Issue #19, "Annuities", on page 76. Now, this was discussed a bit before.

Annuities, right now, they're not just given to the worker when he turns 65. The worker has to submit information with regards a financial consultant, and monies have to transfer to take to the consultant, I believe. So I think there is a misunderstanding of annuities, as to where it goes and how it's dealt with when a worker turns 65 or whenever. And, if you look at the policy, it shows what has to be in place before that annuity is given to the person's representative.

So, something like option 3, with a little bit of work to it, would be quite satisfactory.

I have a bit of concern, now, that I understand that the annuity policy is being dealt with right now, right in the middle of this Act Review.

Mr. Travill: Well, the way the Board has been dealing with annuities is all under review again. It's another thing the Worker Advocate office is challenging the Board on. So, if you can focus to what you would like this new Act to say… because, like I say, I think there are problems with the current Act, and so what we're trying to do is look to how to build it. So, this idea about option 3 would be good, if you could just expand on that a little bit.

Mr. King: Well, option 3, it says that the type of investment this person wants to put their annuity into… have some parameters; you know, set some reachable parameters. Set some parameters that are achievable, not out of this world, that the person can invest their annuity into.

Mr. Dechkoff: Can I ask a question before you get too far into this?

Mr. King: Yes.

Mr. Dechkoff: Looking at number 3, the way that's worded, it appears that this is requesting that the funds be given to the worker prior to the age of 65; in other words, they would create their own investment policy. Versus, what to do with the money after you reach the age of 65, and what formation of an annuity would you like to see at that point in time. So, just so I understand what you're saying, which of those two are you looking at?

Mr. King: I'm looking at having the annuity transferable to the worker before 65. Because, after 65, you're not part of the system any more, really. I think you're sort of out of the WCB system by age 65, more or less. So, what happens after 65, that's between you and your investment dealer.

Now, some of the concerns I have is that, even though Ms Royle didn't comment, I made the remark that Newfoundland took away everyone's annuity back in 1990. Just, bang, it's all gone. And anybody that was allowed an annuity didn't have it any more; that allowance was taken away. So, all your annuity funds went back into general revenue, according to this bill.

So, when I turn 60 years old, I don't want some bill coming up, saying, Hey, Mr. King, your pension is going back to general revenue. I don't think you would, either. If your pension plan said, Well, our fund is having trouble, and anybody with a last name that starts with "D", we're just going to revoke their pension….

Mr. Dechkoff: Are you aware of what they did when they revoked this? In other words, did they go to full pensions again?

Mr. King: No, they didn't.

Mr. Travill: No, they didn't. They revoked it and, if you could establish that, prior to your injury, you had a pension plan, they'd contribute to that pension plan to bring you up to the full amount of that pension plan, so you'd be entitled to your old pension plan. But what actually happened is, there was almost nobody who applied for it.

So, Robbie's correct; with a stroke of a pen, virtually everybody lost their annuities.

Mr. Dechkoff: That's a valid concern.

Mr. King: Well, sure it is, and that's why I made this as part of this Act Review. Considering, also, that the new president is from Newfoundland and she helped to – well, not helped to, but, I mean, she was part of the administering of that, that's pretty scary stuff.

Mr. Rouble: Do you think there should be any age limitation; or should this be allowed at any time, that you could transfer into an annuity of your own choice, something with parameters on it? Should that be age-based, or just be open to any injured worker?

Mr. King: I think it should be open to any aged worker. The parameters that are set aside, and the limitations that are set aside, it's locked in till 65 anyways, Mr. Chair. I mean, what the person does when he's 20, or what he does when he's 60… you can't touch it till 65.

Mr. Dechkoff: Just not in WCB, it would be locked in somewhere else.

Mr. King: That's right.

Mr. Dechkoff: The difference that you're asking for, Robbie, in this, would be that, currently, the way the Act is worded is that, if an injured worker should die before they reach the age of 65, there is no annuity, because the injured worker passes away and, therefore, there is no annuity created.

Mr. King: Well, okay.

Mr. Dechkoff: No, I'm just repeating what the Act does right now.

Mr. King: Well, I have a legal issue with that, actually, and I've brought it forward to a lawyer. I said, look, this annuity goes into a person's annuity fund, they get 10% of their benefits, I says, whose money is it? And he looked at me, and he says, "That's a good question." I mean, is it WCB's money? Can they do with it what they want? Or is it the worker's money?

The Board has given that to me, they've put it into my savings account, basically. So they've given it to me, it's my money. Not theirs.

And this lawyer, we didn't argue very much, he just kind of sat back and goes, "Good question." So, I'm just mentioning that, that's been discussed a little bit.

The annuity, there, too, talks about people with no dependants and stuff like that. Well, you see, by the Act, I think a dependant has to be a person that's dependent on you. So, if you have children, if you die at 60 or 50, and they're married and raising their own families, they're not a dependant any more. The only person that would be a dependant is a spouse who's not working.

Mr. Dechkoff: The way you're saying, then, it would be irrelevant, at that point in time, because once you receive it in your funds, in your own investment consultant or whatever, then that portion of the Act would be irrelevant, because the monies would always be yours, be a part of your estate.

Mr. Travill: So, language similar to what used to be in the Act, except correcting the part about the superannuation.

Mr. King: Yes. Because that superannuation, I successfully argued that, because basically that superannuation just limited that section of the Act to a few people… well, government workers.

Mr. Travill: Well, actually, it eliminated everybody. Nobody, no matter what, was entitled to it, because of that wording.

Mr. King: So, that's clear; any other questions?

Mr. Travill: If the money is still in the WCB at 65, should it still be an annuity that the Board sets up, or should it be a lump sum or – you know, you're receiving your benefits all the way up to age 65 and, at age 65, you now become entitled to your annuity. Should that have to be a purchased annuity? Do you have any thoughts about that aspect of it?

Mr. King: I think that the person, at age 65, should be free and clear from the Board, in all ways, really, including annuity. At 67, I can't make a claim, I don't think… or can you?

Mr. Travill: You can. You can make a claim any time you're working. After 63, you're only entitled to 24 months of wage loss compensation.

Mr. King: So, if I get hurt when I'm 67….

Mr. Travill: You'd get two years of compensation, and then your annuity based on those two years. So you'd get a little bit.

Mr. King: Well, I think that a person, at 65, that annuity should be accessible to that person, under the guidelines of parameters; parameters that are similar to those that are in the Act right now.

Mr. Dechkoff: But you're still saying that it should be an annuity, but the control of the term, etc., is at the injured worker's discretion, versus any discretion of the Board?

Mr. King: I think so, yes. That's what I'm saying, yes.

Issue #9, page 94. Why I brought this up, this has to do with paragraph 2, "Subsection 26(1) provides that the Appeal Tribunal or the Board can apply to the Supreme Court for a determination of whether a policy established by the Board is consistent with the Act." So it says here "…the Appeal Tribunal or the Board can apply…."

Option 3 suggests that "Add legislation that provides for workers or employers to apply to the Supreme Court for a determination of whether a policy of the Board is consistent with the Act." Now, I tend to agree with this because, if a worker has an issue with a policy, he takes it to the Workers' Advocate office, the Workers' Advocate office says, "Well, I don't think we have a chance on this one, I'm not going to spend time on this even though you think the policy is wrong", the person can go by himself and take it to the next level, to the Hearing Officer and to the Appeal Tribunal. The Appeal Tribunal can say, "Well, we think this policy is inconsistent with the Act."

Now, I don't believe there are a whole bunch of policies that are inconsistent with the Act, but I think the one that stands out, front and centre, is policy CL-35, which is really questionable. As it sits right now, the worker cannot question that policy, according to the Act, in the Supreme Court.

Now, I don't expect to see a lot of workers, you know, plumbers and ditchdiggers and dishwashers, taking an application, to see whether a policy is consistent with the Act, to the Supreme Court. They're way out of their league. I mean, most of us are. Would you do it? Are you going to take that policy to Supreme Court?

So, I think that is deterrent enough, for a person to think twice whether he wants to do it or not.

However, the provision for the worker, and employer, to apply to the Supreme Court for a determination should be made available. As it is right now, it is not available, and the worker gets shut off right at the start, which is at the Workers' Advocate office. I think it would just give a person a bit of a leeway to express his position. I don't think there are a lot of policies that are inconsistent with the Act, I believe most of them are consistent, but there are the odd ones that stick out and aren't challengeable by the worker or the employer.

I think option 3 should be considered.

With all the paperwork involved, making application to the Supreme Court, etc., I think a person is going to – well, you know, you get half way through it, you start looking at the piles of paper all over the living room, you see paper all over the floor, and pretty soon he's got no living room because his wife kicked him out… so I think that option should be made available. I don't think it's a big thing.

Now, Issue #14, page 100, "Processes for release of claims information." Section 27(4), "If an objection has been made under subsection (3) the information objected to shall be provided to the president… for final determination…." Well, the Objects of the Act, section 1(e), says: "The Act is to provide an appeal procedure that is simple, fair and accessible, with minimal delays."

I think that, if we get into this big deal here, we discussed perhaps an appeal of a president's choice of documentation to be provided to the employer, it's just going to make a lengthy process even at the hearing review level. So I think a timeframe should be established, to be required, with subsection (4), that, if the president, or acting president, is going to make final determination, that they do it within an early timeframe, not six or eight weeks or something, because that digs into a person's appeal time. I understand now it's seven months or something, so we could be adding months to the Hearing Officer decision time.

We discussed, also, what happens to these documents afterwards, after the appeal is heard, after the employer has got them.

Mr. Dechkoff: Do you have any suggestions as to timeframe?

Mr. King: Well, I would say, if you have a president and an acting president, one of them is going to be there, so I can't see anything wrong with two weeks or something; two or three weeks. Because it's my experience that the president doesn't actually just go through the whole file; they're given a number of documents that refer to the appeal, and they just go

through those. They don't go through the whole file I don't know how many documents out of a file you might see in an appeal, but I don't believe it's stacks.

Another consideration is the Objects of the Act, and that is, you know, the appeal procedure is to provide a simple, fair, process with minimal delays, and I think that's very important here because of what is coming up here at the next meeting, when you're talking about timeframes for appeals. I think they're talking two years, or three years, to make an appeal. So I think this process has to be speeded up somewhere, if they want to put in a time limitation to file an appeal.

That's about all I have to say on that one.

Mr. Dechkoff: I'm sorry, Robbie, I interrupted you when you were talking about the process of release of information. You were going to talk about after the information is released, and I interrupted you just before that.

Mr. King: Okay, sure. Thanks, Ivan. Once the employer has viewed the information, they might not make a submission based on the information. They say, well, we're not going to show up; we have no interest in this. Well, send it back; send it back to the Board. They're not going to take part in it, they're going to let due process take its course, and there's argument that it's very clear what happened, the documentation is clear… the information should be required to be sent back to the Board; rather than sitting in the employer's office for anybody to read. Even if it's in a filing cabinet, someone tells you, go to the filing cabinet and grab this, you know… "Gee, what's this? Look at this. Oh, yeah."

So the employer doesn't need that stuff any more. The appeal's done with. He's in the same position as the worker… wait for the decision. He'll get a copy of it.

So, basically, it should be sent out with instructions not to be copied… whether it is or not. I mean, who knows? Right now, the Act says that the employer is supposed to hide this information, or keep it under lock and key, whatever, but does the Board go around checking this stuff? So, if you just say on it, "Do not copy", and it must be returned after, you know, you decide not to attend or whatever, so that the stuff isn't just floating around.

Page 79, maximum wage rate. The maximum wage rate, in the Yukon, actually has gone down in a number of years. At one time, it went down $1200, or $400, whatever it was, from year to year. So it actually can go up or down.

What I'm saying here is, the method that they're using right now is kind of secretive, because I've requested for this 2003 rate that they say is equal to 90% of the Yukon workers, in your maximum wage rate definitions. Now, if you go to

Stats Canada, or whoever it is, in the Lynn Building, they go, "We don't have this figure." You know, it's not a common figure.

Like, to get to this yearly earnings of 90% of workers, what 90% do you take? Do you take bank managers and lawyers? Well, sure, I'll settle for that, yeah. Rather than the servers and the restaurant personnel or something like this.

I think that has to be changed, because it's so wishy-washy. And I've requested the 2003 number, here, from the Board, and they won't even give it to me. They say they can't give it to me. So, who knows? It's kind of like a secret number. Because I know what it is, they know what it is, they won't give it to me, they say they can't give it to me, so I don't know if it's right. I have to assume it's right, because they're saying it's right, that's what they're using. But, if they divide into the 2003 rate all the time, if they're using a number that's maybe more to their advantage, it's not right.

So, what I'm suggesting here, for an option, is that we could be using something like the Whitehorse CPI, added to the previous year's annual, for a maximum wage rate. At least, then the Board would have a good idea of what's going to be the next year.

Mr. Dechkoff: Robbie, the only question I have on that is that you're still using a base then. You were looking, originally, at your average wage. How do you start the base then? Where do you start the base? In other words, you were mentioning that the average wage in the Yukon has gone up and down, and –

Mr. King: Maximum wage rate. There's a difference.

Mr. Dechkoff: Correct. But you were just looking, just a few minutes ago, at something from the Yukon Stats Canada, that actually showed what the average wage rate was.

Mr. King: For a month, yes. And this year, yes.

Mr. Dechkoff: Right. Would it be more beneficial to base it on something like that, then, every year, versus try to fix a rate and then using Consumer Price Index? Because then it's very transparent.

Like, I see us having the same problem, say five years down the road, if you fix the base rate at something, no different than it was back in the early '90s, when it was set at 40,000 and, all of a sudden, it became a significant issue later on. I think that would be something that would be of concern, is to actually set a base in there; versus match it to something that's external to the system.

Mr. Travill: I think what Robbie's saying is, you take today's maximum, if the Act passed today, and then every year into the future you add the CPI.

Mr. Dechkoff: So, as Robbie says, how do you establish that maximum? In other words, you couldn't get the information from the Board as to how it was established.

Mr. King: That's this one number, Ivan; that's this crazy number. Which is the yearly earnings of 90% of workers. Like, even Stats Canada doesn't have that.

Mr. Dechkoff: No, but what I'm saying is, where does that come from? In other words, that would be your base. Therefore, you're left with this fixed number, versus a comparison to some other source.

Mr. King: Well, the comparison, right now, this base number right now, is this rate of 2003 is still being used. That's the base number right now. Because they take the quotient obtained when the average wage for the year is divided by the average wage for 2003. So, here's the average wage for the year. So you add these up for 12 months, and then you get a number, and you divide it by the average wage for 2003.

Mr. Dechkoff: Wouldn't it be easier just to take that number and hit 90%?

Mr. King: Take 90%?

Mr. Dechkoff: Of that number. And that would be your maximum wage rate?

Mr. King: No, because this 90% is equal to the yearly earnings of 90% of workers. Like, this is 100% of workers. You're talking apples and oranges here. You're saying take 90% of this number?

Mr. Dechkoff: And that would be your maximum wage rate?

Mr. King; No, because that's not 90% of the workers. See, this is why Stats Canada has trouble with this figure. They have trouble with this. And I talked to them.

Mr. Dechkoff: What I'm saying is we can change it to whatever way we want, in the new Act. We're not restricted to having it set to the old Act. We can create whatever you feel, or the stakeholders feel, is the appropriate way of establishing what that rate should be.

Mr. King: Well, as Mike explained it, Mike hit the nail on the head there, you take today's rate, and you would take the CPI, whatever that is – actually, I've got it right here, 1.7% -- actually, you can calculate CPI, Ivan, from August to August, if you want, or September to September. So that, by December, or October, you actually know what the maximum wage rate is going to be for the next year.

For instance, let's take for next year. The maximum wage rate would be taken from the 12 months from September of 2005, till September of 2006, and add that to the sixty-nine five that it's at right now – or, multiply, sorry – multiply by the percent. And, right here, for instance, June '05 to June '04, it went up 1.7% (that's the CPI).

Right now, Ivan, this method is terrible, because this year the maximum wage rate went up $2500 in one pow. In past years, it went up $400. Like, in recent past, it went up $400. It's all over the place; it's all over the board.

But, if you used the CPI number, he's going to be – actually, two numbers here: one for March to March; one from June to June. March to March is 1.9%, and June to June was 1.7%, so you're talking .2%. And if you calculate .2% of $69,000, it's not a whole big amount of money.

I did some calculations based on 1.7%, and, at $69,000, 1.7% raised it up $1200, which is very reasonable; $100 a month.

I think that this has to be looked at, the way it's calculated, because this wording of the Act, and what they're using, this secret number for 2003, is just hidden. Who knows what it is? The Board knows what it is, but that's it. And the calculations are based on that number, to calculate next year's rate.

A much easier thing would be just to take the CPI. You can take any 12-month period, August to August, June to June -- you know, it would be better if you used it closer to the time that it's needed, so that, in October, they'll know what the maximum wage rate is for January of next year.

I think that has to be looked at, that maximum wage rate calculation. Maximum wage rate. Not "average"; "maximum" wage rate.

The last part of this is that, you talk about this CPI… the Board has a nasty habit of using this core CPI. The CPI consists of a basket of goodies. What the Board does, it uses the core CPI, which excludes a whole bunch of these goodies.

Mr. Dechkoff: Namely fuel.

Mr. King: Yes, that's right. So, I think that, if we're going to be having this CPI in here, it's got to be strictly worded so that it's the CPI, not "core" CPI. And there is a Yukon CPI available. You can't be using a Canada CPI, because we're not Canada. Why take into account Newfoundland's CPI? Keep it all in Yukon. You're talking about Yukon CPI. And there actually is one available from Stats Canada.

Mr. Dechkoff: So, you're saying use the Yukon, including for the wage rate as well?

Mr. King: Yes. Yes, it should be. Why are we using the CPI for across the whole country? I mean, let's face it here, we're the smallest jurisdiction. We have 16,000 workers… we're not going to create a changing system that other jurisdictions are going to say, "Hey, let's do it this way, these guys have 16,000 workers, you know, it's going to work under this jurisdiction."

The Whitehorse CPI should be used, not the Whitehorse core CPI.

Mr. Travill: Well, the Yukon CPI, and not the core; and November to November, or something like that, so it's close as you can –

Mr. King: There's actually no Yukon CPI, it's actually Whitehorse. In the Yukon, it's called the Whitehorse CPI.

Mr. Rouble: Okay, thank you. What's next on the list, Robbie?

Mr. King: That's it.

Mr. Dechkoff: Good information.

Mr. Rouble: Yes, thank you.

Mr. King: Thanks for listening.

Mr. Rouble: Is there anything else you'd like to put on the record? Okay, thanks very much for your comments, sir, and, with that, we'll close the meeting.

(The meeting adjourned at 8:35 p.m.)