



Northwest Territories Legislative Assembly

Standing Committee on Accountability and Oversight

Public Meeting on
Auditor General's Report of the
Workers' Compensation Board of the
Northwest Territories and Nunavut

June 30, 2006

Acting Chair: Mr. Bill Braden, MLA

STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT

Acting Chairman

Mr. Bill Braden, MLA, Great Slave

Members

Mrs. Jane Groenewegen, MLA, Hay River South

Ms. Sandy Lee, MLA, Range Lake

Mr. Robert McLeod, MLA, Inuvik Twin Lakes

Mr. David Ramsay, MLA, Kam Lake

Mr. Robert Villeneuve, MLA, Tu Nedhe

Witnesses

Hon. Charles Dent, Minister responsible for the WCB

Observers

Mr. Keith Peterson, MLA, Nunavut Government

Mr. Roger Simpson, Office of the Auditor General

Mr. Dan Stadlweiser, Office of the Auditor General

Mr. Alex Baldwin, Director of Research, Nunavut Legislative Assembly

Committee Staff

Mr. Doug Schauerte, Committee Clerk

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Ms. Colette Langlois, Director of Research

Ms. Susan Martin, Research Analyst

STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT
Public Meeting on Auditor General's Report of the
Workers' Compensation Board of the Northwest Territories and Nunavut
June 30, 2006
Committee Room "A"
10:10 a.m.

ACTING CHAIRMAN (Mr. Braden): Good morning, everyone. Thank you all for coming. We are the Standing Committee for Accountability and Oversight and we are considering our review of the Auditor General of Canada's report on the Workers' Compensation Board of the Northwest Territories and Nunavut. Our witness this morning is the Minister responsible in the NWT for the Workers' Compensation Board, the Honourable Charles Dent. I think what we'll do, for the record, is go around the table and ask committee members to introduce themselves and we'll start with Mr. Villeneuve.

MR. VILLENEUVE: Thank you, Mr. Chairman. Bobby Villeneuve, MLA for Tu Nedhe.

MS. LEE: Good morning. Sandy Lee, MLA for Range. Thank you.

MR. MCLEOD: Good morning. Robert McLeod, MLA for Inuvik Twin Lakes.

MR. RAMSAY: Good morning. David Ramsay, MLA for Kam Lake.

ACTING CHAIRMAN (Mr. Braden): Thank you, committee members. My name is Bill Braden. I'm the MLA for Great Slave and I'm the deputy chair of Accountability and Oversight. I would also like to make note again, joining us for this week has been Mr. Keith Peterson, MLA for a Nunavut riding for the community of Cambridge Bay, and the deputy chair of Nunavut's committee Government Operations and Accountability, which has the oversight function for WCB in Nunavut. Welcome and thank you for joining us as we acknowledge the shared jurisdiction that our territories have with the WCB. Also, Mr. Alex Baldwin, the director of research for the Nunavut Assembly. Our director of research is also with us, Ms. Colette Langlois; as is our Deputy Law Clerk, Ms. Kelly Payne; and our Deputy Clerk of the Legislative Assembly, Mr. Doug Schauerte; and Susan Martin, also with the research team here in the Legislative Assembly. Also and finally, but certainly not last, ladies and gentlemen, Roger Simpson, the principal with the Edmonton office of the Auditor General of Canada is with us, along with Dan Stadlweiser who really did most of the legwork, I understand.

---Interjection

ACTING CHAIRMAN (Mr. Braden): Part of the legwork -- thank you, Mr. Stadlweiser -- in the review since the motion requesting this was passed 14 months ago.

I would like to turn the floor over now to our last scheduled witness in our review at this point, Minister Charles Dent. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. Good morning to committee. I don't have any prepared remarks for this morning. I would like to say, though, that I find the report that was prepared by the office of the Auditor General to be a very useful report and I think it provides some good advice.

I was pleased on Wednesday to hear Ms. Fraser say that the Legislative Assembly and the general public at large could take comfort in the fact that the WCB was operating within its policies and principles and procedures. Obviously with the number of recommendations, the Auditor General has found areas for improvement. Again, I'm pleased that the Governance Council has accepted those recommendations and are intending to work to make the necessary changes to implement them.

Mr. Chairman, I believe that we have good people on the Governance Council and the Appeals Tribunal and the office of the workers' advisor, and I think that they will work together to continue to improve the services that the WCB delivers. Thank you.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Dent. I believe committee shares that optimism, too. We also recognize, with the assistance of the Auditor General, that there are a number of areas that we would like to seek improvement on and we want to go forward with that in a constructive manner. Thank you for your comments. I have Mr. Ramsay who has signaled he would like to speak, and then we'll go to Ms. Lee. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I'd like to thank the Minister for being with us today. I'd just like to start off with an observation, I guess. The reason why we're here today with the Minister, we've been here all week with the Auditor General's staff discussing a number of recommendations pertaining to the Workers' Compensation Board. I just want to let the Minister know that the reason I believe this report was done and was entered into was because of injured workers in the Northwest Territories, and some of who have moved to southern Canada, not receiving the level of service or the experience with dealing with the Workers' Compensation Board that they felt they were entitled to. Obviously there were some problems there. We got together this week with the administration of the board; we got together with the Governance Council; and yesterday we got together with the workers' advisor and the Appeals Tribunal. It was very odd, from my perspective, that when we had the workers' advisor, who arguably knows the most, from an observation standpoint, of how injured workers are being dealt with through the claims process at the WCB was in front of us and later on Ms. Simpson, who is the chair of the Appeals Tribunal, there wasn't one single solitary WCB official anywhere to be found. The Minister nor his staff were here, and I find it, Mr. Chairman, offensive that something this important for injured workers didn't register high enough on the Minister's radar or the WCB's radar that they'd have somebody here to listen to the thoughts, the sentiments, of the workers' advisor or the chairperson of the Appeals Tribunal. I guess there's something about that that really does bother me and I

just wanted to again point that out. I know the Minister is here today, so I'll point that out to him.

In terms of communication, I guess that's where I'd like to go. In the report -- and I know Mr. Dent is the third Minister that we've had in the life of this government that's been responsible for the Workers' Compensation Board -- but in the report it states that the WCB had requested numerous times to meet with Members of this Legislature, and the only time that I remember meeting with anybody from the WCB was over the building issue. And I mean that's only after we had heard about the building on the radio and requested a meeting with the WCB to try to understand what it was they were trying to do. In one of their responses, the WCB actually points the finger at the Legislature, saying we tried to meet with you, but you guys weren't interested or whatever. I take offence to that as well, because in my time here, I don't believe I've ever, ever turned down a request to the WCB to get together with them. I know part of the responsibility also lies on the Regular Members to try to set up meetings or briefings with the WCB, and I think that's something that can come out of the work that was done here in this report so that we can set up a protocol and we can get together, we can share information, and that's something I'd like to see happen. But it's kind of strange. I don't know if these requests for meetings are verbal, are they written, it just doesn't seem to be an accurate assessment of what happened, because from my perspective as a Regular Member, I just never got that request and the WCB says they made it. I don't know how they make it; through the Minister's office, through our staff, or how exactly that happens, but we've got certainly a lot of room for improvement on that.

I guess one of the questions I'd like to ask the Minister is how he thinks communications between his office on WCB matters, the WCB and the Regular Members of the Accountability and Oversight committee, how does he see us improving communications between the three of us? Thank you, Mr. Chairman.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Ramsay. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. I just to assure the committee that I certainly take the workings of this committee and its review very seriously. While I wasn't in for all of the sessions, one of the reasons for that was that at the time that this was all being planned, I wasn't aware of the way that this was going to be laid out, and had other things that I had to get done at the same time. But I had asked Ms. Mott to attend and take notes on my behalf, and she was here for a good part of the day. She was here for all of the session with the Appeals Tribunal chair. She did not catch all of it with the workers' advisor. I did talk to the workers' advisor about his presentation here, to try and get an update on what had happened. So I do take the work of your committee seriously, but I just couldn't be here for all of the sessions.

In terms of communications and how we can improve those, Mr. Ramsay asks about how the invitation was delivered by the WCB. If memory serves me right, they invited Members to attend I believe a lunch meeting at the WCB office during one of our sessions. I had understood that they had sent a note to Members. That wasn't done

through my office. I believe that it was handled directly. I'm not sure that WCB is aware of all of the pressures on MLAs when we're in session, and trying to set that up during a session was probably not the best time.

In terms of how we can improve communications, I am quite accepting of the recommendations in the report of the Auditor General. I agree that while I've had I think very good communications between myself and the chair of the Governance Council and the chair of the Appeals Tribunal, it hasn't been on a formal basis. We talk regularly, but it wouldn't hurt to have a formal process set up whereby those communications take place. I think we need to work on setting up a protocol in how communications are handled between my office, the WCB and Members. I understand that in some jurisdictions that there is a special office in the WCB for dealing with requests from MLAs, and we may have to take a look at that sort of office and making sure that it is properly staff. But I'm also hoping that the Governance Council will review what is done in other jurisdictions, and we can take a look at the different options and consider them.

ACTING CHAIRMAN (Mr. Braden): Mr. Dent, thank you. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman, and thank you, Mr. Dent, for your response. I appreciate your response and I know Ms. Mott was with us yesterday, but still where was the WCB? I'll just leave it at that.

Moving on, I wanted to get to the corporate culture of the WCB. Again, how I see it, the WCB is almost like a fortress; and claimants that I've spoken to, constituents, go in there and they feel like they've already done something wrong. They feel like just bad to be there and they get an uneasy feeling going into a...It's not a very welcoming experience for claimants who have to go through the process. I'm wondering if it causes the Minister any concern that that's the perception out there, is that the WCB is like a fortress and people, claimants, just go there and just right from the word go they don't feel like they're getting the level of service or respect that they deserve and the human side of it is missing, the compassion, for people. Injured workers who show up at the WCB are under a tremendous amount of pressure. They've hurt themselves, they often lose their wages, they can't pay their bills, their family suffers. I mean there's so many pressures from so many different areas of their life that it's...Again, that compassion, that human element, is lost. I want to ask the Minister if he's got any thoughts or feelings on how we can try to change that. I know he also is the Minister responsible for the income support. If you walk into income support or the housing office or EI, these places deal with clients on a daily basis who are requiring a service and they're not built up like a fortress. They just don't have that level of security that the WCB has. I wanted to ask the Minister his thoughts on that if I could. Thank you, Mr. Chairman.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Ramsay. Yes, a number of the witnesses before us talked about the attitudes and the culture in the WCB. Mr. Dent, your views.

HON. CHARLES DENT: Thank you, Mr. Chair. I don't think that everybody receives that level of concern or has that level of concern when they deal with the WCB. I know I've talked to people who felt that their level of treatment was quite good. But if the Member is raising that as an issue that they're hearing about, it's one that the Governance Council needs to address. I think that in the Auditor General's report the reference to staff training is an area in which the Governance Council needs to pay some attention, because that would be one of the areas in which my experience in offices like income support, the better people are trained to deal with the public, the better the public feels about dealing with them typically. So I would support the idea that there needs to be better staff training. I would note, too, we also have to respect the matter that the Auditor General herself says that we have to be careful to ensure that it's a safe workplace for staff. So there has to be that balance and we're going to have to examine whether or not are at that balance, and whether or not we can change the tipping point by increasing the staff training.

ACTING CHAIRMAN (Mr. Braden): Mr. Dent, thank you. Mr. Ramsay and then I have Ms. Lee and I think Mr. Villeneuve.

MR. RAMSAY: Thank you, Mr. Chairman. I guess what I'm getting at is I think...and everybody respects people's right to work in a safe environment, but it would be a safe environment if people were treated with that compassion that I'm talking about and the humanistic side. I know there's been much talk about sensitivity training for staff and other types of customer service related training. Those are all very good things.

I've got one question left, Mr. Chairman, so I'm going to ask the question about the workers' advisor's office and expansion of the mandate of that office to perhaps include legal services, or some additional counselling services, or areas where workers can get some additional help, and that comes from your office. The expansion of that mandate would come from your office as Minister. I'd like to ask you if you've ever entertained the thought of expanding the mandate of the workers' advisor's office. Thank you.

ACTING CHAIRMAN (Mr. Braden): Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. Until I talked to Mr. Baile after his appearance here before you, I hadn't considered that that was necessary. In my meetings with Mr. Baile previously, it hadn't been raised as an issue. It's an area that I'm willing to explore. I would want to take a look at making sure that we're not dealing with problems by taking them through that office that should be dealt with elsewhere first. So I think it's something that needs some thought. We need to take a look at the proper way of doing it. But I'm certainly prepared to enter into discussions with Mr. Baile about what the needs might be in that office, and ensuring that we have competent support to injured workers who want to use that office.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Dent. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I have to say that the hearings that we've been having for the last three days have been very good. Although I must admit that the first two days, I was getting more and more discouraged until I heard the presentation from the workers' advisor yesterday afternoon, which really said it clearly for me what the purpose of the WCB regime is and what we, as public legislators, have to keep in mind. I think it would serve everyone in WCB well and the public to actually read his transcript because there were not a lot in the audience, repeatedly. They should maybe be asked to write it a hundred times. Just to remind us about what it is that we are here to do.

I do want to focus my time with the Minister here as in his role as a witness to speak to a small section of the report, understanding that at the end of the process I believe that we, as a Legislature, and as a Minister have work to do to make some changes. I do accept that WCB, as an administration, has done a good job in doing what they're supposed to do, but that's not to say that there's not changes required. And those changes have to come from top down or, not all, I mean, in order to effect changes for the benefits of worker and employers too, and just in the interest of public and well being and survival of the WCB regime as a social, agent for social good I think that we have work to do here.

One thing that's been really frustrating in dealing with WCB issues is that it's like the buck stops nowhere. The buck just circulates around and everybody says, you know, Ministers, and I'm not speaking to the Minister alone, I'm talking about my experiences of addressing WCB issues with the Ministers. The buck doesn't stop with the Minister's office, it's the GC or the administration or the workers. At some point somebody has to take responsibility to address some of the issues that are being put forward that are coming from many, many places. I reject completely the notion that this is coming from those that didn't get benefits. I do not agree with that. I've been trying to make it clear that communication goes so far. Communication is one of the components, but when you're communicating a bad product, or if the notion of communication is that if I could sit you down and just tell you enough times about what I think it is, until you understand, that for me is not communication. If the process is flawed, if the injured workers don't feel like they're getting an independent, transparent, fair review of their files, if we're failing on the spirit and intent of the act, that's not a communication issue. It's an issue about people with authority like ourselves taking the necessary steps to change that.

The thing that really encouraged me about the workers' advisor's presentation yesterday was the fact that things like, you know, corporate culture, philosophy, the people doing work in their offices are doing what they're trained to do. It could be true that they could do it with more passion and compassion and understanding. But the thing is, I believe that the true spirit and intent of WCB legislation and the regime is not being followed. I believe there is imbalance in the legislation and the philosophy of GC as to, imbalance between the workers, in terms of GC's mandate to take care of the accident fund or the employer side, but there's not enough balance on the employee side. I don't believe we're practicing to the fullest extent the benefit of doubt or all reasonable inferences and presumption being in favour of workers. I think that has been interpreted in a way that does not work for the workers. And the WCB has chosen to

read that very narrowly and I believe there's room for us to clarify that or to strengthen that if there's any doubt there.

I'm looking for options to strengthen workers' powers so that they are, because we don't. I agree with the review that the Legislature and the Minister should not have any input in the day-to-day process. What our role is, is to set a framework where that's not necessary, where workers feel that they are as equally powerful when they go through this process and as far as I could see it that's not happening right now. I want us to look at the option of setting a legal fund for injured workers, whether it's with the workers' advisor's office or with the workers themselves. Because I believe it's not opening door to unlimited lawsuits for injured workers, it's just about balancing the power between the employers and the WCB and the employees and if the WCB can have unlimited funds for legal means, that's not fair to the workers. And I believe it will be a discouragement, or an encouragement for WCB to settle issues and change their process if they keep repeatedly getting losses on the same point.

I wanted to ask a question. Okay. The report states specifically about lack of clarity in roles of Minister and the GC and I'd like to know what the Minister's response is to that, specifically to paragraph 33. This is one of the examples where I believe the Ministers over the years have chosen to minimize, to read their power in the most minimalist approach. The power to issue directives, the power to make sure that the board follows the spirit and intent of legislation to the fullest extent possible for the benefit of workers, I don't think those were all, I think the Ministers have chosen to under read that or underestimate the power of that. So I'd like to know what the Minister's view is as the current Minister of WCB, what kind of things he feels he could change to address that. Thank you.

ACTING CHAIRMAN (Mr. Braden): Thank you, Ms. Lee. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. In terms of that specific question, if we're to change that then we are in fact getting into a situation where Ministers could direct the day-to-day operations of the board. Right now, if the Governance Council or the board is not following the legislation or the policies and procedures after that's brought to their attention, if they don't make the changes then the Minister has all the authority to change the Governance Council to affect that change. This government has done that in the past with a board, like the NWT Power Corporation, and that board was changed when it wasn't following the direction of the government of the day. I'd like to assure your committee, I haven't taken the WCB's word for the fact that the FAA directive of the Minister of Finance about not affecting any funds and the accident fund, I actually sought advice from the Department of Justice on that issue as well. So I am convinced that the directive power of Minister's is quite limited.

If we want to change that, that's obviously something you can do in legislation, but it also calls into question whether or not the Miranda, Miranda, sorry, Meredith principles are the ones that we should be still following. Maybe it's time to have that kind of discussion. They're 100 years old. Are they the right principles for governing an organization like this? There are other options. Most of the United States has gone to

private insurance. They require employers to find a company that will ensure or provide employee insurance for accidents. So there are other examples out there. We're not necessarily going to be tied to one. In my personal experience I think the Meredith Principles are the ones that we need for the Northwest Territories. I think they're still relevant, but there's no reason that we couldn't have that kind of discussion about whether or not they are the right ones. But that independence from government is one of the basic cornerstones of the Meredith Principles and if government is going to be seen as directing the WCB then I think if we're going to change that we're going to get to the point where the Minister can provide directives, then I think we need to examine whether or not all of the principles are the ones that we need to respect still.

ACTING CHAIRMAN (Mr. Braden): Okay. Thank you, Mr. Dent. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I'll try to be, I know I'm not very good at it, but I'll try to be brief.

ACTING CHAIRMAN (Mr. Braden): I may help you a little bit, Ms. Lee

---Laughter

MS. LEE: I have to tell you that it seems that Meredith principles are being used for different purposes depending on who's getting a hold of it. And I think the Minister would also benefit from reading the workers' advisor's presentation. The Meredith principle has a lot more principles in it than just independence of government from WCB. It speaks to one of the most important principles there is about the programs for the benefit of workers. I have to say, and I think a large part of the problem of WCB is it's turning more and more into a private insurance company. It is not a public insurance company, it's a public institution, as Madam Fraser has said so eloquently in her report.

About directives, I have to respectfully disagree with the Minister on that, and issuing directives on a broad public policy issues is not meddling in WCB. In fact, I have a legal opinion on the issue of the building question where the Minister and Cabinet is legislated under the act to approve and what, and as to what the definition of approve is, in terms of the role of Cabinet. And the Minister and I disagree strongly on what that means. For me it doesn't mean rubber-stamping what WCB brings up. There is a legislative power. Cabinet has a responsibility to look at all that. Look at the cost-benefit analysis. Look at the business case. The Minister has power to review the annual report and question. That is not meddling in day-to-day activities and if the Minister things that's the case then that is the minimalist approach that Ministers have been taking that has allowed the WCB system to erode against the benefits of workers. And I'm telling you at this point that the least I expect from the Minister is that he would refrain from defending the current status quo, that he would be open minded, that he would look at himself as a separate agent from WCB, that he has an important role to play under the legislative and policy framework, and it is an opportunity for us to change things, and that he will be open to suggestions being made on legislative, I mean, I could give you examples of how the medical opinion question has really changed in the way it's delivered as a policy from the legislative framework. I'm sure our report will include that.

So let me just say, could I get the commitment from the Minister that he sees his role as one that could make a change in this, that the buck has stopped somewhere, and that the buck has to stop with the WCB Minister. And I have to tell you, if he's not willing to do the changes, I'm sure we as Regular Members could do our own introduction of legislation to change the system so that I believe if the corporate culture and the way they deal with the workers do not change by policy we have to do it by legislation. And that's what we are here to do. That's what we're elected as legislators. We have powers to make laws and we could make a choice of saying that's meddling or we could take a choice by saying we're acting on behalf of the public that we serve. Thank you. If the Minister could, if he could at least commit to working with us in his independent role as Minister and not just speaking for the board. Thank you.

ACTING CHAIRMAN (Mr. Braden): To the moment and the principle and the manner of change, Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. As the Auditor General points out in her point, it should be the role of the Minister to challenge the annual business plan of the WCB to make sure that the Governance Council is on an annual basis at least their providing me with a review of what, how they're doing, that I should be discussing with them what their goals and objectives are. And I don't disagree that that is my role is to challenge the board and to make sure that they are not just heading off blindly in some direction without some second thought or some outside advice. But there's a difference between a challenge and providing a directive and saying you must do it this way. As a Minister of government, I have to follow the advice that I'm given by the Department of Justice. That's where it comes to me, the advice is that I can't provide the sort of directive that some people would like me to provide.

Clearly what I have to do is make sure, though, that the WCB is following legislation. I don't disagree with Ms. Lee that that is my responsibility to make sure that they are. And if I'm convinced that they are not following legislation then it is my responsibility to bring that to the Governance Council or the Appeals Tribunal's attention. Whoever it is that is not following their advice, or following the legislation. So I don't disagree that that is my role and as legislation changes then it is my role no matter what the legislation says to make sure that the Governance Council and Appeals Tribunal are following that. So I'm quite prepared to work with your committee and the legislation to make sure that's happening.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Dent. Ms. Lee, I believe you have one more turnaround here. Okay. Thank you. Mr. Villeneuve and Mr. Ramsay.

MR. VILLENEUVE: Thank you, Mr. Chairman. Thank you, Minister, for meeting with us today, I guess. Just getting back to some of the Minister's roles and responsibilities, I guess, as far as the Governance Council goes and the operations of WCB. I understand where he's coming from that he gets advice from the justice committee on his limitations and the limitations of the directives that he's allowed to give the board. But I'm just wondering, I know that the overall picture, I guess, of WCB with the Auditor General report is that they're not doing a bad job. They're doing pretty good. But the 30 percent

of injured workers and the employers that are dissatisfied is probably why we're here today. I'm just wondering, the report, the Leger that was done in 2005, you know, has a lot of information in there that is exactly what we're dealing with today. I'm just wondering, if we had taken some action or the Minister had taken some action with respect to how we could make some changes that the report had pointed out in 2005 we probably wouldn't be here today going over it again. Because, for instance, out of the 253 injured workers that were surveyed that says the things that WCB does well, looks after injured workers, only six percent agreed, you know, that they do look after injured workers well. And eight percent of employers agreed that they do. Forty percent of the injured workers responded that they want to learn more about how the WCB operates, and I think that's why we're all sitting here today is because nobody knows how it operates and, you know, we know the policies and procedures are always adhered to, but, like, again, some of the advice that we got over the week was that policies aren't law. We know that the regulations are the law, but the policies are bendable and sometimes can be amended to help the injured worker.

I just want to ask the Minister, in your office there, you know, you're the third Minister that this portfolio has been handed down to in the last two and a half years and the importance that the WCB plays in the whole NWT society, as far as helping families, distraught families, injured workers, employers, pay big bucks into the accident fund, would you consider it prudent to make a good decision to have somebody in your office that is directly linked to the WCB office that you can have briefings daily, weekly, monthly meetings or anything like that? Issues that you get from the Members to check into because as a Member myself, I don't know whether to go through your office, WCB's office. You're always getting the other Member said, you get the run-around. There's nobody that stops the buck. Would you see it prudent to have somebody in your office that's the direct contact, like a liaison officer or something like that, that you maybe could hire through WCB fund or anything like that? Because I know there's definitely no lack of money there. But would you support that recommendation?

ACTING CHAIRMAN (Mr. Braden): Mr. Dent, to the recommendation for a liaison officer or a dedicated staffer in your universe. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. I agree that, and I think the Auditor General's report highlights the fact that there is a problem with the protocol and how the communications are handled between the Legislative Assembly and the WCB. Whether that's in my office or whether that's as done in some other jurisdictions within the WCB, but with the specific function to deal with legislators, I'm not sure that it necessarily has to be in my office. But it is something that we can take a look at. How does it work? That's one of the areas I intend to work very closely with the Governance Council on very quickly to try and resolve. I would agree that, you know, I don't think it's really news that communication is a big issue with the WCB. That's been highlighted by this report, but I think it's something that was becoming pretty obvious before that, even though I'd only been the Minister for a relatively short period of time. So I would agree that we need to find some way to improve that. Whether it's in my office over there, I'm not sure yet, but we'll certainly take a look at how it should work.

ACTING CHAIRMAN (Mr. Braden): Mr. Villeneuve.

MR. VILLENEUVE: Thank you, Mr. Chairman. That being said, communication is pretty much the topic of the day here with the WCB. Just getting back to what my colleague Mr. Ramsay was saying yesterday, obviously there is a communication breakdown right off the get go. When we're having hearings here where there's nobody from your office, there's nobody from the WCB to hear them out to the bitter end that we have to do, and you know, geez, right off the start here communication has broken down. You know, it's obvious. Yesterday there was nobody around here from the WCB, there was only one Appeals Tribunal member. Right there, that just stands out in itself as a breakdown right off the get go. To me, it's pretty disappointing actually, but that being said, is your office resourced enough to deal with the WCB mandate and your mandate with the WCB to help you evaluate all their business plans, their investment plans, and whatnot? Do you have the resources in your office to make sure that you're on top of that?

ACTING CHAIRMAN (Mr. Braden): Okay. Thank you. Good question, Mr. Villeneuve. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. I'll admit that it's a challenge to stay on top of things given the resources in the Minister's office. It's the same whether you've got other statutory responsibilities outside of a department that don't come with resources. That happens, for instance, with the Minister responsible for seniors or the Minister responsible for Youth. Although they may be tied to departments that have some areas of interest there, they don't actually have any specific resources tied to those. So it is a challenge and it comes not just with this office, but with all of the Ministers offices that you have those challenges. At this point I think we've been able to have a pretty good relationship with the Governance Council, the Appeals Tribunal, the Workers' Advisor. I meet with those folks regularly; I have the time to do that. I get communications from them. For instance, the Appeals Tribunal, I've encouraged Ms. Simpson to develop a website, make sure that decisions are posted on it, make sure that their phone number is more accessible so that it's clear that they're independent. I appreciated the Auditor General's report highlighted the fact that the Appeals Tribunal is independent, but I would agree with the concern that it doesn't always appear to be independent. We have to find some way to improve that.

So the advice that we need to improve the skill sets, that's something that we've started to do. I've had or asked Ms. Simpson to develop, for instance, a job description for somebody on the Appeals Tribunal so that there is a better understanding of what the expectations are. In some of the other boards for which I have responsibility we've asked the chairs to, not so much interview prospective candidates, but to discuss the expectations on those boards and as I'm in the process of looking for a new appointment to the Appeals Tribunal I've undertaken the same process with Ms. Simpson and asked her to actually meet with some of the candidates that I thought were qualified and to give me her advice on whether or not they brought the qualifications that the Appeals Tribunal needs to the table.

So I think I've got the time right now to meet with the folks to do the job. I will admit though that it is at times challenging to do it on a timely basis. When we're in session it gets to be difficult for me to deal with things on a timely basis. I'll admit that is a problem. That's why I welcome the suggestion that we find a liaison office between the WCB, or a liaison officer between the WCB and the Legislative Assembly because I think that would improve that function.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Dent. Mr. Villeneuve. Mr. Ramsay, I think you're up next. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I wanted to get back to something that the workers' advisor said to us yesterday and that was if we could come up with a way to find a resolution to conflicting medical opinions it would reduce the workload in the workers' advisor's office by 60 percent. I'm wondering if the Minister would be prepared to work with his colleague in Nunavut, Mr. Netser, to initiate legislation that would see a process to resolve conflicting medical opinions if the board fails to come up with one of their own? I'm wondering if the Minister could make a commitment to do that? Thank you.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Ramsay. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. This has been an ongoing issue and I know it was highlighted during the Act Now report and it's something that when I was a Regular Member, it was an issue that I was certainly pushing for a panel to be established. And I believe that we need to find some way to deal with it. I'm not sure that legislation would necessarily do it. We need to make sure that we're working with the medical community to find something that works. I think that's got to be the first step. But I would agree that it has to be a very high priority to make sure that we find some way to deal with this issue. I will make that commitment that I will make it the highest priority to deal with over the next little while. One way or the other, we will find a way that resolves it.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Dent. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I thank the Minister for that commitment. Seeing that he's in the mood for commitments, I'd like to as well as him if he would commit to tabling the workers' advisor's report on an annual basis and if you could commit to that as well that would be great. Thank you.

ACTING CHAIRMAN (Mr. Braden): Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. The workers' advisor and I have discussed this already and we were looking at doing that starting next year. I don't know if committee's noticed that we actually tabled the annual report from the Appeals Tribunal this year. That's the first, it's not required by statute, but I discussed with Ms. Simpson in the interest of openness and accountability doing that sort of thing. So that report has been tabled for the first time this year. It hasn't been tabled yet in Nunavut because it hadn't been translated into Inuktitut, but they are going to table it this fall too.

So this is certainly, I would agree that we need to do that sort of thing. I think the Auditor General had a very good suggestion in that your committee could then take those reports as they're tabled and invite the bodies to appear before you to talk about them. I think that would certainly help improve the communications between the parties. I think that's a good idea.

ACTING CHAIRMAN (Mr. Braden): Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I thank the Minister for that. I just wanted to try and get a little bit of a better understanding on legislation and how it changes in the WCB. Is there's a legislative initiative brought on by the Legislature who drafts that legislation? Is it Justice or is it the WCB itself that actually drafts up the legislation and comes up with the legislative proposal for the Legislature to look at? I think that's a very important question for me to try to understand how exactly that works. If we're responsible for legislation but we let the WCB draft all their own legislation, then is there something wrong with that picture? I'd like to ask the Minister to comment on that. Thank you.

ACTING CHAIRMAN (Mr. Braden): To the process of making law, Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. In general, in almost every occasion and certainly in the case of the WCB Act amendments, Justice has what you I guess say has the pen. They may not be the ones actually doing the writing, there may be a contract lawyer involved, but they have supervising, they're the ones responsible for supervising. Obviously the WCB legal department would be involved as well, providing advice, but it's the Department of Justice that has the final oversight.

ACTING CHAIRMAN (Mr. Braden): Okay. Mr. Ramsay. Ms. Lee.

MS. LEE: Yes, on the specifics on what I said earlier about the need for us to consider some legislative changes to address the imbalance of power between WCB as an institution and the workers, and injured workers, just one of the examples that the workers' advisor stated yesterday was the policy interpretation of the legislation that says in all circumstances, in looking at the circumstances the...It's hard to repeat what was said, but...Under each case, I think what he said was, all reasonable inferences and presumption should be made in favour of the worker. That is part of the Meredith principle, as well as independence and no-fault system and collective interest and such. But the way, the policy, WCB interprets that policy is that the presumption in favour of the worker only kicks in where the medical evidence is sort of on the fence. It's only when, and I guess you could interpret it that you don't need to do the presumption in favour of the worker until the facts are unbalanced, but I think that's a very narrow reading of that legislative guidance. I think the law should trump policies and policies should be in line with the spirit and intent of legislation. It is the job of the Ministers and WCB, I mean, the Legislature to make sure that their interpretation, for whatever reasons, are not being watered down. It's not watering down the spirit and intent of legislation.

Another example that the workers' advisor gave was with respect to the amount of money that's paid for injured workers where, when they're dealing with lost wages of an injured worker, they calculate that amount based on that injured worker's normal wages. But when it goes to compensating for vocational rehab program, they use a different set of amounts. They use it on some kind of hourly wages. I'm not sure if it's based on minimum wage plus or whatever amount the WCB feels is necessary, and they feel that that's within their policy guidelines. I think this is where we need to really pay attention, because it's the little things like this that really adds up to people feeling like they're not getting a fair shake or that there are rules being made arbitrarily that's not in their favour. That's the area that we can step in and that does not constitute meddling of administration.

So I'd like to know from the Minister if a committee makes recommendations on reviewing legislation like that and to put legislative changes because I really feel that's necessary. Because I think their admin does what it does under the rules they have and they interpret them the way they do because they feel that they can and it just perpetuates their philosophy. It's slowly moving or fastly moving against decisions in favour of the workers. So I'd like to know if the Minister would be willing to review the legislation in those areas that we bring up and see if he'd be willing to make changes. Thank you.

ACTING CHAIRMAN (Mr. Braden): Thank you, Ms. Lee. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. Obviously any recommendations the committee makes will be considered by my office and by Cabinet. So we will consider any recommendations that you might make. I think though that the Auditor General's report talks about the need to involve other stakeholders in the policy consultation process. I would agree that this committee and legislators in general form part of the public with whom the WCB should be involved in consultation. This may be an area where there needs to be a review of the policies of the WCB. They need to embark on some consultative process to ensure that they're policies are respecting what people want to see.

The Governance Council is made up of an equal balance between employees and employer reps with public interest reps. So I would hope that we aren't seeing, as Ms. Lee says, a rapid move away from the interests of the worker being protected because I think that the employee reps on the board bring a considerable interest in employee issues and rights and when they're looking at those policies I think that they are quite well debated at the Governance Council. But it may be an area where there needs to be more, as the Auditor General says, more outside involvement as these policies are being developed and I totally support that.

ACTING CHAIRMAN (Mr. Braden): Ms. Lee.

MS. LEE: Okay. I'm going to look for one more commitment here. Let me just say, and let me just say that I really don't think we need to study this issue any more. One could study things and there's always need for studies for that, but I really do believe

that we have enough information and we have enough power to do something now and I'm really hoping that we could get this by the end of this Assembly, not next Assembly as quoted in the media. But I was here when the Act Now was Act Now then, and that was years ago. And I think Act Now is now.

---Laughter

And we have changed legislation, we have made legislative proposals there. We've dealt with issues of conflicting medical opinions and such and we had Dr. King come in here and said it's been in effect for two years, but we're not sure how that's affected. You know? It's not that we don't know these issues. I have to tell you, we know what we need to be done.

On the issue of balancing the power between the workers and the WCB, one example that we heard yesterday is the fact that in the legislation that states the mandate of WCB, it states that the mandate of GC is to administer the act and to administer the money. But there's nothing that says look after the benefits of the worker, I mean, look after the worker. I just think it's got to be a triangle system. WCB has to look after the legislation and that legislative power has to be balanced. They have to look after the fund, which is really representing the employer's interest. And there's no question from the report that they have done a very good job in managing the money. In fact, they're over-funded in their money. They're looking at decreasing the rates next year. But there is no mention of the fact that they also have to look at the interest of the workers. And it might be assumed and the WCB may feel that they are looking after the interest of workers, but I don't believe, I think that we need to put some teeth in there to make sure that in all their decisions and policy interpretation and policy making that those balances have to come into play. So I think we need to state that clearly because spirit and intent is there, but it's not being followed. They may have to write it down in black and white.

So one of the things that I think could empower the medical opinions, the conflicting medical opinions yesterday, the sense I get from listening to WCB administration and GC is that there is a resistance. There is a lot of suggestions about why some of the suggestions would not work, and this is why I believe the changes cannot come from within. No significant changes can come from within, not because they don't want to, but I think they may be not capable of seeing what needs to be changed. And the changes that you and I, and in this room I want to talk about, is changing not talking just about how do we do better with what we have, but how do we enhance what we have. And I do believe we have the power to change that; to enhance. And we don't need any more studies. We could consult. We could have a clause in there, mandate of GC. It has to be balanced between looking after the money and looking after the people; one clause. We could do consultation and get first, second and third reading within the life of this Assembly. So I'd like to know from the Minister if he would work with us to review the legislation in terms of the power and balance and to address that. Thank you.

ACTING CHAIRMAN (Mr. Braden): Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. If it's, like, we're talking about a simple statement as part of the preamble or something to make it clear that there has to be respect for the rights of the employer, or the employee, or all parties, then absolutely we can look at doing that. We do have, as this committee will be aware, a legislative proposal that has come through your committee that's moving forward. In order to deal with that, even in the life of this Assembly, is proving to be challenging to get all the drafting done. So as we add more parts to it, it becomes less likely that we will get it through in the life of this Assembly. So I am quite prepared to work with committee. I don't want to slow down the process that's underway now. We may have to look at a second set of amendments. I would hope that we would be able to move forward with the stuff that's in the hopper right now. If we can advance any changes that your committee recommends that should be incorporated into that upcoming legislation, we will certainly try to do that, but it may not be possible to do that and still get it through in the life of the Assembly. Just with that caution, I am prepared to take a look at what we can do.

ACTING CHAIRMAN (Mr. Braden): Ms. Lee.

MS. LEE: We passed legislation on the parks issue in five days last Assembly and we routinely pass budgets within the life of one session. Anyhow, caution is good but we'll see how that works.

I want to mention, for the record, in front of the Minister, about this legal fund issue. Again, that, for me, is a balance of power. I think it would actually work for the benefit of employers and the accident fund to have a balancing power. It could be in the office of the workers' advisor. This is a practice done elsewhere. It's not something new. The whole WCB regime is based on the fact that employers are free from liability for workplace injuries. Once they pay into the system, they're not liable for accidents that happen. Then you don't have to go through costly litigation of determining liability or fault or anything. Employers and employees both give up certain rights and pay into this, so that injured people can be compensated. I understand that it's not a lot of cases that go through litigation in comparison to the overall number of cases. But there are some really protracted, difficult Charter challenge cases that are going through the core system that most people cannot afford. Charter challenges are expensive, even for governments or multinational corporations. It is not something that an individual, never mind an injured worker who has a limited income, can consider. As has already been stated in this process, the judicial review of WCB is an administrative law process and it doesn't give an opportunity for the workers to get their case looked at by the court again. It's just a very narrow, esoteric particular review of the decision for its process in the area of discretion.

I really think that that goes to the question of why it is that WCB, with 170 employees and their own lawyers and all the money they have, they are allowed to access the accident fund for their litigation purposes. So they have unlimited litigation money, but somehow workers don't. Most people don't want to go to the core system. The workers who come here and have to think about litigation, it's the place of last resort. For people

who have no money and no power to pursue that, it's because they feel really grieved and they have no other means but to do that.

There have to be checks and balances and I think putting the legal fund with the workers' advisor office would be a good option. If the WCB, GC and the administration knows that their questions would be subject to judicial review and the Appeals Tribunal, which they already are, but that there is more chance of that maybe with the funds provided, I think it would work as a check in what they do and if the legislation is changed in favour of workers to reflect the benefit of doubt to workers, I think that would all go to addressing the imbalance, which I believe is there. This is a long-lasting thing we can do. That's not meddling in the day-to-day research. I would like to ask the Minister to seriously be open to this idea and give real good consideration to that because it's done elsewhere.

On the conflicting medical opinion, in Yukon we were told that medical opinions of the most senior doctor is taken, whereas in this jurisdiction, for some reason, we could have a GP overriding the opinion of up to eight specialists. I know the Minister has already indicated that he's willing to look at this, but what I am saying is those changes cannot come from within. We already hear the resistance. I am looking for leadership from the Minister to look at so many of these separately and it is an opportunity for us to do that. If there is a will and intent to do that, it can be done.

ACTING CHAIRMAN (Mr. Braden): Mr. Minister, to the establishment of a fund for workers and the balance of medical opinions. Mr. Dent.

HON. CHARLES DENT: Thank you, Mr. Chairman. I have already addressed the issue of the medical opinions, I would agree that it's something we need to find a way to work on. I have discussed it with the chair of the Governance Council on more than one occasion. We are agreed that it will be something that they work to resolve quickly and I will make sure that's followed up on.

In terms of the legal fund, this is something that I am not aware of it being done in other jurisdictions. I will look for that information. I will certainly talk to other jurisdictions about how that's worked in those areas. Yes, it's something we can take a look at. I want to make sure it's not something that isn't found to be effective in other jurisdictions or if we can find out what the problems are, then come back and discuss it with your committee. I will certainly take a look at it.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Dent. I see no other hands. Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Chairman. I don't necessarily have a question. I just wanted to thank the Minister for being with us this morning. One of the most interesting observations that I had from yesterday when Mr. Baile, the workers' advisor, was in front of us and he was talking to us about claimants and policies. It really was too bad that the WCB wasn't here yesterday to hear this and they aren't here again today, but

maybe the Minister can pass this onto them. Policies are not explained very well to claimants. That, to me, has been an underlying theme this week and what happens is it's just a bureaucracy that people get caught in this web and they really don't know where they are at in the process or what's happening to them. All they know is they are hurt, they are filled with fear, anxiety, frustration and they just... I think Mr. Baile referred to it as a flowchart. There is nothing that says this is where you are at in the process and these are the things you have to do to get here or to finish or to conclude your experience with the WCB. It was a snapshot for me of the difficulty that claimants are having with the WCB. It's so frustrating dealing with the bureaucracy and where they are at and how they are being processed through the system.

It was important for me to tell the Minister that. It sums things up for me in a lot of ways. I am on the same page as my counterpart, Ms. Lee, in terms of the legal assistance that should be available to workers to act as a counterbalance. I think that's something we should explore. We have to get resolution to the issue of conflicting medical opinions. That has to happen. Again, I just wanted to thank the Minister for being here this afternoon, as well as the Auditor General's staff who have been with us for the duration of this week. I much appreciate your work, gentlemen, and Ms. Fraser as well. It was a fine piece of work and hopefully it will act as a catalyst to finding some changes in the near future for claimants and for the WCB, so we can move forward and hopefully make the whole process of going through an experience with the WCB easier and humanize the process somewhat. I really think that needs to happen. I wanted to thank you, Mr. Chairman.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mr. Ramsay. Colleagues, there are a couple of things I wanted to come in with and in that process, I would like to ask Mrs. Groenewegen to take the chair, so she might be able to guide me through a couple of points. Mrs. Groenewegen.

ACTING CHAIRPERSON (Mrs. Groenewegen): Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. Mr. Ramsay has raised a point that I would like to underline too and that is the lack of a pair of ears and eyes from the WCB or the Governance Council for the balance of the proceedings of this committee after their appearance here yesterday. Of course, there is always the written transcript, a document absolutely of what was said. But how it is said, communicating is so much a part of comprehending. We've been talking about communication here and I know there is a standard from the WCB that they put out information and consider that as communication. I'm sorry; a website is not communication. A letter richly commanding Members of this committee to appear at a WCB briefing is not communication. It is a two-way, three-way, four-way connection that the board and the Governance Council just do not understand. Their lack of presence here is just another signal of the arrogance and the isolation that this organization has demonstrated to me as an MLA and what has caused me to ask you to bring the Auditor General in and thank goodness we have.

Madam Chair, there were no fireworks out of this report. There was no crisis or calamity. I think there was a sense at some levels of we escaped. We're okay, we can manage this. Well, you know, we will manage this and it's not going to be a straightforward, okay, we'll just roll this into the exercise, as Ms. Lee has so vociferously given us a signal that it's a change that we seek. It's not a tweak. It's not an amendment or a tune-up. It's not a renovation. It's change. These, again, are the signals, at least at this point, I am not seeing.

You know, Madam Chair, we have to continue as politicians and as voices for our constituents to look to the future and to what it is we want to achieve. That is where I want to go from here.

So how do we achieve that? Let's look at the accountabilities here; accountabilities that this committee has and as MLAs to seek answers and get information and move ahead. The mixed messages that I have received over the last six or seven years are really part of the problem that I have with the accountabilities. I want to illustrate this very, very quickly. I will go back to the term that...(inaudible)...when Penny Ballantyne was the president of WCB. Her approach to working with MLAs was wonderful; phone me anytime when there is any issue at all specific to a constituent, a worker, a policy. I want to know, I want to help. She was doing that with the concurrence of her Minister. That was great. When Mrs. Ballantyne moved on, there was a change in leadership and a change at the political leadership, so when I tried at one point to communicate to the chairman with some questions on behalf of a constituent, that chairman wrote back through the Minister saying my goodness, how dare you think that you can get a direct answer from the WCB or the chairman's office. You have to go through your Minister. So that was one mixed signal that I got.

Yesterday, Mr. Rodgers said that if I ever have anything I would like to know, I can go directly to him as the chairman, or the Minister. So I am getting all sorts of mixed signals here over different administrations of just what the protocol is and how I can communicate as an MLA for my constituents or for my job in oversight. So this is a mess. I am not going to ask the Minister to come in with his opinion. Now, this is something that needs to be worked out and I hope it's worked out quickly and I want to be part of how we can establish those communication protocols, at least at this level.

Madam Chair, a couple of the extreme urgencies that I see out of this -- and I am not calling them crises but extreme urgencies -- is the Minister has already agreed and I was pleased to hear him put this priority on the issue of medical advice conflicts. This is something that out of the three days we have had here in my experience in the Auditor General's report, this is the area that deserves the most attention. I think we've dealt with that quite effectively this morning, at least in terms of acknowledging that it's there.

There are a couple of other areas and it involves things, for instance, like performance measurement and being able to assess and know how the WCB, the Appeals Tribunal, the workers' advisor office, the office of the Minister, how are they doing? We have seen, especially as highlighted by the audit, that the kind of robust and rigorous

standard measurements and tests and assessments that should be there in an organization that is as mature as this one and as big as this one, \$282 million in the fund, 120 employees, legislated, lawful, mandatory requirement of an employer to belong to the WCB, we have had informal relationships. How can this be with an organization that's been around and is as significant as this one is?

A question I put here, Madam Chair, is how does the Minister then assess the performance of the Governance Council and its individual Members and of that of the Appeals Tribunal as well, because these are the appointments that the Minister's office is directly responsible for. What performance measures does the Minister have for these offices, Madam Chair?

ACTING CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Braden. Mr. Dent.

HON. CHARLES DENT: Thank you, Madam Chair. Perhaps I could go back to Mr. Braden's first comments about protocol and communications. I would like to confirm what Mr. Rodgers told your committee, that you are welcome to contact Mr. Rodgers directly or go through my office. We are in regular communication and if it comes to my office, Mr. Rodgers will know about it. If it goes to Mr. Rodgers' office, my office will know about it. We don't have a problem with you making an approach through either office until we develop this protocol. Even at that time, it won't forestall you from going to either office directly, but we will hope to set up a formal protocol that everybody will understand, as here is the way you can most easily get your information, the shortest and quickest route. That's what we are going to try to work to set up.

In terms of the relationship between my office and the different bodies, it may have been informal but it hasn't been irregular. Whether it's been the practice of setting out that there are minutes for each meeting and that there is an agenda and that we go through certain things, no, that hasn't always been the case. But the communications have been regular and the discussions are always about areas that either I know are going to be important or think are important or the chair of the Appeals Tribunal or the chair of the Governance Council will bring to the table.

How will I work on appraisals of the members of the boards? A good first step has happened, as I have outlined with the Appeals Tribunal, where we now have a job description for the Members. I have recommended to the chair that she take that job description that she prepared and has shared with me to all the members of her tribunal, that they examine it themselves, that they make modifications to it that they see appropriate, again share it with me and finally adopt it as a policy, so that it becomes a clear understanding as to what the expectations are for people who are involved in that body.

I am going to propose a similar process for the Governance Council. That, along with the annual review that has been recommended by the Auditor General that the Governance Council has agreed with, will offer me adequate opportunity to assess the performance of the people who are involved in the organization.

I encourage both members of both the Appeals Tribunal and the Governance Council to ensure that adequate opportunities for training are taken as well. I would agree with the comments in the report that there needs to be a broad awareness of what the responsibilities are and some opportunities for advancement and making sure people are getting better at doing the job.

ACTING CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Dent. Mr. Braden.

MR. BRADEN: Thank you. Madam Chair, the Minister mentioned training and it stood out for me through the Auditor General's report as a significant deficiency, historic, at the WCB, at all levels. It even prompted a question to various members of the WCB matrix and I would even put it to the Minister. To what extent was the Minister trained, oriented, familiarized with his roles and responsibilities, the latitude that he has? Is there an operator's manual, if you will, that comes from the office of the Minister?

Madam Chair, just to continue on with a point here also related to training, and I put this one forward with some caution because I am not entirely familiar with a lot of the background here, but looking at the 2005 annual report of the WCB, we see that there is a training and development budget of \$319,000, about three percent of the overall \$11 million payroll. If we look at that, I don't know what the historic numbers are. The previous year, it was \$288,000. For a field of 120 employees in such an expensive training environment as we have here, it seems almost paltry. Again, this is an observation and I want the benefit of more background before really pursuing it, but the WCB spent almost the identical amount on office furnishings and equipment in the same year, 2005. The budget of the Governance Council, seven members of the Governance Council, Madam Chair, was \$470,000 compared to a training budget for 120 people of \$319,000. Now I am plucking things off a page and I need more information, but the appearance, the perception of priority is something that I am going to be following up as committee continues its pursuit of this topic.

Madam Chair, I guess I would finish up my remarks with an observation of one of the Auditor General's recommendations. I'm sorry; there are two I would like to comment on. One of them is this notion of a liaison officer with the WCB, the Governance Council and the Legislative Assembly. I look at that with some doubt, Madam Chair. It was, in a former life of mine, a duty that was in my job description when I was with the Power Corporation to assist with that function. It was something that I learned a lot from. One of the things is that I really came away with a firm belief that it is the people responsible who have the decision-making authorities who should have the key frontline communication authority. We are a small, relatively speaking, small, almost intimate government and community. I question whether or not we should put in yet another filter. This is my sense of communication of liaison officers and I don't think we need that. I think that if we have the right attitude about communication and accountability, that that is all we will need.

That is the second and final point I would like to bring forward, which is about something Ms. Fraser gave to committee when we were discussing accountability. She said

accountability is a relationship. Those are very powerful words for me. If we have to set up words, protocols, performance measures and all those sorts of things, yes, they are what provide consistency and some stability to those relationships, but accountability itself, the core of it, is knowing that we can look each other in the eye, hear each other clearly and be able to challenge, not always agree. We don't have to do that, as long as we can understand that we all have roles and functions to do and that we need to keep the worker and the families at the forefront of what we do, Madam Chair.

ACTING CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Braden. Mr. Dent.

HON. CHARLES DENT: Thank you, Madam Chair. I would agree completely with Mr. Braden that accountability is about relationships. That's why I can tell you that I have a good relationship with the chair of the Governance Council. I meet with all members of the Governance Council occasionally, but with the chair we talk weekly at least, and quite regularly we meet face to face.

That's the other thing I would agree with. For accountability, there is no reason for Members here not to go right to the top. You can talk to either my office or the chair of the Governance Council. If we set up a liaison office, it would not be for any other reason other than to try to speed up the communications. Even if that liaison office is there, you will always be welcome to talk directly to the chair or to the Minister. That isn't something we are trying to add a filter to, we are trying to facilitate the flow of information, if we do anything. I talked about this, first of all, with Mr. Simpson. He brought it up early in the process as he was interviewing me for the Auditor General's report. I said we certainly take a look at what other jurisdictions are doing because if it's working elsewhere and improving the flow of information, then maybe it's something that we should take a look at. But it's certainly not intended as a filter and it is in no way to detract from Members' opportunities to go directly to the chair or myself, because those are the people you are always entitled to talk to. I agree; it's in large part, relationships. It doesn't hurt to have those protocols. I would accept the Member in his previous question was asking how am I going to govern my relationship or change my relationships with the chairs of the two bodies. I would agree that it's probably a mature enough organization that we should have a protocol. I have Mr. Rodgers on my speed dial on my cell phone, all of his numbers. I can talk to him just about anything no matter where he is and we do talk regularly. He, in fact, has all of my numbers. The same protocol obtains there and we have a good relationship.

But I would agree with the Auditor General that we should probably have a formal relationship as well. We should formalize it. That's all we are talking about when we talk about a liaison officer. There is a formal opportunity for that flow of communication. So we will certainly make sure that we don't take away from the opportunity to communicate. We are trying to improve that.

In terms of training, no, there is no manual that comes with any Minister's job. You are expected to learn on the job. I guess what training have I had? I bring 14 years of experience in government to the table and that's where I would get it.

In terms of the amount of staff training, the Auditor General's report has highlighted what they see as a deficiency in training. The Governance Council has already agreed and the WCB has already agreed that that is an area that needs to have some attention. So I think that that one will be dealt with very shortly as well.

ACTING CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Dent. Any further comments or questions? If not, I will turn the chair back to Mr. Braden, then, for closing comments. I will give you back the chair and then I want to say one thing in closing.

ACTING CHAIRMAN (Mr. Braden): Okay, musical chairs. Thank you for assisting committee, Mrs. Groenewegen. You have the floor now.

MRS. GROENEWEGEN: Thank you very much. This has been a really worthwhile dialogue and exercise this week, as it was precipitated by the Auditor General's report and the motion in the House to have that report done. I think it's been very useful. I can't say that I completely concur with everyone's observations around the table with respect to the WCB. I am, as I said at the very outset, concerned that we take a measured approach to how we see improving the organization in that I think it would be detrimental given the role of some of the key players being mostly on a volunteer basis. I think the Governance Council, the Appeals Tribunal, these folks are paid an honorarium. They have invested some considerable time and we have invested in them as well in some of the time they have spent and the experience they have gleaned.

I am concerned, I guess, at the close of this week that we, like I said, take a measured approach as not to demoralize the people who are performing in those various roles and within the institution itself. I just think we have to be careful about that. I think there is room for improvement, absolutely.

To the issue of a liaison, even the Status of Women portfolio held by a Minister has a full-time liaison person to keep the Minister apprised of some of the issues. It doesn't have to be the daily goings on of the WCB. It can be national trends, it can be best practices, it can be all kinds of things that a person can do. It doesn't have to be only a communications filter.

I am a firm believer that communication is extremely important. I also think that most misunderstandings are a matter of miscommunication. Now I don't want to trivialize the issues that the...the challenges they face. At the same time, I feel optimistic, at the end of this, I feel encouraged that we are moving in the right direction and all in all this was an extremely useful exercise. Thank you, Mr. Chairman.

ACTING CHAIRMAN (Mr. Braden): Thank you, Mrs. Groenewegen. Okay. Mr. Minister. Thank you for coming before us this morning. I think committee will be looking very carefully at how we can continue to follow through on the recommendations and the changes that we have talked about. In closing, again, I want to acknowledge Mr. Simpson, Mr. Stadlweiser, for your very professional and very constructive work here. You continue to show the value of the relationship that our government has with the

Auditor General for Canada and it's something we will look forward to further results. We also wish you both all the best in your future endeavours, as we understand this will be, in an official capacity with this committee, the last time we enjoy your company and your guidance.

I would also like to acknowledge who have been with us through the week again this morning: Andrew Lennox of the office of the Auditor General from Ottawa and Guy LeGras, who will succeed Mr. Simpson as the principal in Edmonton.

---Interjection

---Laughter

ACTING CHAIRMAN (Mr. Braden): We'll work on the grey hair, but any day with hair is a good day, gentlemen.

---Laughter

I would also like to thank our colleagues from Nunavut, Mr. Peterson and Mr. Baldwin, for being with us here; members of the media; and, of course, members of the public and workers who have been here. So I think we will finish this off, committee. Happy Canada Day, a safe and happy summer, everybody. Thank you.

---ADJOURNMENT