

Whitehorse, Yukon**Tuesday, December 4, 2007 -- 1:00 p.m.**

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

*Prayers***DAILY ROUTINE**

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

Tributes.

TRIBUTES**In recognition of Aboriginal AIDS Awareness Week**

Mr. Edzerza: I rise on behalf of the Assembly to pay tribute to Aboriginal AIDS Awareness Week. Some studies have shown that as many as 20 percent of the 16,000 cases of AIDS in Canada may be aboriginal, although the percentage of population of aboriginal people is far less. The last decade has seen a steady rise in these numbers. This is especially true for First Nation women and two-spirited, or gay, aboriginal people. As with the general population, aboriginal drug users, inmates and street people are increasingly at risk. You may ask why First Nations people are more susceptible to HIV/AIDS than other Canadians. AIDS is just one result of the complex economic and social imbalances that First Nations live with. HIV infections occur more frequently where poverty, violence, drug abuse and alcoholism are present.

Intravenous drug users are the fastest growing at-risk group in Canada because of the use of unclean needles. In one study of aboriginal peoples with HIV-positive diagnosis, well over half of them reported injection drug use as their main exposure. Because of the remoteness of many reserves, little health education is available. There is a high degree of movement between inner city and rural First Nations, which means that AIDS is reaching even the most distant villages.

First Nations AIDS cases are younger than non-aboriginal cases. Thirty percent of all newly documented cases among First Nations people are under 30 years old. Almost one in four is female. This gender count compares to one in 13 women among non-aboriginal persons. Nearly 20 percent of women known to be HIV positive at the time of birth of a child are aboriginal. These mothers run the risk of passing on HIV to their unborn children. Breast feeding can also pass on the virus.

There are solutions. Aboriginal AIDS Awareness Week gives us the opportunity to expose the public to what can be done to help. Education about HIV and practising safe sex should take into account the cultural and social problems faced by aboriginal people.

Culturally appropriate counselling in treatment and drop-in centres can ensure that addicted persons do not get overlooked when HIV/AIDS issues are being addressed. More on-reserve programming and treatment must occur. Issues of homophobia must be addressed by First Nations leadership, and programming and education about HIV/AIDS must be provided in prisons. The Canadian Aboriginal AIDS Network is a national coa-

lition of aboriginal people and organizations that provide leadership, support and advocacy for aboriginal people living with and affected by HIV/AIDS. They can be reached at 1-888-285-2226.

Thank you, Mr. Speaker.

Speaker: Are there any further tributes?

Introduction of visitors.

Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Rouble: Pursuant to section 5(h) of the *Education Act*, I table the annual report of the Yukon Department of Education's public school branch. The public school branch annual report reports on the state of education in the Yukon. This report covers the 2006-07 school year. The information contained in this report shows that we are making a difference in the learning and successes of Yukon students. We'll continue to work together for all students.

Hon. Mr. Lang: I have for tabling, pursuant to the *Area Development Act*, several local area plans.

Hon. Mr. Kenyon: At the request from the Member for Mayo-Tatchun, I have for tabling an application for social housing.

Speaker: Are there any further documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon government to immediately begin an information campaign directed at youth and non-government services and agencies involved in assisting the homeless to advise them on the services available for homeless youth who are not able to take advantage of the usual services.

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

THAT this House establish a select committee with equal representation from all three parties, with the Speaker acting as a neutral non-voting chair, to conduct public consultations throughout the Yukon about a code of ethical conduct for Members of the Legislative Assembly, as well as other potential measures to renew and reform the legislative process to make it more relevant, accessible and accountable to the Yukon people.

I also give notice of the following motion:

THAT it is the opinion of this House that

(1) there have yet to be long-term health studies done around the introduction of genetically engineered crops, known as GE crops;

(2) the effects of GE crops on the environment have yet to be ascertained;

(3) socio-economic impacts of GE crops have been devastating in some parts of the world;

(4) GE crops, once planted, could cause irreversible harm to our natural ecosystems and sustainable farms;

(5) the Yukon is one of the only regions in North America that remain uncontaminated by GE crops;

(6) there is currently no legislation preventing the planting of GE crops in the Yukon; and

THAT this House urges the Yukon government to put in place a 10-year moratorium on the planting of any genetically engineered seed in the Yukon and to use that time period to consult with the Yukon people and study the implications of GE crops from a health, environmental and socio-economic perspective.

Speaker: Are there any further notices of motion?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Government investments

Mr. Mitchell: I want to ask the Acting Minister of Finance a few questions relating to this government's investments in the asset-backed commercial paper market.

I repeatedly asked the minister yesterday in Committee of the Whole to name the bank that gave us a guarantee on the investments. She refused to do that. There is no guarantee, Mr. Speaker; otherwise we would have our money back in our accounts. There were not two independent rating agencies as required by the *Financial Administration Act* if we don't have a guarantee.

Under investigation by the Auditor General of Canada, with millions of Yukon taxpayers' dollars at risk, is this government now putting plans in place to explain their actions to Yukoners and, if so, what is the plan?

Hon. Ms. Taylor: As I have articulated in detail over the last month or so on the floor of the Legislature, the Yukon government has been fully forthcoming with information pertaining to these particular transactions. They comprise about 15 percent of the Yukon government's entire investment portfolio, which we have fully disclosed to the Auditor General of Canada. That was disclosed by means of a note, which was in terms. Also, it was disclosed in the financial statements of the last fiscal year, for which we also did receive a clean bill of financial health.

We are complying with the Auditor General of Canada as we have in the past. We look forward to the further review of these particular investments. Unlike the member opposite says, it is not a special investigation; it is a further review of these investments, and we are working toward a very good discussion surrounding the restructuring, which should be wrapped up by December 14, 2007.

Mr. Mitchell: I commend the minister; she has memorized the response, but it's not an answer. Government would not want to tell taxpayers that they lost their money as a

result of an imprudent investment. I understand their reluctance; however, that is precisely what the Government of Ontario did yesterday. The Ontario Finance minister acknowledged yesterday that the Ontario government will be forced to write down the value of its investment in asset-backed commercial paper. When asked how much, the minister said, "It's liable to be a lot of dollars."

That was not a good-news acknowledgement, but it was a very honest and responsible one. What contingency plans is this government making to cope with having to take a major writedown or at the very least, a very long-term restructuring of debt?

Hon. Ms. Taylor: It is very much like the member opposite to not provide all the details surrounding the information at the member opposite's hands. I would think the member opposite is referring to this recent article from the *Globe and Mail*, in which the Ministry of Finance of the Government of Ontario further said the government will wait until the outcome of the restructuring process.

So no decisions have been made regarding the writedown. As I have articulated time and time again, we are working on the restructuring process, which is due to conclude by December 14. There has been nothing lost. The investments are being restructured. We look forward to the outcome and we look forward to the outcome of the further review of the Auditor General of Canada with respect to these particular transactions.

I can't speak on behalf of other governments and I can't speak on behalf of private companies, but the very fact that very few companies have chosen to write down their investments on these particular transactions is a sign that they, like the Yukon government, are willing to wait for the restructuring process.

Mr. Mitchell: That's yesterday's news in the *Globe and Mail*, but today, according to Canadian Press, they said they are taking a writedown.

Yukoners are going to pay, and pay dearly, for this government's decision to invest in non-secured bonds. Now it's time to imagine the future and see what might have been but now probably won't. What will be cut? Will it be the correctional centre? Will it be a replacement for F.H. Collins Secondary School? Will it be our highways? Will it be the social programs and the support needed by so many Yukoners?

What programs and which Yukoners will pay the price? Will the minister provide this House with a prioritized list of projects so Yukoners can see which ones will go unfulfilled or be indefinitely delayed as a result of this government's risqué investment policy?

Hon. Ms. Taylor: Mr. Speaker, when I think of imagining tomorrow, I think of the next four years. I think of the five years that just occurred under this government's watch, which earned this Government of Yukon five consecutive years of a clean bill of financial health. It has also meant enhanced net financial resources available on this government's watch to invest in childcare subsidies going up by \$1 million, social assistance rates that have not been touched since 1994 going up by over \$2 million. I view the opening of continuing care beds at Copper Ridge Place as a good investment, as are investments

in a new correctional centre but, better yet, there are investments in a holistic approach in the way we do justice around the Yukon in terms of after-care, prevention and education.

I am very proud of this government's record on finances in the territory. We are looking forward to the restructuring process that will occur on December 14. I look forward to the outcome and the further review of the Auditor General of Canada, which the member opposite in fact requested, but he wants to do this review himself.

We, in fact, on this side of the House are very much looking forward --

Speaker: Thank you.

Question re: Fleet vehicle supply contract

Mr. McRobb: I would like to follow up from yesterday with the Highways and Public Works minister on the Yukon Party's political interference on government contracts.

Let's review the facts. A local car dealership complained to the Premier about fully performing the requirements of a publicly tendered contract. As specified in that contract, the dealership was required to pay liquidated damages due to the late delivery of vehicles. The Premier then handed this off to the Highways and Public Works minister and the dealership was subsequently given a break on the damages owing. At issue here is whether or not the departmental officials decided on their own to reduce the money owing or whether or not there was political influence to do so. Can the minister answer that?

Hon. Mr. Lang: Mr. Speaker, there was no political interference. The department did its job. They reviewed the concerns of the dealership and resolved the issue by coming to an amicable agreement. It was all done internally.

Mr. McRobb: Mr. Speaker, the assurances given by the minister of no political influence are in direct contrast to the concerns expressed by employees in the minister's own department. According to correspondence from an employee -- who should be commended for having the courage to speak out in the public interest -- especially in the absence of whistleblower protection, the deputy minister was given verbal direction from the Yukon Party government. Let's be clear on this. We're referring to direction given by the political level of government to the deputy minister who serves as a liaison between the political level and the department. The instruction was to, and I quote, "negotiate reduced liquidated damages." So again, for the same minister, who should Yukoners believe? Him or the departmental officials?

Hon. Mr. Lang: Mr. Speaker, the deputy minister of the department is the only one I meet with on a weekly basis. I brought the concern to the deputy minister. I had the department contact the concerned citizen, and it was resolved internally. How simple could that be, Mr. Speaker? We resolved an issue internally in the Department of Highways and Public Works regarding a concern that a taxpayer of the Yukon had. He is correct; I did give the concern to the deputy minister. He took it from there, contacted the individual, and I guess made a settlement, Mr. Speaker, like governments do. People in the territory have to know that there is a venue if you feel that you have been wrongly treated, wrongly taxed or wrongly penalized, that there is an avenue through which to voice your con-

cern. It's inside the department. It was done, and it was resolved between two partners -- the government and the contractor.

Mr. McRobb: Mr. Speaker, this long-time public service employee should be given a medal of honour for speaking out in the public interest. Aside from the political interference and the resultant costs to taxpayers, there is an issue about fairness to other contractors and a double standard. Not long ago, the Yukon Party Justice minister lost her job for interfering in the release of an impounded tow truck. There is no level playing field for Yukon businesses when the field can be tilted with a simple phone call to the Premier.

Let us return to the concerns expressed by the long-time public servant who described the interference as "illegal" and "unethical". Why did the minister circumvent the standard contracting process and instruct the deputy minister to, and again I quote, "negotiate reduced liquidated damages"?

Hon. Mr. Lang: Mr. Speaker, I'm elected to represent Yukoners. When they bring concerns to me, I have an obligation to answer those concerns. I did exactly that. There is a process internally. The department and contractor came to an amicable agreement. The penalty was paid and the deal is done, Mr. Speaker. I remind the member opposite that there has to be an avenue of appeal for people who feel that they have been unduly treated -- whether it is through contracting, penalty or taxes. The appeal is done internally. Contracting is in the Department of Highways and Public Works. The contractor came to the government for a resolution, and it was handled internally.

Question re: Fleet vehicle supply contract

Mr. Hardy: I'll continue some questioning along this line. Yesterday the Minister of Highways and Public Works admitted that the Premier intervened to get a break for a local car dealership. The company didn't like the penalty it was charged for late delivery on a contract they signed. The Premier told the minister; the minister told his department; the department negotiated a half-price deal with the company. According to the minister, there was nothing unusual about this transaction.

How many other times has the department adjusted the terms of a contract after the fact, at the request of either the Premier or the minister himself? Has this become common practice?

Hon. Mr. Lang: The Premier was not involved in this at all. He was just the messenger. He was accosted; this was brought forward when he was in downtown Whitehorse. There was a concern; he gave the concern to me as the Minister of Highways and Public Works, and I addressed it. It was addressed internally. As far as contracting is concerned, the government is always working with contractors, whether it is adding to contracts; taking off contracts; there is negotiation going on concerning all contracts. We on this side of the House have to manage the contracts. This was resolved internally in the department. The penalty that we as a government could justify, I imagine, was paid, and it has been finalized.

Mr. Hardy: The minister doesn't seem to get it. His department is responsible for the contracting rules for all gov-

ernment purchases, from pencils to property, but right here on the floor of the House, the minister has said those rules are out the window -- we can renegotiate anything, no matter what we sign. If you don't like the rules, call the Premier; talk to the minister in the grocery store -- he'll fix it for you. Line up; let's all line up at the Premier's door and renegotiate every agreement we sign, as soon as we sign it.

What does the minister plan to tell other local car dealers who bid on this \$250,000 contract and weren't successful? What is he going to tell them? Are they expected to believe this is business as usual? Is this the way it's going to be done from now on in the Yukon?

Hon. Mr. Lang: The member forgets that there was a fine. There was a levy on the contract. There was a \$6,000 discrepancy and we negotiated with that and settled. The corporation paid a penalty for not delivering the vehicles on time.

Speaker's statement

Speaker: Before the honourable member asks his next question, I would just like to remind everybody in the House that we have a question and answer going on here. Those who aren't standing up, don't talk, please. The honourable member has the floor.

Mr. Hardy: It's interesting the contract disagreement was settled at 50 percent, directly in half. That doesn't sound like negotiations to me are based on fact, either. There are rules about bidding on government contracts; there are rules on bid challenging. The process is supposed to be free of political interference.

When the Premier came to the minister with a dealer's complaint, why didn't the minister simply tell him they couldn't get involved in that and to tell the dealer to contact the department? Over and over, we've heard the minister claim they don't get involved in operational matters. Well, Mr. Speaker, apparently they do.

My question: why didn't the minister tell the Premier he wouldn't interfere with a departmental decision at this level because it could put the integrity of the contracting process in doubt, which would not be good for any business in the Yukon?

Hon. Mr. Lang: I did just that. I recommended that the department contact the individual corporation and enter into a dialogue with them. That's all. That's the long and the short of it. I as minister never contacted or talked to anybody from the corporation. The department did that. That's their job.

Question re: Fleet vehicle supply contract

Mr. Hardy: I have a follow-up question for the same minister. The minister said yesterday the government's procurement process should be modernized so that what happened recently wouldn't happen in the future. So there was an admission that this was wrong. He spoke about a level playing field, which we all agree with in here. I'm sure everyone who does business with this government would also like to know what the minister meant by that if there isn't one now, if that's what he's implying.

Is the minister suggesting that modernizing the procurement process would make it acceptable for the Premier or an elected official to demand a change in the terms of a contract when someone complains? Is that what he's suggesting?

Hon. Mr. Lang: Mr. Speaker, in talking about modernizing the procurement process, I would say to the member opposite that we as government are very conscious of modernizing as we move through with managing government. This is an exact example of why it should be modernized. How do they come up with this fine? How is it levied? Ask those questions. It is based on a very grey area, Mr. Speaker. I think it has to be modernized so that everybody understands that when we levy a fine or a late charge, everybody understands how the process works. The process today is very grey.

Mr. Hardy: Mr. Speaker, it's right in the contract documents; it's right there. It's written right before the people signing it. I don't know where the minister has been. Maybe he should read them.

Mr. Speaker, after all these years, why doesn't this minister understand that the firewall between elected people and the professional public service is there for a reason? Ministers can't just snap their fingers and say to cut this guy a new deal. Should the Minister of Justice be able to fix someone's speeding ticket? Of course not. There is a process.

The Premier asked the minister to bypass that process and the minister agreed, and that is wrong. When the minister told his deputy that the vendor didn't like the penalty that was assessed, did he tell a deputy that the Premier wanted the problem fixed?

Hon. Mr. Lang: I did exactly what any elected member of this House would do. I never phoned the dealership or talked to anyone in the dealership. I put it to the department. That's where those discussions took place and they were resolved in the Department of Highways and Public Works. It wasn't resolved on the political level and I didn't give anyone in my department instructions on what the final bill would be. All I gave the individuals was access to a review of the billing. That's all. I would do that for any Yukoner.

Mr. Hardy: Let's cut to the chase here. There are a lot of evasions happening. The Premier lobbied the minister on behalf of someone who complained to him. The minister gave in to the Premier and directed his officials to fix the problem. The minister knew, or should have known, that the company the Premier was going to bat for also sells the Premier's private vehicles. The Premier was lobbying on behalf of --

Some Hon. Member: Point of order.

Point of order

Speaker: Order please. The Member for Lake Laberge, on a point of order.

Hon. Mr. Cathers: Mr. Speaker, the member is making a very serious accusation here. My understanding is that such accusations of conflict of interest should be made by way of substantive motion, not casually in debate.

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

Mr. McRobb: On a point of order, Mr. Speaker, the allegation raised by the Member for Whitehorse Centre was

indeed part of the supporting documentation that came with the letter.

Speaker: Is there anyone else on the point of order?

Speaker's ruling

Speaker: There is a point of order. The honourable member knows full well, because he has been in the House long enough, not to make those kinds of allegations. I would ask the honourable member to retract that.

Withdrawal of remark

Mr. Hardy: I do retract it, Mr. Speaker.

Speaker: The honourable member has the floor.

Mr. Hardy: I will go directly to the question.

When the Premier brought this complaint to the minister, did the minister advise him to check with the Conflicts Commissioner to ask if there was a potential problem with the Premier lobbying on behalf of the company?

Hon. Mr. Lang: Mr. Speaker, when the Premier talked to me about this issue and gave it to the department, there was no political interference; there was no direction from the Premier's office. There was just the question: would the Department of Highways and Public Works review this billing process -- this fine. That's all that was communicated between me and the Premier. Then I, as Minister of Highways and Public Works, talked to my deputy minister and gave him the information that I had, that there was a question and could there be some resolution to the question. That is the long and short of it.

Obviously it was handled internally. I never at any point talked to the dealer. I never at any point had any dealings with the dealer. All I did was give the message to the department, and the department did their good work. That's what the department does on a daily basis, Mr. Speaker.

Question re: Whitehorse Correctional Centre, female inmates

Mr. Inverarity: This is getting to sound a little bit more like a 50:50 government --

Speaker: Order please. The honourable member knows --

Mr. Inverarity: (Inaudible)

Speaker's statement

Speaker: The honourable member knows -- sit down please -- full well that it is inappropriate to make comments about previous questions. You have a question; ask it, sir.

Mr. Inverarity: I have a follow-up question from yesterday for the Minister of Justice. There have been a number of complaints coming from the inmates at the Whitehorse Correctional Centre about the crowded living conditions and lack of rehabilitation programs, especially for women. One woman, who has recently spoken out about the conditions in the jail claims that women in the Whitehorse Correctional Centre are locked down for 23 hours of the day. The jail is full to capacity; there are no rehabilitation programs and the women are simply locked away. This does not seem like the makings of the best justice system in Canada. Will the minister confirm that this is

the case, that the jail does not effectively accommodate female inmates?

Hon. Ms. Horne: I am very pleased to respond to this question. Currently, female offenders are housed in female-only dormitory settings within Whitehorse Correctional Centre. This has included rearranging living arrangements to move women to separate areas, depending on numbers. As of today, there are seven women in the Whitehorse Correctional Centre, which the building is built for.

We have a whole list of programs that are available for women. It must be remembered that the inmates can take the programming, but they can opt out and it is up to them if they want to be included in the programming.

Mr. Inverarity: Let's get straight to the point here. Inmates are incarcerated in a condemned building. Some are serving only half of their sentence as compensation for deplorable conditions. The government is releasing inmates early under the temporary absence program as a way of dealing with the overcrowded conditions at the jail.

Women are caged like animals; there's no new jail in sight; there are no rehabilitation programs and public money is being poured into stop-gap renovations for a building that was condemned long ago. It certainly appears the Yukon justice system has crashed and burned under this minister's watch.

Will the minister tell us how many clients are enrolled in the temporary absence program and how many more are scheduled to go home free?

Hon. Ms. Horne: I am personally offended by these questions from the Official Opposition. Let's cut to the chase, as they say.

Inmates are not being released early due to space requirements. If counts rise, alternative forms of custody may be sought, and it's with appropriate risk profiles. People are let out to the ARC, the Adult Resource Centre, on an ongoing basis. For example, three individuals serving intermittent sentences arrived at the centre last weekend. One was placed on a temporary absence following an appropriate assessment. No inmate is sleeping on a mattress on the floor or in the gymnasium. The interim space plan will not increase capacity, as such, but it will improve safety conditions.

I'd like to add that we've had no new employees hired at the Whitehorse Correctional Centre.

Question re: Health telephone service

Mr. Fairclough: I have some questions for the Minister of Health and Social Services about a new telephone health service that is soon to be offered in rural Yukon. After regular business hours, Yukoners who may need medical attention can call a number that connects them to a health professional in the Lower Mainland in British Columbia. Sometimes this service is a real person and sometimes it is automated. I have already had complaints about the limited value of this service. People who need help want a real person to talk to, and a local one at that.

When is this service set to begin and what discussions have been held with the health professionals?

Hon. Mr. Cathers: I believe the member is referring to the new nurse line service that's in the process of being set up and running. We're very pleased to be able to offer this ser-

vice. It is an enhancement to what has been in place in the past. Previously there has not been someone who can answer these types of questions and we have contracted with B.C. to access their service because the cost of the Yukon setting up such a service would be cost-prohibitive.

Mr. Fairclough: I'm not convinced that in rural Yukon especially the best answer is an automated machine in Surrey, B.C. There are language problems that cannot be handled over the phone, and people need someone locally, in the Yukon, or at least someone who understands the issues and the challenges related to each community. What effort has the minister made to deliver this as a local service?

Hon. Mr. Cathers: I appreciate the member's concern, but again I have to point out that this is a new service; this service was not in place before. It is another option open to individuals to access services and medical advice after-hours that in the past has not been in place. It is currently in the process of being set up and established. We're very pleased to be able to access this service.

The cost of the Yukon running such a system would be extremely expensive. It is far more cost-effective for us to contract with B.C. to access their nurse line.

We're talking about health information, Mr. Speaker. If someone is asking for advice on a medical condition, asking for advice on minor matters that might be provided over the phone or asking for advice on more significant matters, they would be advised that they do indeed need to see a nurse or doctor directly. This is advice that has not been open to them in the past. It is one more piece of information to help them in better controlling their health and being able to do so from the comfort of their own homes.

Mr. Fairclough: Mr. Speaker, the minister talks about saving money. Now, if the minister insists on going ahead, one of the ways to make it work is to ensure that the community knows that this is coming. We need a public education campaign to let people know. If this new service is coming into place and health questions will be dealt with basically in the Lower Mainland, let's make sure people know about it. What kind of public information campaign, if any, is the minister planning before this new service is launched?

Hon. Mr. Cathers: Mr. Speaker, the member is taking a very strange and ill-advised spin on this matter. The member seems to be trying to imply that this is replacing some level of service. This is a new service. This is an enhancement to what has been in place in the past. In the past, Yukon citizens -- his constituents and others -- did not have the option of picking up the phone and getting this advice. We have done so in a cost-effective manner by contracting with British Columbia. The member suggests it's about saving money. We're spending money that no other government spent, but we're spending it in a cost-effective manner, as Yukon citizens expect of us to, to enable further access to health information, through a nurse and a doctor and others, by contracting with B.C.

The general health questions are going to be the same in any area. Yes, we recognize there are certain community and northern-specific areas, but his constituents still have the option to access health services through the nursing station or through

a doctor as they have always done and will continue to do so. This is one step, like the expansion of telehealth and the purchase of new stations, where this government is taking action to improve Yukon citizens' access to health care services in their own communities.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Mr. Cathers: Mr. Speaker, pursuant to Standing Order 14.2(7), I give notice of the motions standing in the name of the government private members for debate on Wednesday, November 5. They are Motion No. 257, standing in the name of the Member for Klondike, and Motion No. 271, standing in the name of the Member for Klondike.

Speaker: We will now proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 8, *Second Appropriation Act, 2007-08*, Women's Directorate.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: I will now call Committee of the Whole to order.

Bill No. 8 -- Second Appropriation Act, 2007-08 -- continued

Women's Directorate

Chair: The matter before the Committee is Bill No. 8, *Second Appropriation Act, 2007-08*, Women's Directorate.

Hon. Ms. Taylor: Mr. Chair, it is indeed my honour and privilege to be able to present the supplementary budget for Women's Directorate 2007-08. As minister responsible for the Women's Directorate, our supplementary budget request includes \$38,000 for operation and maintenance. This would increase the Women's Directorate 2007-08 operation and maintenance budget from \$1,161,000 to \$1,199,000. Our request in operation and maintenance effectively includes two items. One

includes dollars available to cover collective agreement increases that were negotiated not long ago, and that comes to a total of \$17,000. As well, it also includes a request for a revote of \$21,000 in the area of violence prevention.

When we speak of violence prevention, it is a key mandate of the Women's Directorate, as well as to advance the social, legal, economic and political equality of women in the Yukon Territory. There are many initiatives that are fully underway when it comes to meeting the Women's Directorate mandate.

In terms of violence prevention, as I mentioned before in this Legislature, our government has done a tremendous amount of work to address violence in our respective communities. In fact, it remains one of the key priority mandates of the Women's Directorate. In this regard, our government launched a long-term public education campaign on violence against women and children about three years ago. It effectively had the goal to raise awareness of violence in our communities, as well as how violence affects everyone, what resources are available and what we can do as citizens of the Yukon to address violence in our communities.

Through the good work of our front-line workers housed within the Department of Justice and the Department of Health and Social Services, we continue to make available counselling, treatment and support for victims of abuse, and so forth.

With respect to the long-term public education campaign, this has been a campaign that has undertaken some very good initiatives. It has been very creative. It was formed in conjunction with what we have come to know as CORE -- Circles of Respect and Equality. It's an inter-agency group that is comprised of about 18 or 19 different agencies -- different departments, the RCMP and different organizations with a key mandate to address violence.

Phase 1 of the long-term education campaign on violence prevention was launched in early 2005 and included different information materials and a number of posters dedicated to the prevention of violence against women and children.

We were able to develop a Web page as well as a selection of other prevention publications and information, which we have widely distributed throughout the communities for community professionals to distribute.

Phase 2 of the campaign really focused on the prevention of sexualized violence against young women. It included training for front-line professionals that took place during Sexual Assault Prevention Month. It also comprised a photojournalism exhibit that was conducted by youth in the territory, which focused on how youth can prevent sexualized violence and develop healthy relationships.

A number of information pieces were developed -- *Just for Guys*; and *Just for Girls*. They were geared to how young people can prevent sexualized violence, as well as a brochure on how to support a woman who has been sexually assaulted.

Phase 3 -- we just recently announced the third component of this violence prevention public education campaign. It was given a substantial financial increase of which some of the funds are identified in the Department of Justice supplementary budget.

In total I believe it was about \$216,000 or \$217,000 available for the third phase of the campaign. Effectively it includes the commissioning of two Yukon-relevant videos and a training manual that will speak to northern realities and focus on life in the north as we know it. One video will be used for the general public and the other is for service providers. These videos will be used for wide public distribution, and they really are additional tools to help us educate and further raise awareness about violence against women and children while also giving the tools for each of us to learn how we can assist those who are going through violent relationships and how we can take further action to prevent and stop violence in our communities altogether.

We're really pleased to be able to hire, through a public tender process, some local individuals in the Yukon to actually commission these specific Yukon videos. This is something that has long been sought after by a number of service providers in the Yukon, and so we're very pleased to be able to move on this particular initiative.

I think it's also safe to say that this government was able to produce amendments to the *Family Violence Prevention Act* not too long ago, which actually toughened penalties available to perpetrators of violence in our communities. As well, the definition of family violence was broadened to include emotional abuse as well as physical violence. This definitely broadened and expanded the definition. As I mentioned, there are also stronger penalties for convictions of family violence as defined in the *Family Violence Prevention Act*.

We have been able to also enhance resources to the family violence prevention unit. We have been able to introduce VictimLINK, which is a 24-hour toll-free crisis line available to all Yukon communities. We have been able to expand very creative, innovative initiatives, such as the domestic violence treatment option, to communities such as Watson Lake. This has worked fairly well.

As I have mentioned, violence in our communities is everyone's issue. It certainly takes the collaboration and commitment of many individuals in this territory to continue to work to address and come up with creative ways as to how we can address the root causes of crime in our communities.

Recently we were very pleased, through the Yukon Advisory Council on Women's Issues, representing women from rural Yukon as well as urban Yukon, First Nations and non-First Nations women throughout the territory -- through YACWI, as we have come to know this body, we have been able to work very closely with Yukon Housing Corporation to introduce a priority housing policy for victims of abuse, which has been very well-received. It enables women who are leaving abusive partners priority access to social housing in the territory.

Again, this has been a long-standing issue that has been made known by different women's organizations, transition homes, our Advisory Council on Women's Issues and many other women throughout the territory. So the victims of violence and abuse policy was another measure to address violence in our communities providing access to safe and secure housing, which is of utmost priority to our government. Not

long ago, we were very pleased to announce a new initiative to enhance the availability of affordable and secure housing for women and children in need, as well as for victims of violence.

As the member opposite knows very well, at this particular time those discussions and consultations are taking place with women's organizations, transition homes, as well as with women who are in social housing as well as women who are on the waiting list. We have identified that there is a pressing need to address women's issues, particularly lone-parent families that are headed by women with children and the need to provide additional housing. We also know that there is a need for more housing for victims of violence, whether that be second-stage housing or whether that be long-term affordable housing.

So again, we're very pleased to be able to conduct these discussions with our stakeholders. In due time, we will receive what I would expect to be a number of recommendations, from which we hope to be able to announce some very concrete deliverable actions in the new year regarding housing for women in the territory.

Again, it speaks to the importance of safer communities. Secure, affordable, safe housing is absolutely critical to safer communities and healthy relationships, providing a very healthy, nurturing environment for our children to grow up in.

In terms of additional initiatives, we continue to provide funding to a number of women's organizations, in long-term funding made available more recently through the women's equality fund, supporting women's organizations to help them do the work, whether that be to advocate or to inform, educate or raise awareness about the importance of women's equality in the Yukon. We were very pleased to be able to provide funding in the form of three-year agreements to a number of women's organizations as of earlier this year.

In addition, we are pleased to continue providing funding to the women's advocate program, which our government recently increased -- I believe about \$10,000 -- in order for them to meet the growing needs of women in the territory.

We have been able to make funding available to aboriginal women, as well, through the aboriginal women and violence prevention initiative. Again, this has been identified as a priority area of importance not just to women in the territory, but on the national front as well. It is something that, as minister responsible for the status of women, I have been engaging my ministerial colleagues at the national level on to raise awareness of the importance of addressing issues of a critical nature to aboriginal women in this territory, and in the north in particular.

We continue to advocate for inclusivity when it comes to providing programming and services for aboriginal women, regardless of whether they live on- or off-reserve. As members opposite know full well, reserve status has literally next to no application in the Yukon, so when it comes to enhanced resources available for family violence in the territories -- Nunavut, Northwest Territories and the Yukon -- it's critical to note that, despite the complexities of living in the north and the challenges that women experience as a result of living in the north, there are specific needs of women, whether they are flee-

ing abusive relationships, living in isolation, or needing more peer support.

These are all things that we continue to raise at the level of the federal government and urge them to listen to the needs, to consult with them and to work with us to address some of these finer complexities.

Mr. Chair, earlier last month and in November, we had the privilege of being able to co-host two aboriginal women's summits in the territory. One was situated in Watson Lake and one was situated in Whitehorse. My colleague, Minister of Justice Marian Horne, and I had the liberty of taking part in both summits. Of course, both summits follow in the heels of the National Aboriginal Women's Summit that took place in Corner Brook, Newfoundland and Labrador earlier this summer. Again, the purpose of the two particular summits was really to inform, to be able to lay out the recommendations that were put forward at the national summit, as well as to come up with the priorities of aboriginal women throughout the territory and to put forward their priorities for action.

Both summits were incredibly well-attended. I think that, between the two, there were well over 150 women representing every corner of the territory. It was really impressive to see the calibre, the bravery that was expressed by women about the challenges and certainly the acknowledgement of some of their issues that they have been dealing with for many, many years. It was a privilege to be able to listen to some of those areas of critical importance such as access to affordable childcare in the territory.

Having more aboriginal women role models in our schools would be good to speak about their challenges and, more important, how they have been able to overcome some of these hurdles in their lives. That way, we should really celebrate the successes of many aboriginal women in the territory, sharing with other women and men in the territory things that make us very proud.

As with any summit, the most important outcome was the need for action. We certainly will be engaging with the respective First Nation governments, including the Grand Chief as well as the women who were involved in the planning committees of these two particular summits, to work with the Government of Yukon to move forward with some of these issues of priority, as identified by aboriginal women. The intent is to be able to report progress at the next national summit, which will be held in Yellowknife later next summer. Most importantly, we need to be able to work collaboratively with aboriginal women in the Yukon to move forward on some of these issues, whether economic, security or preventing violence in our communities. Again, we are returning to the basics, such as the value of having more elders and youth role models in our schools and communities, with the emphasis on women being able to deliver services.

Mr. Elias: I'd like to begin by thanking all the hard-working staff within the Women's Directorate, helping to achieve the departmental objective. Thank you very much for your hard work. It is recognized and I thank you today.

I've got two specific questions for the minister. First of all, I'll begin with a comment with regard to social housing needs

and victims of violence with regard to women. She stood up today and said this was a priority of her government. They have been in government for five years; they are sitting on \$17 million of the northern housing trust. They are sitting on a \$100-million surplus. The needs are obvious to me and to many others, yet this social housing issue with regard to women and children continues to be a struggle and it just baffles me why there has been no action yet when they're sitting on such a substantial amount of resources. They have had five years to consult with women's groups and stakeholders. That baffles me.

The first question: when is the minister going to stop that struggle, when she's sitting on \$17 million of the northern housing trust? Is she going to convince her Cabinet colleagues to spend some of that money for social housing and victims of violence with regard to women and children?

The other question I didn't get an answer to earlier on in this sitting was with regard to the northern strategy trust fund, which has recently approved advancing a league of their own, an aboriginal women's centre project proposal. However, the proposal's financial allocation was to be decided, it said, and that was on October 19. Can the minister shed some light on what the financial allocation will be for the development of their business model for an aboriginal women's centre here in the Yukon?

Those are two specific questions, and I'm hoping to receive specific answers to them.

Hon. Ms. Taylor: I find the comments coming forward from the member opposite interesting. It is baffling as well for me to realize that previous governments have not taken the time nor spent the resources so direly needed to address social assistance. I just refer to the recent announcement that proposes just over \$2 million toward enhancement of social assistance, which will benefit many women, particularly single women with children in this territory.

Likewise, I also find it baffling how the previous Liberal government did not see fit to put one new dollar into childcare. You know, I think that is very important to note that when it comes to the direct operating grant, the Government of Yukon saw fit to enhance it by 40 percent in the first term.

Just recently, the Minister of Health and Social Services made further announcements that would see a \$1-million enhancement to childcare subsidies -- subsidies that would, by and large, be in favour of primarily single parents, of which probably 70 or 80 percent are headed by women. So again, \$5 million in new money to address childcare concerns over the next number of years, I think, is a really important investment. Likewise, there haven't been any new investments in social housing over the course of many previous governments, not just the previous government.

Certainly, through this government, dollars have been made available for seniors housing, for example, as well as new housing being made available to students residing at Yukon College. There are 48 new units for seniors living up at the college and tremendous living arrangements for seniors and elders in our communities. It is very much appreciated and it is certainly a critical need to address, given the demographics of the territory as well as the rest of the country.

As well, we are making new investments in other communities. Haines Junction received the most recent investment when it comes to new housing arrangements for seniors and elders in the particular community. The Premier and I had an opportunity with some of our other colleagues during our recent community visit to take a look at some of the progress that has been made in Haines Junction. It is a tremendous site to see, and especially to talk to those seniors and elders who have been very instrumental, a very integral part of the planning process in identifying what would and wouldn't work for them, the layout and so forth. They're very excited about having more housing options.

Again, in terms of this recent announcement of our government's commitment to provide more safe, secure and affordable housing where it is critically needed, I looked at the needs of single mothers and their families; there is a wait-list. We also know the victims of violence have pressing needs.

The \$50-million housing trust is one separate area of dollars that could be made available for initiatives such as this. We know that \$32.5 million has been made available to First Nations -- all 14 First Nation governments in the Yukon -- to address some of their pressing needs in their respective areas. We're pleased with the progress on that front.

Just to remark on funding for women's organizations, we were the first government -- I should back up, first of all, by saying that we were the government that reinstated the Women's Directorate. It had been part of the Executive Council Office under the previous government, but it was an election commitment we made in the first term to reinstate it the way it had been during other governments prior to the previous Liberal government.

We did that; we've also been able to provide more readily available office space. We've been able to enhance funding. I think it's over a 100-percent increase in funding available to the Women's Directorate, much of which is going toward direct funding to support the grassroots work undertaken by women's organizations such as Victoria Faulkner Women's Centre. We've been able to enhance their support.

In fact, we have recently been able to enhance their support for the women's advocate program by \$10,000 -- from \$70,000 to \$80,000. Again, it is a very exceptional program and a very effective way of reaching women. We have demonstrated support of this particular program by being able to enhance the funds.

As well, the Women's Directorate, through the women's equality fund, has made funding available -- I think it's over \$36,000 -- to the Victoria Faulkner Women's Centre over the next three years to further enhance their abilities to reach out to women and deliver activities at the centre. It wasn't long ago that we, through the Department of Health and Social Services, were able to also enable the Victoria Faulkner Women's Centre to deliver a rural pregnant mothers program, which allowed women from rural Yukon to have a place to stay prior to delivering. Again, there have been a lot of different steps taken for that.

In addition to that, we have also been able to provide dollars -- \$175,000 -- to a number of organizations through the

women's equality fund. This is a three-year funding arrangement with a number of organizations intended to support direct services and programs for women, advance women's equality through research and policy development, support education and social action on women's equality issues, and support development and the capacity of organizations to effectively enhance women's equality in the territory.

I think it's a significant contribution in light of the changes that came about to the women's program at the federal level from the Status of Women Canada.

In contrast to these recent changes to the federal funding guidelines, this government is supporting advocacy and research work that effectively will support women's equality. So that has to be made known.

Of course, in this year alone we are also very pleased to report that, for the very first time ever, aboriginal women's organizations such as Liard Aboriginal Women's Society -- they will be receiving \$104,000 over the next three years to enable their good work to enhance public awareness, inform public debate on women's key concerns regarding governance and so forth. Likewise, \$104,000 is being made available to the Whitehorse Aboriginal Women's Circle for the first time ever over three years. It's enabling their organization to be able to further build capacity for an aboriginal women's centre in the Yukon, as the member opposite alluded to before. As well, we are very pleased to be able to provide a total of just over \$95,000 to Les EssentiElles for developing awareness campaigns en français on different themes affecting the equality of women in the territory. The Yukon women in trades and technology program, for the first time, is receiving three-year multi-year arrangements to the tune of \$101,000 -- just over three years -- to enable them to enhance their abilities to develop capacity, make them more self-sufficient, generate interest in pursuing trades, increase the skill sets of trades women, and certainly increase the pool of women instructors available in the Yukon. They have done some exemplary work, as have all organizations.

In fact, I know that they have been working hand in hand with a number of different entities throughout the communities. One such example, which is a stellar success, is Liard First Nation women. Thanks to the Department of Education, we were able to arrange a very creative collaboration among the three different entities enabling aboriginal women of the Liard First Nation to work on some of the projects that they have recently undertaken in their community. I believe they had purchased an apartment complex that recently was taken over by the Liard First Nation. They wanted to see a number of renovations take place, so again, through some training and skill-set preparation dollars that were made available, they were able to further develop this capacity. Again, it is tremendous.

I think it is safe to say that women do come with different skill sets that accentuate and complement those that men provide when it comes to trades. Given the looming, growing shortage in the trades, whether it be plumbing, electrical, carpentry, sheet metal, and so forth, there is a tremendous need for more tradespeople, and women engaging in trades is most certainly a good thing.

As well, we have been able to enhance the funding of the Yukon Status of Women Council. Traditionally about \$12,000 has been provided in previous years. We've been able to increase that now to about \$32,000 over each of the next three years. We have been able to support their efforts in one of the initiatives that the Yukon Status of Women Council has been working on over the years, and that is the northern women and homelessness project. Again, from looking at the recommendations and working on them in the report, I think a little kindness will go a long way.

So we are certainly promoting the results of the research undertaken by that report and looking to effectively address some of the housing options for women in the Yukon.

As well, there are some dollars going toward the Human Rights Commission -- \$20,000 in this year alone to help their good work to identify gaps in the protection of the human rights of women and girls, how we can strengthen those particular initiatives in that act.

These are really good initiatives. These concrete initiatives build on the strategic planning that we were very blessed to be able to provide the year before. I think it was in the 2006-07 fiscal year that we were able to provide dollars for preparation of strategic plans for several organizations. As a result of that strategic planning, we've been able to provide funding to actually help develop those strategic plans in a very good way.

So we have been making, I think, great strides in assisting many of our organizations. We continue to work with the federal government, the Status of Women Canada in particular, on the national front to raise awareness of some of the challenges facing some of our organizations and the need to look at the Yukon, to be able to partner with the Yukon in being able to leverage some of the new monies that have been identified by the federal government in addressing women's equality on the national front.

As I may have mentioned earlier, I have also been working very effectively with the other two ministers responsible for the status of women -- Nunavut and Northwest Territories -- with respect to addressing shelter options off-reserve. When it comes to reserves, of course, there is literally no applicability in the north for that.

At our last federal-provincial-territorial ministers meeting held in Iqaluit, Nunavut, the three ministers and the federal minister came together to raise these specific challenges. It was agreed at that time that we would task our officials to come up with a business case to address some of the challenges pertaining to shelters for women who are fleeing violent relationships.

That work is ongoing, as well as the work on housing for women; we're about halfway through the consultation. We were hoping to receive the results in a short time, and we'll hopefully be able to make some concrete announcements in the new year to address some of these long-standing issues that have been around for 10 years plus.

I'm very proud of the level of investment the Government of Yukon has seen fit to put toward the good work and grassroots work conducted by women in this territory.

Mr. Elias: I'm not going to participate in the minister's history lesson, but I will say this: I'm not going to stand here on

the floor of this House and accept any recognition for any past government, nor any shortfalls of a government I did not participate in or help create the climate under which those decisions were made. She continuously enters into that debate, and I consider this a bit more important than that. I expected more from this minister than I did from the previous minister responsible for the Women's Directorate.

The fact of the matter is, we're dealing with today. Today this government is sitting on \$17 million from the northern housing trust. The issues are there; they have been there. The statistics with regard to the north are appalling, and this minister has the opportunity to act because they have the resources.

I don't know what else to say. This has been discussed in the public time and time again. The issues are there. It's time to stop studying.

It is time for this minister to act. Women of the territory who are in need want to know when relief is on the way. That's it. I don't know what else to say.

Hon. Ms. Taylor: I won't comment on the member opposite's reference to history. More important, I will emphasize what this government has done. As I stated, it was this government that reinstated the Women's Directorate -- full stop. It was this government that enhanced the capacity of women's organizations in the territory. It is this government that has chosen to work with aboriginal women in the territory and the communities to come up with an action plan to address priorities as identified by women in the territory. It is certainly this government that has come up with dollars available to organizations to conduct the good grassroots work provided by women's organizations, whether it is to advocate, educate or inform citizens of the Yukon as to what the challenges are.

We have, in fact, as I mentioned, been able to enhance delivery of programs to victims of violence. I just mentioned the 24-hour access to VictimLINK, the Domestic Violence Treatment Option Court, the children who witness domestic violence program, and programs offered in Whitehorse and the communities through victim services and the family violence prevention unit. Again, there are community counsellors assigned to work directly with both victims and offenders. It was our government that expanded domestic violence treatment options to communities such as Watson Lake. This community has experienced higher rates of violence.

We have been able to deliver on a number of different fronts through the family violence prevention unit and through the delivery of the victims program, by offering short-term services to victims of domestic violence or sexual assault. There is women's programming, which offers longer term individual community support for women who have experienced or are experiencing violence in relationships.

We have been able to provide enhanced training for front-line staff in government and organizations throughout the territory on the prevention, intervention and management of family violence, again, through the *Family Violence Prevention Act*. Again, it was this government that was able to introduce tougher penalties for perpetrators of domestic violence in our communities, as well as broaden the definition of family violence to emotional abuse and so forth. We have been able to

provide formalized training sessions, which I alluded to earlier -- again, how to use the *Family Violence Prevention Act*, working with our shelter workers, our justices of the peace, the RCMP, judiciary and so forth, coping with vicarious trauma. We've also provided peer-support training to individuals who are working with victims of FASD. Again, we are providing training on the act and other programs within the Department of Justice.

As well, more recently, about a year ago, a sexual assault response team comprised of the RCMP, the Crown prosecutor, Whitehorse General Hospital, victim services/family violence prevention unit, family and children's services, spousal abuse program prevention unit and adult probation was created to promote consistency as well as coordination by and among the police, Crown, victim services, health care providers, community agencies and other support services for victims of sexual assault -- developing and implementing a comprehensive set of recommended best practices in responding to sexual assault. That is, in fact, a new initiative housed under the Department of Justice.

Again, providing and implementing cross-sector training for all service providers is certainly a good investment of front-line workers, community agencies who are working very hard day in and day out to address sexualized violence in our communities. These are just but a few of the new initiatives. As well, under this government, we have been able to introduce new funds for violence prevention programs.

I just mentioned the long-term public education campaign on violence prevention: the three phases, more recently, along with the preparation and commissioning of two Yukon-relevant videos. I should add that there has been new literature, new campaign material, training for front-line workers and Yukon-relevant videos have been created to be used in our schools or by front-line providers.

These are all important initiatives that have been at the direct request of the CORE, Circles of Respect and Equality, comprised of 19 different agencies that are housed throughout the Government of Yukon, community agencies, the RCMP, and so forth. We are working with our service providers and working with women's organizations and so forth.

As well, we partner with a number of women's organizations. The Victoria Faulkner Women's Centre is certainly one of those organizations that we have been able to provide funding for each year so they can promote more awareness in the upcoming event on December 6 or during Women Abuse Prevention Month or Women's History Month. These are all different annual events that we continue to work on with organizations to raise awareness and educate Yukoners about what there is and what resources there are.

We have also been able to provide funding through gender-inclusive analysis training available to Government of Yukon employees, which has been very well-received. The uptake has been very good. Again, that provides a second set of eyes, the additional gender lens, on our policies and the good work that is conducted by the Yukon government.

Through aboriginal women's organizations, we've been able to provide dollars for aboriginal women in leadership ini-

tatives, funding for aboriginal women and violence prevention initiatives, and providing and supporting the grassroots work conducted by aboriginal women in the territory. I think we're going into the fifth year of this, and there has been almost \$500,000 put into that particular initiative.

As I mentioned, we were able to partner with YACWI -- the Yukon Advisory Council on Women's Issues -- on proceeding with two women's summits, which have just concluded and set out a great number of priorities for action, which we will be working on in collaboration with aboriginal women in the territory as well as our First Nation leaders, the federal government, Council of Yukon First Nations and so forth.

We have been involved with the Department of Health and Social Services on a number of different fronts, such as the Outreach van, providing support for young women at risk, or other policy-related initiatives.

We have been working with the Department of Justice on a number of different initiatives.

I would tend to agree with the member opposite that we are very fortunate to have many capable, qualified, astute women working in the Women's Directorate on the behalf of women. The work they provide is exemplary, articulate, thorough and very much needed in this territory.

To say that this government has done absolutely nothing to further advance women's equality -- I have to take issue with that on a number of different fronts. Without trying to repeat myself for the sake of that, we have been able to deliver on a number of different fronts. On the national level, whether it is violence, aboriginal women, economic security, looking at reforms, these are all key issues, along with the availability of safe and secure housing, working with our transition homes, women's equality, women in trade. We have been very much engaged on a number of different files. We'll continue to be very much engaged on a number of different files, whether they be on childcare, children in care, corrections, education reform. There are many different worthy initiatives. Social assistance was recently announced as having a substantial increase, the first increase since the early 1990s. There are substantial investments in childcare, which is a very important issue to women. Being able to work with women to provide more training -- new initiatives, new funding enhancements made through the Department of Education as to how we can engage more women in the workforce and how we can remove those barriers so we can retain more women in the workforce.

We have been very much engaged on many different fronts and there is more work to be done. We realize that, but we are very committed and we're very committed to partnering with organizations -- Yukon Advisory Council on Women's Issues. Priority housing is yet another example of another initiative.

There is enhanced funding to the women's transition homes, which is another thing that we have been able to do over the last number of years. I would have to say that we are acting. There is more work to do. We certainly look forward to doing that work.

Mr. Edzerza: I would like to also start by thanking all the staff working within the Women's Directorate. I do recognize that it's a very important program within government. I am

pleased that it was re-established. I would also like to say that there are many programs that the minister covered, but one of the shortfalls I see is that a lot of them are short term. I think there should be a time and place within government when programs that exist to improve the lives of women and children should never be short term, but something that's very concrete.

I also believe that there should be an awful lot more of the finances put into this area. I would have thought that a budget of somewhere around \$6 million would be more appropriate with all the conditions in society that the minister has talked about, such as violence against women, homelessness and problems of single mothers. How do we address all these critical issues with a \$1-million budget? It's impossible. We believe that there aren't really enough dollars put into this program to make one believe that the government is looking at this as a priority for building a strong community.

Mr. Chair, I listened to the minister talk for about 40 minutes now, so just when you think there's nothing else to talk about, she still has lots to talk about. I want to just say that, regardless of what the minister is saying about equality, the scales are still tipped very much toward the male end of things. Equality in the workplace, I believe, falls way short of what it should be.

For example, how many deputy ministers are women? You look at the top end of every department, and you'll find that they're really lacking in women in those high-profile positions. I believe that it's not from a lack of women who are capable. I think it's just that maybe there has to be a little bit more lobbying through the Women's Directorate to ensure that women's voices are being heard and a lot more strongly than what has been to date.

Mr. Chair, for example, unless I missed it at some point in time, I have never heard of the Women's Directorate giving a presentation at the Chamber of Commerce, for example. Now, that's important. It's really important for the Women's Directorate to go to the Chamber of Commerce and start promoting women as businesspeople. What is the government doing to enhance or to promote women in business to become entrepreneurs of their own? You don't hear too much about that.

I believe the other area where the government really falls short has to do with single mothers and grandmothers. Many, many years ago, Mr. Chair, I tried to encourage the government of the day, when I was a councillor for the Kwanlin Dun government, to develop a program that would give respite to single mothers. At the time I knew far, far too many single mothers who were struggling alone, raising the children while the father was nowhere to be seen. The woman was left with all of the stresses of trying to provide for a family life, looking after the children by herself -- 365 days of the year, 24 hours a day. I tried to encourage a minister, many years back, to really look at this issue more closely, because I felt that it was very important that the mother got a break from all of the stress once in awhile. It never went anywhere, and I believe that it is still an issue today.

The other problem that we are having today is that the grandmothers are starting to be expected to provide respite and look after their grandchildren. I don't know if the minister re-

sponsible for the Women's Directorate has ever put any thought into some of the real stressful issues that are plaguing a lot of women -- mothers and grandmothers both. It comes down to being able to think outside of the box and not be so anxious to just work the issue.

I know that the Member for Vuntut Gwitchin has talked about the homelessness issue for single mothers. Again, I agree with that member that we don't need any more studies. It has been in the face of the public here for 25 years or more. If governments can continue to prolong action by saying we need studies, then I think it's just working the issue, sounding like you're doing lots but doing nothing. Talk is cheap. It's time for some action to follow that a little bit.

I do commend the minister for the work that has been done on the issues at hand. I know it's a very complicated and difficult task to deal with the abuse of women. Violence against women happens far too often. I know the minister doesn't have all the answers. I think a lot of people don't have all the answers or we wouldn't have that problem today, but we still do. The fact is, we still do.

I know there was a collaboration agreement between Health and Social Services, Education, Justice and the Women's Directorate. I don't know to what extent that agreement is being used, but it is a golden opportunity to talk with the Health and Social Services minister and start looking at violence against women as coming from the men, and what are we doing to ensure that the men are being accountable for what's happening? What is the government doing to ensure that men are taking some responsibility for the actions of what's going on with violence against women?

Are there adequate treatment centres in place? That's a question that I know the answer to, but I'm not going to bring it up here today, because I've said it over and over. There is a lack of treatment centres in the Yukon Territory. We can budget \$30 million to widen a road to nowhere, from Watson Lake to wherever, but we can't build a treatment centre. That is the kind of decision making that I have a problem with.

It's time that the government began to realize that there is such a thing as human resource development and start focusing on that, as opposed to always going to the side of the scale where it's all about economics. The social programming is sort of spoon-fed with little announcements here and there to make it look like the government is really focusing on these things but, at the end of the day, when all the programs are tallied up, they don't even equal what is being spent to straighten out 20 miles of road. The government has no problem putting millions into straightening out a road, but when it comes to straightening out our families and children, they get a bit tight with their dollars.

I think that I could probably talk about this issue for the whole sitting. We will probably never get anywhere with it, but there are a few questions I would like to ask while I'm here, because I know the minister will talk for another 20 minutes on whatever.

To start with, I'd like to know: how is the Women's Directorate using this position in government to change policies for women in the government in the areas of equal pay, job promo-

tion, substance abuse treatment, job creation, apprenticeships -- the minister touched on that a little bit but not much -- housing, women's health, education grants and childcare?

Is the directorate doing anything about the RCMP's policy of charging both partners in a domestic violence case even though it may be only one or the other who was at fault?

What is the directorate doing about encouraging women to become self-employed in business? I already touched on that a little bit.

Has the Women's Directorate done anything about the unacceptable situation for women at the Whitehorse Correctional Centre? That's a very important area for the minister to give some answers on. I would appreciate it if the minister would just focus only on that last comment. Is the Women's Directorate's responsibility only to those who are not incarcerated or do they have some obligation to ensure that women are not being mistreated in a correctional facility?

Quite frankly, I believe that the Women's Directorate has a very huge responsibility to really ensure that women who are incarcerated and don't have the avenues are being treated fairly. The Women's Directorate should speak on their behalf and sit down with the Justice minister and others to have discussions around this area to ensure that the women are not being mistreated and locked up for 23 hours of the day.

All those issues are very mentally damaging. In most places I know they have a place that they call solitary confinement where you're locked up 24 hours a day. Well, we're not very far from that time limit with the women in the Whitehorse correctional facility now, where they are being confined to unacceptable living conditions. This has been going on for many years. There has been an increase in the number of women who are being charged with very serious offences. It's time for the government to start realizing that when there is a lack of space, they have to do more and be more creative, even if that means making a deal with the Northwest Territories to transfer some to that facility. At least they're not going to be crowded into a very small room. At least they're going to have more access to programs.

Until this correctional facility is completed, I strongly encourage the Women's Directorate to lobby for them and to do whatever possible to ensure that their spirit is not really damaged and broken beyond repair, because I think it's mentally destructive when you are locked up in a very overcrowded facility. I know it would be very emotionally destructive. It sure isn't going to help any of those women to even think about rehabilitation. In fact, it will probably make them angrier than when they went in there.

So I'd like to just close by saying that I certainly do hope to see a lot more finances put in to the Women's Directorate program in the future. Thank you.

Hon. Ms. Taylor: I'd like to thank the member opposite for his remarks and for his acknowledgement of the good work done on behalf of and with women through the Women's Directorate. The member opposite has touched upon many different areas and I'll endeavour to go through some of those -- some of which I have touched upon and some I have not.

When it comes to long-term funding, I wanted to point out first and foremost that it's actually this government that, for the first time, has been able to provide three-year funding agreements to a number of women's organizations. That was made a priority among organizations in the Yukon and we were able to deliver on that front.

As I articulated earlier in my remarks, we have been able to provide several organizations with three-year funding agreements to address the grassroots work that they have been able to do and continue to do. So they will be able to build capacity and strengthen their work, their advocacy role, to raise issues of importance to women, as well as raise awareness about effecting change on a number of different fronts.

Again, we have been able to provide some long-term funding to organizations, and we were able to do that after making funding available to those organizations for long-term strategic plans. This enabled them to set their goals and priorities and, as a result of those strategic plans, we've been able to make money available, again, through three-year agreements and new funding arrangements with organizations. The Liard Aboriginal Women's Society and the Whitehorse Aboriginal Women's Circle are two of the others that we have been able to fund.

The mandate of the Women's Directorate has been, and continues to be, to work with women in the territory through a number of different stakeholders to further enhance women's equality on a number of different fronts, whether that be political, legal, economic or social equality. Like the member opposite, I agree that there is a long way to go before we fully reach women's equality on a number of different fronts, as I mentioned. Politically -- just look at the Legislature here today and all the women sitting in these seats. Of 18 members, there are two women, which I say is quite embarrassing, actually. However, it should be noted that many, many women put their name forward to run for elected office. I certainly commend all of those women from all of the political parties.

Clearly there is more room for improvement. Until we actually have 50 percent of these seats filled with women, we will not be able to really say that we have perfect equal representation in this Legislature. That is one priority that has been identified by women's organizations.

On Person's Day, during Women's History Month, I was invited to take part in talking about women in politics at the Victoria Faulkner Women's Centre. I was able to join the Mayor of Whitehorse, who is also a woman and a very good leader at that. We were able to talk about our personal roles in politics and how we advocate to effect changes on the political level and in the work that we do with our officials, day in and day out.

I am very pleased that I have beside me some wonderful colleagues at the Cabinet table. There is Minister Marian Horne, who is a wonderful colleague. We are blessed to have her in this Legislature. Minister Horne and I have made great strides in working more closely between the Women's Directorate and Justice to advocate changes when it comes to women in corrections and elevating the importance of violence prevention initiatives.

In this particular budget alone, the Women's Directorate and Justice are co-funding the third phase of this public education campaign on violence prevention in the territory.

Again, Minister Horne and I have also been busy. We collectively went to Corner Brook, Newfoundland and Labrador last summer, took part in the first-ever National Aboriginal Women's Summit, and we were very pleased to be able to take part in that, as well as a delegation of aboriginal women representing women in the territory.

We were also pleased to both be present, day in and day out, every minute of those forums. There were some men present as well, and we were very pleased to see their presence at those particular summits where they heard the priorities directly from women. But Minister Horne and I have been very much engaged on the particular file of advancing aboriginal women in the territory and working very closely with women's organizations in the territory.

Mr. Chair, seeing the time, I move that we report progress.

Chair: Ms. Taylor has moved that we report progress.

Motion agreed to

Chair: Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 2, the Committee will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their places in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

Recess

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

Appearance of witnesses

Chair: Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 2, adopted on Monday, December 3, 2007, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board.

I would like to remind all members to refer their remarks through the Chair when addressing the witnesses, and I would like the witnesses to refer their answers through the Chair when they are responding to the members of the Committee.

Mr. Cathers, I believe that you will introduce the witnesses.

Witnesses introduced

Hon. Mr. Cathers: The witnesses appearing before the Committee today are Craig Tuton, chair of the Workers' Compensation Health and Safety Board, and Kurt Dieckmann, acting president of the Workers' Compensation Health and Safety Board. On behalf of the Assembly, I thank them for appearing here today.

Chair: Would the witnesses like to make an opening remark?

Mr. Tuton: No, other than to say that we are happy to once again be here in our yearly appearance before the Leg-

islature. We look forward to responding to any questions or concerns that the members may have.

Mr. Inverarity: I'm sorry I didn't quite catch the acting president's name.

Chair's statement

Chair: Order please. In my opening statement, I did ask all members to refer their questions through the Chair and respondents to respond through the Chair also, please.

Mr. Inverarity: Perhaps, Mr. Chair, the acting president could just give us a bit of background. I was expecting someone else today, and I'm not familiar with this individual. I am just trying to understand who it is.

Hon. Mr. Cathers: It's standard practice in this Assembly that the representatives of Workers' Compensation Health and Safety Board and other corporations are here to answer questions. If the member is interested in a detailed profile on one of the witnesses, perhaps we could provide his biography later. I'm not quite sure what he's getting after here, but I would hope that he is interested in asking substantive, operational questions.

Mr. Mitchell: I presume that was a point of order that was raised. If so, on the point of order, I believe that the Member for Porter Creek South only wanted to know the position that the acting president normally holds in the corporation.

Chair: No point of order has been raised.

Mr. Inverarity: We will just get into the questions and go from there. I was hoping this could be reasonable.

First of all, I would like to thank the chair and the acting president for attending today. I appreciate the time they are taking out of their schedule to come here before the House and answer questions. We have been waiting awhile to do this.

I would also like to thank all the staff with the Workers' Compensation Health and Safety Board for the effort they have given in the last year. I know it has been a trying year and I appreciate the efforts they put into their jobs every day. I think it's important that they receive the recognition that they are due.

I have to add the comment that I really, really appreciated receiving the annual report, Mr. Chair, as early as we did -- I think it was early October. It was nice to have the time to go through the actual report. Last year, as you know, we received the report about two-and-a-half hours before we actually had to discuss the annual report. I thank the board for getting it to us this early.

First, I think I would like to draw members' attention to the 2006 annual report. I think it's on the last page of the report, entitled "The Year at a Glance". The first line of the report shows 18,400 workers covered by the Workers' Compensation Health and Safety Board in the 2005 report, and 20,100 workers were covered in 2006. At first glance, I thought that 1,700 new workers being covered by the board to be a fairly impressive number. When we actually looked into it a little deeper, it became clear that this was simply a typing error in the report. If we refer to the 2005 report, there were in fact 19,100 workers covered by the Workers' Compensation Health and Safety Board in the year 2005 and not 18,400 as reported. This, of course, means that the Workers' Compensation Health and

Safety Board covered an additional 1,000 workers in 2006, which is consistent with the Yukon labour force increases as reported by the Bureau of Statistics.

Just to note in passing, I think it would be worthwhile to issue some sort of correction, so that there is no unwanted confusion regarding the annual general report.

Still on the annual general report for 2006, it was noted at recently held public meetings, that the section of the 2005 annual report entitled "Results-based Management" was not part of the 2006 annual report. My initial concern was that the corporate goals were left out of the 2006 annual report because none of them had actually been achieved. I can only hope that there were some other reasons for the omission in the 2006 report.

I accept that the 2006 annual report adheres to the *Workers' Compensation Act* and that's all that is required to actually be produced, but I am sure that you're aware, however, that these goal statements are important indicators of what the organization is planning to do and, in the interest of public accountability, I think we need to know what those plans are. So I guess my first question is why are these important indicators removed from the annual report, and will you assure me that the Workers' Compensation Health and Safety Board's corporate goals are disclosed to the public in future annual reports?

Mr. Tuton: I think it's important to note that the information that we're required to present in an annual report is through legislation. The document that the member is speaking to is an internal process that the board and administration go through. I understand, though, the member's concern, perhaps for the lack of some information and data that were used in that results-based management. I'm happy to report to the member that exactly the opposite of what he's insinuating is the fact, that we do meet the goals that we lay out at the beginning of the year and ask administration to meet. And to help to further identify those questions earlier to the member and all other interested parties, it's our intention to include a graphical display of data to support some of those details within the results-based management.

Mr. Inverarity: Well, one of the performance indicators in the 2005 report was a goal to reduce claims cost by 25 percent over the next five years and, based on the 2006 annual report, there is a dramatic increase in assessment revenue over the past year. According to the numbers, Workers' Compensation Health and Safety Board received an additional \$4.8 million in assessment values from Yukon employers, and that's an increase of almost 30 percent. There was also a 30-percent increase in the average collected premium rate assessed to Yukon employers over the past two years. In spite of the Workers' Compensation Health and Safety Board's stated goals to reduce claims cost by 25 percent in five years, Yukon employers have watched Workers' Compensation Health and Safety Board assessment revenue increase by more than 40 percent over the past two years.

This is a substantial increase that is coming out of the pockets of Yukon employers. I find that this is a significant cause for concern. I recognize that WCB is trying to reduce claims cost and the corresponding expenses to employers but

the hard reality is quite different. I also recognize that employers and employees have a certain responsibility to assist WCB in reducing workplace injuries, thereby lowering the overall claims cost.

Is a 25-percent reduction in claims cost over the next few years still a reasonable goal, and is it achievable?

Mr. Tuton: The first thing I'd like to point out to the member is that annual assessment revenue and the annual assessment rates are two very different figures -- extremely different. One has nothing to do with the other.

The increase in the assessment revenue is a very good thing. It means that, over the last year, from the period 2005-06, the number of employers who have been attracted to work in the territory, and therefore pay Workers' Compensation Health and Safety Board assessments, has increased. So the revenue that comes from assessments is not related to the actual assessment rate that is charged to employers.

To get to the figures, we at the board truly believe that we should continue in our efforts to reduce the percentage of claims and the cost of claims. When we developed our strategic plan over a five-year period, we knew it would be a difficult number to reach; however, understanding that, the board still felt that if we didn't believe we could do it, nobody would.

Yes, we do think it's achievable. It isn't going to be easy and it will take the continued partnership of all our stakeholders to help us achieve that. We will continue down the road to help ensure that happens.

Mr. Inverarity: Assuming there is some reduction in claim costs that do in fact occur over the next few years, will those cost reductions be passed on to employers as reduced assessment rates?

Mr. Tuton: This year, of the 50-some industry groups that we have, 39 of those have increased rates; 11 of them were decreased, so the answer to your question is rather obvious. If industry groups are able to provide a safer and healthier work environment for their workers, thereby helping to reduce the numbers of injuries, I think the answer is self-evident.

Mr. Inverarity: That's a "yes" then?

Mr. Tuton: Yes.

Mr. Inverarity: I guess what we really need right now is for you to assure us that Yukon employers will not see yet another rate increase in the next year and the year after that and the year after that. Will you assure us that they are going to start to go down in the future?

Mr. Tuton: I am not sure the status you are trying to elevate me to, but I'm not sure that God could guarantee that that is happening. What I can guarantee the member is that our board is going to continue with steps that we have taken over the last few years to continue to try to achieve that goal. Whether I can guarantee it -- I'd like to be able to stand up and tell you that I can guarantee that it will be 25 degrees above zero tomorrow, but I don't think I can do that. But I can say that I will do everything that is in my power to make sure that I can help that to happen. I hope that answers your questions.

Mr. Inverarity: Here I thought you had that elevated status.

One of the other performance indicators identified in the 2005 annual report was to reduce injuries by 10 percent. On the face of it and in light of the evidence, this seems to be more of a bold statement than an achievable goal -- in other words, to reduce injuries by 10 percent.

I noticed this morning driving to work that the sign out front says that there are 1,845 reported injuries to date. I guess we're heading for another record year for workplace injuries. I hope not. I certainly think you probably hope the same, but I'm left wondering about the value of this statement as a corporate goal to reduce workplace injuries by 10 percent. Inasmuch as it appears that workplace injuries are going up and not down, could you provide me with a more realistic view of where the Yukon is headed with respect to the rate of workplace injuries?

Mr. Tuton: I think the member has to be aware that, first of all, it was your statement earlier that said that we have an increased number of employers in the territory this year over last, and last year over the year before that. With that, obviously, comes an increase in the workforce that these employers bring to the territory. That in itself provides the Workers' Compensation Health and Safety Board with many challenges, the least of which, as the member is well aware, is the problem we all know about trained labour, a trained workforce. Those are concerns.

Is it achievable to reduce the number of injuries by 10 percent? I would say that it is. I would say that the board has clearly demonstrated to stakeholders and all of those that are interested in looking that that is our commitment. As I said with the claims experience, we knew that, going into this, it wasn't going to be the easiest job, but you know what? It's our responsibility; it's our responsibility to work with stakeholders very diligently to ensure that the employers must provide a safer, healthier workplace environment for their workers and the workers must do their job in a much safer and healthier way.

To do that, we have worked very diligently with our stakeholders. Is it going to happen overnight? No, it's not going to happen overnight, but it's going to happen. If we continue to demonstrate the ability to move in that direction and continue to have our stakeholders work with us to achieve those results, we are going to get it sooner or later.

Mr. Inverarity: Well, let's hope sooner rather than later, for the sake of the injured workers.

The difference between employers with respect to workplace injuries and safety programs are significant enough for other jurisdictions to take action such as publishing the names of poor performers in an effort to try to stimulate improvement. It is reasonable to presume that perhaps the Yukon shouldn't be any different with respect to this; however, it has already been stated that the Workers' Compensation Health and Safety Board will not publish the names of poor performers, and I won't take issue with this direction if you think it is something that is important. Also, considering the size of our jurisdiction, it might not be the wisest thing to do.

I do believe though that some action should be taken to publicly disclose workplace safety records of Yukon employers. Along with the choices program, I think you could find

other ways to publicly reward Yukon employers that have made an effort to make workplace safety an important issue. Would the Workers' Compensation Health and Safety Board entertain the idea of publishing the names of Yukon employers that have excellent safety records? They could publish a list of maybe the top 10 or top 500 so that people know who the good employers are and do it from a top down perspective. It might be a positive goal.

Mr. Tuton: I think that we at Workers' Compensation Health and Safety Board look at all of our employers as good employers. I don't think any of them intentionally create situations where bad things can happen.

But let's go back to your issue about publishing the names of the so-called bad employers. I'm not sure how you identify a bad employer. I think we were very clear at Workers' Compensation Health and Safety Board that that is an option. That definitely is an option, but a better option is for us as a board to provide the resources needed to help educate all employers, to help educate employers to better provide for their employees safer and healthier workplaces.

In fact, if you think about it, we do publish the names of really bad employers because we have the ability to either close those businesses down or take them to court and sue them for bad business practices. In fact, the corporation has over the years done that. We would hope that it isn't a common occurrence, but that is for the public record. Once we, through the *Occupational Health and Safety Act*, take action on any corporation or company, that information is public. We will continue to work in that manner.

I said fairly clearly at one of our last media opportunities that you can only go so far with some employers, and if they refuse to follow the program and to try to provide a safer and healthier workplace, then obviously we're going to look at other ways to deal with that employer.

Mr. Inverarity: So, what role do you think the employees play in this effort to reduce workplace injuries? Do you feel they also have a role in this equation?

Mr. Tuton: Obviously, it's a two-way street. The employees have an equal responsibility to the employer. The employer can provide the safe work opportunities and provide all the safe working equipment. If the employees choose not to use that, then obviously we're missing a step there. So they do play an equal role. In fact, that's one of the reasons why you see in our processes that we have in place to work with stakeholders and we work with stakeholders on both sides -- employer groups and employee groups, to make sure that the education is provided to both sectors of the workforce, both employers and employees. So yes, we do.

Mr. Inverarity: But just along that same line, it seems that your comments about taking employers to task -- I mean, I think even in the last week or so, Mr. Chair, there has been some comment about coming down hard on employers. Don't you think that you should be treating the employees equally, finding out if they're not also, as I say, part of this equation? Perhaps if you're going to come down hard on employers, you should be looking at coming down on some of the employees? I know you started an investigation branch. Perhaps that's the

answer to this particular question, and perhaps the chair could elaborate a little bit on that component.

Mr. Tuton: I'm having a little bit of difficulty understanding where the member is headed with that line of questioning. The simplest way, perhaps, is to get right to his last statement, and that is the investigative branch that we've just set up in the last few months. That investigator position has only been in place, as I said, for a couple of months. Obviously he has been taking the time to familiarize the position with the legislation -- both the *Workers' Compensation Act* as well as the *Occupational Health and Safety Act* -- to have conversation back and forth with counterparts across the country to see how their investigative branches work.

Our investigative branch is meant to work and make sure that the legislation and policies of the corporation are followed by employers, medical providers, health care providers, as well as employers and employees who are taking advantage of a situation, if in fact that is the case.

You're right; that investigator will cover the broad spectre, the gamut.

Mr. Inverarity: I recall when I sat on the Workers' Compensation Appeal Tribunal back around the turn of the century, there was a previous investigator who was hired by Workers' Compensation Health and Safety Board and that individual went around videotaping individuals in bars and situations like that. What kinds of powers would this investigator actually have? Videotaping, recording conversations -- does he have the powers of a police officer or a peace officer?

Mr. Tuton: The member, in asking questions, should be factual. The Workers' Compensation Health and Safety Board has never had in position an investigator. Therefore, I suggest that his information is not correct. From time to time over the past years, the board has felt the need to hire the services of private firms to help us determine whether there are any inequities in the way that individuals or corporations are dealing with the corporation, but we have never, up until a couple of months ago, as I said, had the position of an investigator. So, I don't think I can respond.

Mr. Inverarity: Maybe I've misunderstood. On one hand, you say you haven't hired an investigator as an employee but you have hired investigators as contractors who, in fact, were paid by WCB. You're starting to sound a little bit like the minister on the other side in Question Period today.

Are you saying you've never received any reports from these hired investigators to investigate workers and/or employees in the past?

Mr. Tuton: I think you've answered your own question. Obviously if we have hired investigators in the past in order to make sure they've done what we've asked them to do, we probably asked them to provide reports, which I'm sure they have.

Mr. Chair, the content of those inquiries, if we've asked them to inquire into a situation, would probably not be public -- certainly not to me.

Mr. Inverarity: Let's bring it to the present. I don't believe I got an answer to the question, which is: what kind of powers of investigation, if any, does the new person being em-

ployed by Workers' Compensation Health and Safety Board have? As I cited earlier, would they be equivalent to a peace officer or a policeman? Would they have the ability to videotape people without their knowledge? Would they have the ability to tap phones, for example?

Mr. Tuton: I think that if the member would like, he could go to the corporation and they would provide him with a terms of reference for the position. I don't have it memorized at this point. I know that it is available, and the member would be able to have a look at it.

Mr. Inverarity: Perhaps the acting president could answer this question, because it is an operational type question.

Mr. Tuton: I am not sure where the line of questioning is taking us. As I indicated to the member a little bit earlier, the position that has just recently been filled is still in a training mode. The board went through a very extensive process in setting those terms of reference. We did that in consultation with our counterparts across the country. I believe that every jurisdiction in Canada, with the exception of Prince Edward Island, has an investigator who works with the boards. Our intentions were not all in the investigative work against people who may or may not be fraudulently dealing with the corporation -- whether they are employers or employees.

If the member thinks that it is something of great importance, I will be happy to send those terms of reference over to him.

Mr. Inverarity: That would be great.

Another identified goal in the 2005 annual report is to achieve 100-percent Workers' Compensation Health and Safety Board compliance with all acts, regulations and policies. This suggests that the Workers' Compensation Health and Safety Board is not currently complying with all of the acts, regulations and policies. Without getting into a long litany of what is going on and the problems, perhaps the Workers' Compensation Health and Safety Board chair could tell me about some of the most important areas of compliance that are outstanding and what they are going to do about that.

Mr. Tuton: This is getting more amazing as we carry on. Governance is a wonderful thing. That's how the board operates. It operates under a governance policy, and of course one of the paramount structures of that governance policy is to ensure that the board operates 100-percent compliant with all legislation and any other act. That statement is a common statement that is made to ensure that the board is always aware of the fact that it must operate 100 percent in compliance with all acts and legislation. Quite frankly, the board is happy to say that it does, always has and always will.

Mr. Inverarity: I was hoping just to kind of move on, but this particular question brings up a discussion that I had at the public hearing that you had in October, two months ago now, where a constituent brought forth an issue. The reply that was given to him in writing by the president of the corporation stated that the act that governed his particular issue was unworkable and, therefore, you were not going to actually enforce that part of the act. I didn't want to get into names at this point. I don't think we can, but the reason why I asked this particular question was because the president of the corporation clearly

indicated that they could not comply with the act and therefore it would not meet this particular individual's issues. As a result of that, he hasn't had an increase in his maximum wage rate for 15 years.

I'm at a bit of a loss here, because now you're saying you are in 100-percent compliance, but the president of the corporation said that you weren't. So, where are we with this? The other issue that I brought up at the time -- and I understand that we are looking for a revision to the act and that's the member opposite's purview -- but I still have this individual who requires some action taken, because it has been 15 years. It requires somebody to follow the legislation.

So are you telling me now that you will actually deal with this individual and comply with the act?

Mr. Tuton: There is a difference between the word "compliance" with the act and what the act will allow. That's a very clear difference. The member should know that we cannot, will not, should not and don't talk about individual cases. There is a proper procedure for the member to pursue that. It's obviously not through me. It's obviously neither appropriate nor proper to be discussing it at this point. But I would simply say that we are in 100-percent compliance with the act. We intend to continue to be 100-percent compliant with the act. The act may have some limitations, but it has nothing to do with compliance.

Mr. Inverarity: Well, how goes it with employer compliance, then? Are they complying with your regulations? Do you have any problems with employers in general?

Mr. Tuton: This is very confusing, to say the least. Problems? We don't have problems with any employers, period. We have concerns with employers from time to time, and those concerns differ and vary from time to time. But problems -- no, we don't have problems.

Mr. Inverarity: The length of time that an injured worker is off continues to be a challenge and a cost driver. I'm encouraged to hear that the Workers' Compensation Health and Safety Board has made internal changes to promote improvement, education, partnerships, especially with health care providers. One of our northern realities is that there is a requirement, I guess, to travel Outside occasionally for specialized health care. One of the issues I have concern with is wait times for diagnosis, treatment, services for injured workers. Is this a concern for Workers' Compensation Health and Safety Board? Are there times when the wait times for medical services are excessive?

Mr. Tuton: No, my understanding is that one of the advantages -- and I don't like to use the word "advantages" because we don't like to think about workers who need these kinds of treatments. They are injured workers. They didn't want to be injured, but unfortunately they are. One of the advantages that we have at Workers' Compensation Health and Safety Board is that we have what we consider to be a great opportunity to get our injured workers treated in a very timely manner. Obviously, because of the demands to the health care system all across the country, from time to time there are going to be concerns about whether it is a day, or two days, or three days or a week.

Mr. Inverarity: Mr. Chair, does the Workers' Compensation Health and Safety Board actually track wait times for its injured workers?

Mr. Tuton: That I'm not sure, but if it is a concern to you, I can get the information and get it back to you.

Mr. Inverarity: Thanks very much. It does sound to me that, because of Workers' Compensation Health and Safety Board's customer status relative to hospitals Outside, injured workers get moved to the front of waiting lines, or you may have special arrangements with Outside hospitals or specialists that might move them forward. An example, I guess, might be if you have an injured worker who has a hearing problem -- right now the waiting list for a hearing test in the Yukon for people who are normal, I guess, is about 800 long. It is about a year and half. If I were an injured worker and needed a hearing test, would I move ahead of that line?

Mr. Tuton: No, what I was referring to is the fact that through our special relationship with other jurisdictions in the country, specifically British Columbia and Alberta, the workers' compensation systems there have units that are separate and aside from regular hospitals that deal strictly with -- for example, there are the back clinics and the muscular strain clinics and all those types of clinics that we have access to because they are related, number one, to workers' compensation.

Mr. Inverarity: These are specialized clinics and WCB-related and are commercial in nature?

Mr. Tuton: I apologize, Mr. Chair. I am new at this. I am only getting to practise once a year. I apologize if I forget and go to directly answer the member.

They may not be private clinics but they are related specifically to workers' compensation injuries and the healing of those injuries, whether they are rehab clinics, specialist clinics, or whatever they are.

Mr. Inverarity: I have a question for the chair regarding the recommended changes to the *Workers' Compensation Act*. The chair, on behalf of the board, signed a letter last year along with stakeholders recommending nine immediate amendments to the act. This represents about 10 percent of the recommendations that were developed by the act review committee. What is to become of the other recommendations, and why was the chairman of the board not pushing for more comprehensive recommendations as presented by the act review committee?

Mr. Tuton: We made that presentation based on a couple issues we felt were important for the board in moving along, one of which was return to work. Although we recognized at the time that it was only an opportunity to make representation to the government and that the government would choose how they preferred to move forward on those issues, my understanding now is that we are looking at all 88 issues.

Mr. Inverarity: Well, that's great. I believe the minister responsible has indicated that we can look forward to that in the spring. I am very pleased to hear that that is going to happen. I think that the committee and certainly the stakeholders will be happy to see that the 88 -- and I'm not sure I endorse all 88, but I certainly endorse a great number of them. I look at

that as a positive step for the future. I guess I didn't ask the right question in the House.

I have received numerous requests for assistance from injured workers who believe that they have been mishandled or mistreated by the Workers' Compensation Health and Safety Board in the way that their cases are presented. I received copies of letters that were sent to the Workers' Compensation Health and Safety Board by lawyers who allege that the Workers' Compensation Health and Safety Board is not complying with the act. This refers to the previous question that I had.

I have been assured by officials that the recommended amendments to the act would address these specific cases that have been outstanding for many years. As we are now aware, amendments are going to be coming forward in the spring. I asked the president at the public hearing if there were going to be some contingency plans put into place if the act review did not come forward this fall. Now we know that it won't be. Are you proceeding with those contingency plans for those individuals who are going to be affected?

In the minutes, the chair also commented that the chair would be looking at these on a case-by-case basis. I was wondering if the chair has actually gone forward with that recommendation.

Mr. Tuton: Let me help you get it right. First of all, we don't have public hearings. I'm assuming that you're referring to our information meeting that's held once a year. Is that it? And obviously, you must have misunderstood, because the chair's role at Workers' Compensation Health and Safety Board is not to deal with individual cases. It's not to deal with any cases. We simply deal with policy, and we govern the corporation, so I would have absolutely no role or responsibility in dealing with any case that comes before the Workers' Compensation Health and Safety Board.

Mr. Inverarity: I'm done, thank you.

Mr. Mitchell: I'll be very brief. First of all, I just wanted to commend the board, via the chair, on their successful management of the significant investment portfolio. I do notice that there is a policy that indicates that diversification of credit risk is managed by limiting the exposure in a single private institution to five percent of the portfolio, and I think that's a very good policy. I would hope that the board would share that policy with the Government of Yukon as a way of minimizing risk. I do know that the Workers' Compensation Health and Safety Board investment policy does allow for the investment -- I think it's up to 15 percent, if recollection from past policy serves -- in asset-based commercial paper. I understand that between the strong financial advisors that the board hires and the wisdom of the board, they've avoided that particular pitfall, unlike others, so I want to congratulate the board on that.

I do have one question. I note that in the 2006 annual report the percentage of United States equities rose significantly from 2005, from 0.5 percent to 17.4 percent. I'm wondering if that larger amount of investment in U.S.-dollar-denominated vehicles was maintained through 2007, or was it reduced. If it was maintained, what effect has the significant strengthening of the Canadian dollar -- albeit in recent weeks it slid back some -- had on the valuation of the portfolio?

Mr. Tuton: That's a good question. As you know, the board doesn't deal in the individual day-to-day dealings of the investments; we place that in the hands of our managers and they do that. I do have a recollection, however, based on the situation, that at least one, if not both of our managers did make some moves to reduce our exposure in the U.S. market. That changes as the markets change. You're quite correct; I mean, last year we had, as everyone had, a very favourable year. It started in 2007 not to be quite as favourable as it was in 2006. There has been a little bit of rebounding back and forth. The strength in the Canadian market, quite frankly, is what has helped to encourage us. It's interesting that you ask the question, because at the last opportunity we had to meet with the money managers, I asked them the question about the other investment worlds, like India and China and what their thoughts were about trying to get some exposure in those kinds of markets because that is an option. They are still a little hedgy, based on the fact that the U.S. economy and the Canadian economy are still fairly strong. If you would like to know the exact numbers, I can get that to you, but I do have the recollection that we have moved back and forth.

Mr. Mitchell: I just have one follow-up question. I'm not certain if you're able to answer this question. I know you know it, but I'm not sure whether it's allowed. If so, there was mention at the annual general meeting that I attended that you had made a change in one of the investment managers. I'm wondering if you can tell us or state for the record who are the two portfolio managers that the board currently is using?

Mr. Tuton: Well, we still have Jarislawsky Fraser Ltd. and the new one is Foysten Gordon Payne. It's a good question. I thank you for that question, because we pride ourselves in our ability to be able to keep good contact with our managers to make sure that our funds are earning the best dollars that they possibly can, and just recently we took the opportunity, after 10 years, to actually change our actuaries as well.

We look to those opportunities as just that: opportunities. There were no underlying reasons for that, other than to say that after 10 years we changed one of our money managers. We felt that it was an opportunity to review, and out of that review the board decided to make a change.

Mr. Cardiff: First I'd like to start by thanking the chair and the acting president for appearing here in the Legislature today and thank them for the information that was provided at the annual information meeting a few months ago and for getting the annual report filed so that we could have it here in the Legislature. Thank you to the minister for getting it here in advance of this appearance.

I'd like to ask some questions in the area of the act review. The act review took a long time. It is my understanding that the workers' compensation system bore the cost of that act review. Maybe we'll start there and you can confirm or deny that or explain how that worked. What were the costs to the board of that act review?

Mr. Tuton: Your assumption is correct. The cost is legislated to come from the Workers' Compensation Health and Safety Board, so obviously it is a direct line item in our administrative budget. So you are correct.

Mr. Cardiff: I think the outcome at the end of the day -- and the fact that all the stakeholders came together -- was good, but I'm wondering whether the costs were significant enough to have a significant impact on the board's administrative costs?

Mr. Tuton: I think perhaps a good way to answer that question is that if, now that our five-year period is up and we're to start reviewing the act again, given the opportunity to provide advice to the government, I would be more than happy to provide some advice that may help us move forward in a more positive manner.

Obviously, there are two things: it's very hard to budget for, so it's very hard to put a firm dollar figure down over the period of five years. I can't tell you the exact cost, obviously, because we're not finished. Once we're finished, we'll know what the bottom-line price is. I would be happy, if asked, to provide some advice on how to proceed with the next act review.

Mr. Cardiff: I'm sure there are a lot of people, including the chair, who would like to provide the government with that advice.

Reviewing the act is necessary, but at the same time I believe that ensuring that both the employers and employees are served by the legislation effectively could have done it more efficiently, effectively and at a reduced cost to the system.

This question might have been asked by both critics for Workers' Compensation Health and Safety Board. I know I certainly asked it of the minister outside the Legislature. There was a request from stakeholders that the minister should move forward; there were nine specific issues the stakeholders wanted addressed as soon as possible. We have since found out that that is not going to be the case. We're hopeful that all 88 issues and any other issues -- I don't know if there were other issues -- will be coming forward in the spring, and we're hopeful that will happen.

Was any rationale provided to the board or the stakeholders for the nine issues not coming forward this fall?

Mr. Tuton: Well, I think that if you sit back and think about it, it would probably make sense to bring all 88 issues in at one time and deal with any of the policy changes that are needed to make that act work within the Workers' Compensation Health and Safety Board and also to provide the education that's needed in one bulk package to all the stakeholders. The member is quite correct that one of the positive results and impacts of the five-year act review is that we were able to rekindle a great relationship with stakeholders. It was that relationship and the hard work of each and every member of that stakeholder group that helped us reach consensus on those 88 issues. It helped us reach consensus on those 88 issues and helped us present that to the government. That certainly would be a positive thing.

Mr. Cardiff: I believe that this is the last question about the act review. I know that previously stakeholders have wanted to have some participation. It's great that you come together, have all that input and make the recommendations. At that point, at the risk of offending someone, it is sent off to lawyers so that they can put it in some sort of legislative form.

It comes back and sometimes it's not very understandable but, at the same time, sometimes the intent of the recommendations does not come through clearly.

I know that in the past there has been some desire on the part of stakeholders to have some sort of participatory role in the drafting of the legislation. I am just wondering if that opportunity was provided during the process of drafting the legislation.

Mr. Tuton: I think that, first of all, it is important to recognize that because of the workloads of various departments, there were some issues around some delays and, through the goodwill of the government, they have allowed us an opportunity to move ahead with the drafting of the legislation within our own resources, which we're hoping that we can come to an agreement on to get some money back for that. We did, as a board, make a commitment to the stakeholders that, once we presented our draft of the act review to government and once government had an opportunity to review it, prior to moving ahead with it, the stakeholders would have an opportunity with us, with the Workers' Compensation Health and Safety Board, to have a look at that draft legislation just to ensure that the intent of that legislation remained the same intent as it was when we sat with the stakeholder group.

Mr. Cardiff: I'll thank the chair for that answer. It clarifies it and I hope too that the government reimburses them fully for their services on drafting the legislation and that there are no penalties for getting it in late. But, in that respect, I guess I'd like to know whether or not -- I know the Chair has no control over a lot of things; he has no control over when we come back to the Legislature; that is in the hands of only one person in this Legislature -- but there is a requirement that legislation -- although I'm sure that we could get unanimous consent to bring the legislation in after the five-day period, if necessary -- but how confident is the chair that the legislation will be drafted in time for it to be presented this spring to the Legislature?

Mr. Tuton: Very confident. I am. I don't see any issue.

Mr. Cardiff: That's good. We will look forward to the minister tabling that legislation.

There have been a number of things in the media recently. Of course, the assessment rates are a concern to a lot of people. I found it hard to find the justification for some of these statements. It was said that the Workers' Compensation Health and Safety Board hired a bunch of people and that the administrative expenses are skyrocketing. From what I can gather, the salaries and benefits rose about \$200,000 from 2005-06 to 2006-07, I believe. I am just wondering if the board has had a hard time controlling the administration costs. Has there been a drastic change in the staffing complement at the board?

Mr. Tuton: No, we have managed to keep a zero-based budget on administration over the last three years, even with the two- or three-percent increase that has come through with the general wage increases. To help us achieve those goals of reducing the duration of claims, reducing time-loss claims and helping to reduce the time from a reported incident to an adjudicated claim, we have increased our claims department to

help handle that. We were quick to understand that our investment today will bear fruit tomorrow. In fact, we are seeing a start of that gentle downturn. I am just going to use averages -- we have gone from an average of 45 days down to about 30 days from the time a claim was adjudicated. To us, that is big.

There are still some issues and those issues are around getting those reports in a timely fashion, because the reports we need to adjudicate the claims sometimes can mean the difference between a short-term time loss and a longer term time loss. A longer term time loss has a greater financial impact on the system than a short-term one does.

Mr. Cardiff: I thank the chair for that.

On the assessment rates, another piece of information that seems to be out there is that the Yukon has pretty much the highest assessment rates across the country. I'm just wondering where exactly we fit with the other jurisdictions. There are 10 provinces and three territories, but I believe the other two territories are treated as one jurisdiction. Where do we fit in the grand scheme of things across the country, as far as assessment rates?

Mr. Tuton: As your colleague to the right of you would attest to, there was a day when we were actually the lowest in a lot of categories across the country and we were the lowest in average assessment rates across the country.

What changed between then and now is the fact that we subsidized those rates up to, in some cases, 50 percent. The dollars that were set aside over the years to provide subsidies to those employers obviously ran out, and when they ran out the assessment rates had to properly reflect the cost of those claims. That had an immediate impact. As a board, we started to make employers aware of the fact that the subsidy was running out, some three years prior to the time when it actually did run out.

In my private life, when I have one, I am an employer and I, like all employers, don't like the idea of having those assessment rates rise either, but when you think about it, you can help to reduce those assessment rates and we're providing assistance, resources and education to those employers who wish to accept it.

Mr. Cardiff: I would also like to make mention that I had the pleasure of attending the Yukon Chamber of Commerce annual general meeting in Watson Lake. I was there for the presentation by the board's representative about the choices program. I am just wondering what the uptake is from employers on that program. I know that it's fairly new and that the benefit to employers -- when they will actually see some return through the reduced assessments -- is some ways off. Does there seem to be from the chair's or administration's perspectives a willingness from employers to participate in the program?

Mr. Tuton: Choices program actually takes effect next year. Employers will actually be able to start seeing the results. In order to achieve the results of choices program, there are some things they must meet in order to gain two percent, five percent, eight percent, 10 percent or up to 18 percent. I think it's important to note here that choices is the reward side of the program.

Through the relationship that we've had with the Northern Safety Network, for example, we have a number of companies that have become COR certified. This means that they have developed in their workplaces over 20 safety management programs and have received recognition for it. In fact, the City of Whitehorse has a requirement to be COR certified to bid on city jobs.

The Northern Safety Network recently introduced it, and they have one graduate -- if I may use that term -- of a small COR certification, which is for employers with lesser numbers of employees. Those are very positive. We have to take baby steps to reach a giant step. We are taking a lot of those baby steps now.

Mr. Cardiff: The chair brought up the certificate of recognition, or COR, program. I certainly recognize the benefits of that, having been to a few workplaces where there are safety training programs in place in those workplaces. I think it does make a big difference.

I'm wondering what the uptake is on the certificate of recognition program. How many employers are participating and working toward getting that certification?

The other question related to that is -- I'll front-load a few questions around this, I guess -- how many government departments are participating and trying to get that certification as well?

The chair also mentioned the fact that the City of Whitehorse is going to be asking for contractors bidding on jobs over a certain dollar threshold to have that certification in order to be able to bid on that job. I'm wondering how that is going with the Yukon government, as far as that being part of their tendering process on construction projects or large projects.

Mr. Tuton: Now, quite awhile later, I'm going to take the opportunity to perhaps provide an answer to the first member's questions at the start, and I'm going to ask Kurt Dieckmann, who is the director of occupational health and safety, to respond to these questions.

At the board, we felt so committed to the Northern Safety Network and the direction that COR was going to take us with all those safety programs that actually provided the services of Mr. Dieckmann on a secondment to the Northern Safety Network, which was then known as the Yukon Contractors Association, to help get that program around COR set up. So I couldn't think of a better person to answer the question than Mr. Dieckmann himself.

Mr. Dieckmann: To start off, the number of certified companies is 14 and there is a 15th that is in the works right now. I'm not sure if you're completely familiar with the program, but we are also a co-signatory on the COR program. We not only support, but we endorse that program. So all the certificates actually do come across my desk and I just signed the 14th today and there's another one that we've just received, so there will be 15. There are currently 56 companies registered in the program. Two government departments are registered in the program. I can't answer the question as to whether or not the Yukon government is going to be requiring COR. That would be a decision of departments other than us and of the government, but I can say that we have strongly encouraged the

Yukon government, as well, to uptake COR and make it a requirement. City of Whitehorse, as of 2008, will require COR for all City of Whitehorse contracts that are let and are in the resource and construction categories. They've also been looking at the idea of making it a requirement for all their contracts.

Mr. Cardiff: I thank the acting president for the answer. I wish them luck with the government to get them to be as compliant as the city. I honestly believe the government has a role to play in this. The government needs to step up to the plate and ensure that workplaces are as safe as they can be as well -- not only their own workplaces, but they have the ability to influence what happens in other workplaces. This is one way that they could do it. I wish you luck with that.

These programs are funded totally, I believe, through the prevention fund that was created -- the \$5 million prevention fund. In the annual report, it talks about there being, I believe it was, seven projects that had been approved through the prevention fund: Northern Safety Network Yukon being one of them, the Yukon Mine Training Association, the Yukon Human Rights Commission, Whitehorse PARTY, which is "prevent alcohol and risk-related trauma in youth", Northern Safety Network Yukon, the Yukon Federation of Labour, the continuing care branch and the Property Management Agency. So those are the ones that had been approved when this report was written. Have there been any other applications to the prevention fund received? Are there any new initiatives through the prevention fund?

Mr. Tuton: I think it is important to clearly state for the record that although you've included the Northern Safety Network Yukon in the prevention fund programs, yes, they are a recipient of a prevention fund; however, the funding of the Northern Safety Network Yukon is clearly a separate issue, and it is funded on a five-year agreement by the board to the Northern Safety Network Yukon with a clear indication that it is our hope and their intention to become self-sufficient -- or as self-sufficient as possible -- after five years. Their board of directors is made up, not only of contractors as the original intent was, but there are also representatives of labour on there as well. The other question was in regard to whether in fact there have been any new prevention fund applications. I believe there has been one more since that report was published.

Mr. Cardiff: I'm just wondering if the chair could tell us a little bit about what that is, or is it premature to disclose that?

Mr. Dieckmann: We just received an application at the beginning of the month. We have looked at the application; it looks good. The application review committee has approved it in principle, but we do still have to go through the contracting stage and get the contribution agreement in place, et cetera, so it is a little bit premature to speak to that one yet.

Mr. Cardiff: I have another question about the prevention fund. Ultimately, I suppose, we will find out what the benefits are to some of these programs. A lot of this is obviously new, so it may even be a bit premature to ask the question.

We can go back to a passage that was pointed out to me by a researcher in our office. It is a passage from the annual report

that the overall and idealistic goal for the Workers' Compensation Health and Safety Board must be to put itself out of business by helping workers. Ultimately it would be something we would all like to achieve. On the way to achieving that goal, what we need to do is ensure that the actions we are taking are getting us there.

I am just wondering what types of tools are being used? Also, is there an evaluation process for these prevention programs?

Mr. Tuton: Obviously there are some measuring devices that are put in place by the board and some expectations that are put on the board as well. They are reviewed, quite frankly, by administration.

In responding to the member's comment about putting ourselves out of business, I think it was pretty clear when we started with our prevention and safety committee, which is a separate committee from the board, that nothing would suit us better than to have our claims department reduced to one or two people, recognizing, of course, that simply by the definition of the term "accident", they will happen, regardless of what is put into place. What we need to do is ensure that the numbers of those accidents that are work-related are greatly reduced.

The relationship that we have not only with stakeholders on a regular basis, but also with the partners we have formed in this prevention fund -- and we put up \$5 million to help ensure it happens -- is of the utmost importance to us. The measuring of those programs and the types of contracts that we enter into are very precise and tight so that we are sure that we are getting the value out of the dollars we are putting in.

Mr. Cardiff: I am sure that employers would like it if their assessment rates went down. I don't believe there are too many employees out there who want to be injured on the job.

There is one thing I wanted to ask. I am sure I will get there. I would like to go back to the investigative branch just briefly. The chair has offered to supply the terms of reference to the other critic, and I would appreciate receiving those as well -- any information that can be provided equally to both opposition parties.

How are investigations going to be initiated? Is there a process for that? Is it on a complaints-driven basis or is there somebody out there whose job it is to go out and look for non-compliance with the legislation and policy?

Mr. Tuton: There are a number of ways that will happen. Obviously, when you think about employers, if you happen to notice the shingle hanging up on a certain street that says XYZ contracting company and somebody goes back to the records and says, "Well, it's interesting that XYZ contracting company doesn't appear to be paying any workers' compensation assessments." Obviously, that would be a trigger.

There is an opportunity for individuals, if they feel they have a complaint that is warranted to be investigated, we will also do that. There are a number of avenues that are available to the investigator. I think, really, we want to make sure that all the policies and the act requirements are being met by all stakeholders involved in the system. The investigator is just another opportunity that is going to be provided to us. As I said

to those of you who were at the annual information meeting, the Northwest Territories has shown over a period of a year that, in fact, they could increase the revenue side of their ledger by some \$2 million, I think. Whatever base we can do that on, we would be happy to see the results much the same.

Mr. Cardiff: One of the other issues that came up around assessment rates, in conjunction with the assessment rate announcement, was about the reporting of accidents. The rule that employers must -- well, employees must obviously comply as well because the employer has a hard time filing the report if the employee hasn't filed the report with the employer. But the three-day rule for filing the claim with the Workers' Compensation Health and Safety Board -- it was said that in some instances it has been up to 30 or 40 days before some employers have filed those reports.

If everybody filed their reports in the three-day period, what impact do you think that would have on claims costs?

Mr. Tuton: Well, I think it would be huge. As I mentioned, we cannot adjudicate a claim until we have all those documents in front of us, and there are three of them -- the employee, the employer and the medical provider documents. We cannot even start to adjudicate a claim until we have those three documents so that we can comply.

As I indicated earlier -- and I can just use an example that would best clarify the situation. If a worker had a simple back strain, went to the doctor and reported it, had we been able to get that employee, employer and medical reporting document within the three-day period, we would be able to start rehabilitation and treatment within three to five days.

Obviously, if those reporting documents are not available to us for 30 or 40 days, it's very clear that that simple back strain that could have been dealt with immediately, but now hasn't been dealt with for 30 or 40 days, could turn into a long-term disability, which in fact would have had a very serious impact on our financial front.

Mr. Cardiff: This leads me to my next question. The largest employer in the Yukon is the Government of Yukon. How compliant are they with the three-day reporting? Do we have that information?

Mr. Tuton: I'm not sure that I have the exact information, but I think in general, speaking in general terms, all employers and all categories of employers from time to time fall onto the bad side of the equation on reporting and I wouldn't say that government is any better or any worse than any of the other employers. But it is common across.

Mr. Cardiff: The only comment I would make is, given the chair's comments that the savings would be huge, and given that the government is the largest employer, the largest savings could probably be made by having the largest employer be compliant with the three-day rule. By the same token, then they would probably pay fewer late reporting penalties, which would again save workers and taxpayers a lot of money.

While we're on the topic of bad employers, I know that I am probably walking on thin ice here. In some people's opinions -- and I know from listening to the comments of the chair, they are not in favour of this. Maybe we should have reporting

of employers who are late reporting their claims. That might be a start anyway.

I just want an opportunity to get my point of view on this issue on record -- the issue around reporting employers with bad safety records. We're not talking about reporting bad employers; we're talking about reporting employers with bad safety records or unsafe workplaces on a consistent basis.

The chair stated that the board has the ability to close down those workplaces if they are really unsafe and/or to take them to court. It is not very often that we hear of workplaces being closed down. It is not that often that we hear of employers being taken to court. There is one recent situation that has been fairly public, and I believe there could have been some others, actually, including the government, which could have been probably taken to court over unsafe work practices. But from my perspective, the arguments and one of the arguments that I've heard is that if you are going to report bad employers that you, by the same token, should report bad employees. Well, number one, I think that it is up to the employer to provide a safe workplace.

One of the responsibilities of an employer is to provide direction to their employees. One of the things that that employer should be doing is to provide direction to the employee to work in a safe manner. If they are not doing that, I know the employee has to bear some responsibility themselves, but the employer needs to provide that direction.

I would also argue that the employer, when hiring an employee, has the ability to ask for references from that employee and he can go back to that employee's previous employer and the employer previous to that. He can request that information, and he can talk to those employers and ask whether or not they were a good worker. Were they safe? I don't know how many employers actually ask that when they do a reference check on their employees. I'd be interested to know whether or not the Public Service Commission asks that question when they are doing job interviews. Until it becomes a big issue for the workers' compensation system and for employers because their assessment rates are going through the ceiling, they may not think of that.

There is one thing an employee can't do -- at least I've never heard of an employee being able to do this -- and that is to fire their employer. The employer has the hammer. They have the ability to look at an employee and say, "You are not working safely and that's an issue for me, because it is driving my assessment rates through the ceiling; it's a burden on my business. If someone isn't working safely, it's costing me money." It can be time-loss injuries, the assessment rates or all kinds of things. It's in the employer's interest and the employer has the ability to look at any employee and say, "That's once", they are not working safely even before an accident happens. If an accident happens, the employer can say that the employer is providing a safe workplace and they want the employee to take advantage of that and work safely, not put themselves at risk and increase the costs of the employer's business.

The second time, the employer can put it in writing and say that twice the employee did not work safely. The third time, although I am not sure what the progressive discipline is,

but if an employee consistently works in an unsafe manner, the employer ultimately has justification to say to the employee, "You're down the road".

No employee can say that to an employer who provides an unsafe workplace or asks an employee to climb a ladder, stand on the top of it and hang some pipes or work on the very top of a scaffold. They can say not to worry about safety glasses because the employer can't afford them. An employer can say, "Sorry, we have to go to Yukon Explosives and get some hearing protection, because we're all out."

The employer does have some responsibility. It's kind of like the carrot-and-stick approach, I suppose. I think you are offering employers an opportunity. There are programs -- the certificate of recognition program, the choices program where employers are going to benefit from having safe workplaces. That's the carrot, I suppose. But there has to be something there to say that, "Look, if you guys are going to step up to the plate and participate in the certificate of recognition program, if you don't want to be part of the choices program and get those benefits, then we are going to use a stick."

One of the comments I made is that it is not unlike selling tobacco to minors. When a retail outlet sells a package of cigarettes to someone who is underage, they lose the ability to sell tobacco products for a certain period of time and they have to publish a notification in the paper. I may be the only one in the Yukon who believes this is a good idea to publish the names of -- I am not saying all employers with bad safety records, but the worst ones. I don't know how you set the threshold. That's something that would have to be up for discussion.

It seemed to be the perspective of one of the experts who was at the return-to-work symposium earlier this year. It is done in other jurisdictions. I think that being a small jurisdiction may be viewed as a problem, but at the same time it may be viewed as a benefit in this instance because we are all so close. For the most part, we all know each other, and if we don't -- if there is someone who is off the radar screen who does have a problem providing safe workplaces -- then the public needs to know about it.

The other reason is that, of the 1,800 or 1,900 workers who have been injured this year, it's my understanding that a lot of those are young people who don't have a lot of job training or job safety training. They don't know what a safe workplace is. So if there was the ability to provide that information to the public, young people would be able to see that and they would know which employers were safer and which were the worst employers. That's the argument that I would make, I guess, and it would encourage employers to get COR-certified and be able to not have their names published.

So I don't know whether the chair has any response to that statement, but I'd be interested in hearing what he has to say about that.

Mr. Tuton: Yes, I do have an interest in responding to that statement. Mr. Chair, correct me, but is it proper for me to refer to people using their names?

Some Hon. Member: (Inaudible)

Mr. Tuton: No. Thank you.

So, Mr. Chair, to you and the critic of the other party questioning us today related to this topic, I want you to know that I do respect your positions on the issue and take them into consideration. But I also want to say that we did look at that.

Yes, there are other jurisdictions that deal with that differently, but they are much bigger jurisdictions. We at the Yukon Workers' Compensation Health and Safety Board have chosen to take a proactive stance in this regard. Initially, at least, we would like to take an opportunity to work with the employers to really try to get them to understand that there is a difference between a safe and healthy workplace and an unsafe and unhealthy workplace.

Failing that, after a given period of time, then we're going to be more than happy to look at other options that are available to us. One of the things that I can clearly say quite definitively is that, over the last few years, we at the Yukon Workers' Compensation Health and Safety Board have taken a different approach than I would say of 99 percent of other jurisdictions across Canada. That is, in the interest of the board and to make sure that we were, number one, highly accountable to our stakeholders and, two, very transparent, we have set up, not one, but three separate committees that are separate and outside the structure of the board. They are our stakeholder advisory committee, our prevention, health and safety committee, and our policy working group.

The policy working group is made up of stakeholders outside the Workers' Compensation Health and Safety Board that sit and look at policies that are being developed that affect workers and employers. Prior to it coming to the board, they have their input. Our stakeholder advisory committee is informed on everything the board wishes to move ahead with. Every single initiative that this board has moved forward with over the last few years has involved our stakeholder advisory group or our prevention and safety committee.

Now, having said that, we will provide as much help and education as we can to employers. If at the end of that given period, whatever that is -- and I think the time frames here are very short, not long -- then we will look at other options if those employees choose not to come on the side of safety and prevention.

Now, let's deal with the fact of the comment about workers not being able to fire their employers. As an employer, there are many days where that option would make me happy; I could move on to other things. The reality and the fact of the matter is that the workers do have rights. They have the right to refuse to work in an unsafe work environment; they have that right.

We have two very distinct pieces of legislation and it gets confusing at times for workers and employers. We have our *Workers' Compensation Act* that deals with workers' compensation issues and we have our *Occupational Health and Safety Act* that deals with occupational health and safety issues. The government recently introduced some changes to the regulations, which we made available to workers and employers in a much more readable format than we had before. So those regulations are available.

So those workers do have the right to say to their employer, "Listen, I know you asked me to climb that ladder, but I don't think it is a very safe ladder to climb, and therefore I'm not going to do it." Once that is done and if there is a complaint made to our occupational health and safety division, they will investigate and once they do investigate, if they find that they are not in compliance with that act, they will then enforce and issue penalties. So there are options available to those workers.

We as parents, for those young workers you speak about -- there are not that many people who understand this but, in some of the industries that we have in Yukon today, some of the workers they have in those beginning service positions are 11 and 12 years old. We don't have any legislation that restricts the age of our workforce. So if you can imagine, you're an 11- or 12-year-old working at one of these establishments and thinking that, number one, they are trained in how to work, never mind how to accept or even to know what is or is not a safe work environment.

Those are the kinds of things that we have to do, as a board and with our stakeholders, to help provide the information to those children. We as parents must also take the initiative to say, "Listen, Johnny, if somebody is asking you to do something that you think is totally wrong -- don't do it. Tell the employer that you cannot and will not do it under those environments." We have to provide that, as well as parents.

Mr. Cardiff: I thank the chair for his comments. There are just a couple of comments to close this topic. I do recognize that employees have the right to refuse to work in an unsafe workplace and to refuse work if they consider it unsafe. I guess some of the arguments we're making are the same, because what I brought up was the fact that some of the employees are young. I would go so far as to say they are naive about workplace safety. It is our responsibility as parents, adults, tradespeople and workers in the workplace to ensure that we are pointing out to young people what is a safe workplace and what isn't. I have no qualms about that.

What I have qualms about and problems with is when -- whether they are young people, middle-aged people or old people, men or women -- they are intimidated by their employer to do something to the point where they won't report it and it causes injuries: then it is another problem. The other thing we have to take into consideration is that some people, depending on the category of work they're in, are under some sort of financial stress. It doesn't therefore take much intimidation to get them to say that they will do something even though it is unsafe, because they have to make sure they get shoes for their kid, baby formula or diapers or whatever. If we have employers who are taking advantage of situations like that, it needs to be dealt with.

The other thing that ties in with this is that, in a conversation as recently as yesterday, I had employees talking to me, asking me about what is going on with their employer's assessment rate. They say they have a safe workplace and haven't had an injury. They say it's those other guys -- another contractor somewhere else.

In that respect, there are some employees out there who really feel for their employers because their employers are pro-

viding a safe workplace. They are trying to work in a safe manner, but when they go to other job sites or talk to other contractors who have been on the job with other subcontractors, those guys are dangerous -- you don't want them on the work site. That's that.

I know my time is running out and I know the Member for Copperbelt would like to ask one quick question. I am going to try to front-load two questions here -- I apologize. There are two things I would still like to find out. There is the spectre of two things happening here. One is a megaproject -- this has been out there before, whether it's a large mine or the pipeline -- and the impact that could have on the board if there is a huge project and a huge accident.

I am just wondering what the board's contingency is for that. I know we've talked about this before. I would be interested to know if they had been looking at other options of insurance and where they were at with regard to that.

The other thing I'd like to know is whether there is any analysis being done at the Workers' Compensation Health and Safety Board about the impacts of the trade, investment and labour mobility agreement that is currently being looked at by the government here in the Yukon.

With that, I will sit down and listen to the answers. I would like to thank the witnesses for being here today, for providing the answers and for the hard work that they and all the employees at the board do.

Mr. Tuton: I'll answer the second question first because it's the easiest -- no.

Honestly, I'm not even sure what it is myself. But, no, we haven't looked at that.

The first question, though, is an interesting question. I'll start by simply saying that we recognize that opportunities may arise sooner than later in the area of megaprojects. One of the things the board has been very aware of is that we must be careful that the employers who have been paying into the system over a long period of time are not going to be held responsible for perhaps some of the actions that a megaproject may or may not have on the system.

So, to that end, we have a yearly opportunity to meet with other jurisdictions across the country on governance issues from the standpoint of the Association of Workers' Compensation Boards of Canada. We had an opportunity this year to meet with our counterparts and colleagues from the Northwest Territories who share with us a number of similarities -- least of which is the size of jurisdiction, but more importantly are the opportunities for megaprojects, as you mentioned, in our own jurisdiction.

So they have, in fact, developed a policy in that regard, and there are two ways you can deal with it: up front by developing a policy so that anyone coming into the territory with dreams of being a major contractor in a megaproject would have that policy available to them prior to making the decision to come here, and the second way would be to deal with it on a piece-by-piece basis.

We're leaning more toward the policy end of it. We have looked at their policy, and it's one of the policies on the radar

screen for 2008, so we'll be dealing with that. It's one we'll be dealing with fairly soon.

So, thank you for your question and I look forward to some information forthcoming.

Mr. Mitchell: Knowing that it is quite late in the afternoon, I think I will reverse this a little bit and I will thank the witnesses, the chair of the board, and the acting president up front for their appearance and for answering the questions and giving testimony today. I might not get a chance to thank them afterwards.

I have two or three questions that come from having listened to the discussion this afternoon. They are follow-ups so I'll try to roll them into one and you can answer in the order that you see fit. I was going to ask the question that the Member for Mount Lorne asked about the fact that the regulations require the reporting of injuries within three business days after the injury occurs and that the board recently announced that this has been 30 to 40 days in some cases. The Member for Mount Lorne also asked if this is affecting costs of processing claims and treating injured workers, and he answered that it was quite significantly doing so. The obvious follow-up question is, since it has been the case that these reports have been so late in being filed, and the board is aware of the effect on the cost, then why has this been allowed over a period of time to occur? Because it does affect costs -- so I would ask that question.

Another that I would like to ask is that both the Member for Mount Lorne and the Member for Porter Creek South have expressed their views on the possibility of identifying employers who have a high rate of injury occurring on an on-going basis. I won't use the term "bad employers", but apparently unsafe employers. I understand the position that the chair has expressed, that this is a small jurisdiction and, having been an employer who in 20 some-odd years had one reported workplace injury occur, I know that accidents do happen and, in some businesses, the rate could look high based on one industrial accident that could involve more than one person.

Why would the board not consider looking at employers who are, so to speak, the repeat offenders? Employers who, over a longer period of time -- not just one year where spikes can occur -- repeatedly exceed their industry category average -- because that would indicate that it's a pattern, not a statistical anomaly. Perhaps at that point, workers -- particularly new workers entering in the workplace who are vulnerable and eager to get jobs and may not have the knowledge of these particular employers -- would be forewarned about those employers and they would perhaps have to clean up their act. I'll leave the two witnesses to answer those questions in either order.

Mr. Tuton: Let's deal first with the employer reporting. We made this an issue about two years ago. I'm just going to use rough dates; please don't hold me to them. Approximately two years ago we started including at the bottom of our quarterly assessment invoices to employers that we had the ability to attach a fine to non-reporting in a timely manner of these employer/employee and medical report cards.

In that particular way, we were proactive again where we thought we could work with them. Obviously, that has not

proven to be the case. There were some issues around the actual forms in terms of making them more friendly, so that users wouldn't get confused by them. We have dealt with that issue, so we are at the point where hopefully simply the awareness that the three-day reporting period with the fine attached to it will be enough to make them work.

I think we have to be clear that there are various types of injuries. There may be a number of incidents reported that may not have any time loss attached to them. We at the board would have to deal with that in a separate way, as opposed to, number one, long time-loss claims and number two, expensive time-loss claims. Those are more serious injuries that require more help and rehabilitation.

I value the member's opinions. There has to be a way, where if an employer continually, after our proactive approach to try to help the individual, company or corporation -- whatever it may be -- fails to see the way and provide a healthy environment for the worker, I would agree and say that prior to moving ahead, we would continue to work in the way we have in the past. We would involve our stakeholders and simply say, "This is what we have tried and obviously it's not going to work." Given the jurisdiction and the size of the jurisdiction, let's look at other opportunities to make sure that that employer gets the point that this is not acceptable.

I do appreciate that and I thank you for your comments. I can assure you that if we are at that point, we will move ahead, as we have done, with the reporting of the forms from employers, workers and the medical community.

Mr. Mitchell: I wouldn't be a politician if I didn't recognize a political answer when I heard one. I heard one about an hour ago to the question asked by the Member for Mount Lorne about where the Yukon assessment rate schedule stood on the pantheon of provincial and territorial rates. There was some discussion about the elimination of the subsidy, which I understand and think was long overdue. I guess I would ask the question again, since the subsidies are gone: for the record, where do we stand?

Mr. Tuton: I am sure you will have an understanding that I don't have the political experience that you people have, so I am going to have to revert to my natural abilities. We are not where we want to be. I understand that is still a political answer to a political question, so I will give you an even better answer. We are much higher than we want to be.

In our annual meetings with our jurisdictions across the country -- you will probably remember that this is one of the issues that jurisdictions are proud of. What were you able to do this year and what were you able to do this year?

That's not one that we're proud of -- to say that our rates have risen -- but they reflect that collective liability that we are faced with in a small jurisdiction. I respect some people's opinions that we should look at experience ratings for each company. You know, we have looked at that, but you made the point quite correctly yourself that if a small company that has had no accidents for 10 years all of sudden had one person who broke their back, by accident, in a work-related injury, then they would not be able to afford the costs of those claims. So we have to look at that, and that is why it has to be collective

liability. It is something, I can assure you, that we review regularly, and we discuss with our stakeholders regularly how we can reduce those. We at the board level don't like to have to stand up and say that the costs are going up so we have to think of another way to do this.

Chair: Order please. Seeing the time, the Chair, on behalf of Committee of Whole, would like to thank Mr. Craig Tuton, chair of Workers' Compensation Health and Safety Board, and Kurt Dieckmann, acting president of the Yukon Workers' Compensation Health and Safety Board, for appearing as witnesses. The Chair will now rise and report, and I would like to excuse the witnesses present.

Witnesses excused

Speaker resumes the Chair

Speaker: I will now call the House to order. May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 8, entitled *Second Appropriation Act, 2007-08*, and directed me to report progress.

Also, pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 2, Craig Tuton, chair of the Workers' Compensation Health and Safety Board, and Kurt Dieckmann, acting president of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses before the Committee of the Whole from 3:30 p.m. to 5:30 p.m.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried. The time being 5:30, the House now stands adjourned until 1:00 pm tomorrow.

The House adjourned at 5:31 p.m.

The following Sessional Papers were tabled December 4, 2007:

07-1-46

Yukon Department of Education 2006-2007 School Year Annual Report (Rouble)

07-1-47

Area Development Act regulations (Lang)