



The Yukon Legislative Assembly

Number 64

3rd Session

26th Legislature

HANSARD

Thursday, January 15, 1987 — 1:30 p.m.

Speaker: The Honourable Sam Johnston

Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Tony Penkett	Whitehorse West	Government Leader. Minister responsible for: Executive Council Office; Finance; Economic Development; Mines and Small Business; Public Service Commission
Hon. Dave Porter	Watson Lake	Government House Leader. Minister responsible for: Tourism; Renewable Resources.
Hon. Roger Kimmerly	Whitehorse South Centre	Minister responsible for: Justice; Government Services.
Hon. Piers McDonald	Mayo	Minister responsible for: Education; Community and Transportation Services.
Hon. Margaret Joe	Whitehorse North Centre	Minister responsible for: Health and Human Resources; Women's Directorate.

GOVERNMENT PRIVATE MEMBERS

New Democratic Party

Sam Johnston	Campbell
Norma Kassl	Old Crow
Art Webster	Klondike

OPPOSITION MEMBERS

Progressive Conservative

Willard Phelps	Leader of the Official Opposition Hootalinqua
Bill Brewster	Kluane
Bea Firth	Whitehorse Riverdale South
Dan Lang	Whitehorse Porter Creek East
Alan Nordling	Whitehorse Porter Creek West
Doug Phillips	Whitehorse Riverdale North

Liberal

James McLachlan Faro

LEGISLATIVE STAFF

Clerk of the Assembly	Patrick L. Michael
Clerk Assistant (Legislative)	Missy Follwell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Hansard Administrator	Dave Robertson

⁰¹ **Whitehorse, Yukon**
Thursday, January 15, 1987 — 1:30 p.m.

Speaker: I will now call the House to order.
 At this time we will proceed with Prayers.

Prayers

DAILY ROUTINE

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

DAILY ROUTINE

Speaker: Introduction of Visitors?
 Are there any Returns or Documents for Tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mrs. Joe: I have for tabling answers to questions asked by the Member for Riverdale South yesterday.

Hon. Mr. Penikett: I have three answers to questions asked by Members.

Speaker: Are there any Reports of Committees?
 Are there any Petitions?

PETITIONS

Hon. Mr. Porter: I would like to today respond to Petition No. 5 presented by the hon. Member for Kluane.

In response to the Petition, I would like to state that it is recognized that Silver City is indeed an important site, both from the points of view of Yukon's history and the tourism development in the Kluane area. As evidenced by the unanimous consent to two recent motions presented to this House by the Member for Kluane, I agree that steps must be taken to protect and preserve this important historic site and that government should look toward development of the site as a major attraction in the Kluane area.

⁰² I have, therefore, instructed my officials in the Department of Tourism to do the following: in consultation with the Lands Branch, Department of Community and Transportation Services, to immediately establish formal contact with the owners and ascertain their present position toward the sale of the property; to inform them of the upcoming availability of grants under our new Heritage Properties Assistants Grants Program should they be interested in private development and to seek their permission for access to the property to undertake an assessment under the Historic Inventory earlier this summer. In consultation with the Minister responsible for Community and Transportation Services, we have agreed that his department will undertake an immediate engineering analysis and assessment of the area with a view toward developing an action plan to prevent further flooding from Silver Creek and to assess the feasibility and prepare an action plan for the longer term protection and development of Silver City. This will be incorporated in the Heritage Inventory Study that we are doing.

Silver City is recognized as an important historic site, and the government intends to take appropriate and reasonable steps to ensure its preservation so that it can continue to make a contribution to the historic interpretation of the Yukon and will provide a major local tourist attraction in the Kluane area.

I would like to commend the Member for Kluane for the work that he has done on this project. He often laments that he finds it hard to deal with bureaucracy. Maybe he does not win them all, but it is recognized that he does win some.

Mr. Brewster: I would like to thank the Minister of Tourism for that. That makes me very happy. He might also notify the bureaucrats that I am not through fighting. I will be back with something else when we get this straightened around.

⁰³ **Speaker:** Introduction of Bills?
 Notices of Motion for the Production of Papers?
 Notices of Motion?
 Statements by Ministers?

MINISTERIAL STATEMENTS

Yukon Tourism Advertising Slogan and Theme

Hon. Mr. Porter: I rise today as the Minister responsible for Tourism to report to Members on the competition of research into a new theme or slogan for use in tourism promotion programs and, on a related matter, to announce our intention to provide Yukoners with an opportunity to view the Expo 86 Yukon audio-visual production.

Consumers are bombarded every day with thousands of messages. To be competitive, advertisers must communicate in such a way as to be noticed, understood and remembered. The message should entice the recipient, the viewer or a reader to action.

Tourism Yukon wished to determine if the slogan currently being used, together with nine other new ones developed and recommended by advertising agencies and others, would accomplish these primary communication objectives.

Marketers of goods and services spend fortunes on testing and developing themes and slogans that create a positive public image about their product, build public awareness and create an easily-identifiable trademark for themselves.

The use of such slogans must accomplish the primary communication objectives and build a consistent, positive identity for the advertiser. An example of this concept is the success British Columbia has had in developing and consistently using the slogan "Super, Natural BC" in its tourism promotion programs for a number of years.

The proposed slogans were tested in six centres in our major US and Canadian markets. The purpose of these tests was to gauge the reaction of qualified consumers to the various slogans in terms of their appropriateness, their visual and mental appeal and the strength of that appeal and attention-getting power.

The slogans were also tested to establish their potential to create a positive identity for the Yukon and for use as a slogan or signature in advertising and other communications programs.

The last important test was to establish whether or not each slogan had potential to entice consumers to request more detailed travel information on the Yukon. The reasons behind consumer impressions were also explored.

Each slogan was individually viewed, discussed and graded by the participants against the criteria described. All slogans were then compared by each group of participants and point-rated against each other, using the same criteria. The slogan chosen scored the highest both in the individual ratings of characteristics and when it was rated against the other nine proposed slogans.

It is "Yukon — The Magic and the Mystery".

The results of this research have been reviewed with the Cooperative Marketing Committee, who have endorsed its findings and have recommended its use for the future. Previous research, conducted in December, 1984, failed to identify a good slogan. This will now allow us to consistently and positively position the Yukon as a competitive travel destination and to build a clear identity for the Yukon.

It is of interest to note that the new slogan was used on our brochure for the Yukon Pavilion at Expo 86 and was also incorporated in the major audio-visual show at the Pavilion.

Partly because of this connection, and in order to provide those Yukoners who were unable to visit Expo with a taste of that magic and mystery, it is our intent to screen the two audio-visual shows from the Yukon Pavilion here in Whitehorse in the near future. This will entail finding a suitable location in which to set up the required 18 projectors and large screens and then selecting suitable dates so as not to clash with other events. Officials of the Department of Tourism are currently working on this project.

⁰⁴ **Mr. Lang:** Members on this side recognize that the methods of

advertising change with the time. I appreciate the fact that the Yukon Visitors Association, in cooperation with the Department of Tourism, is obviously doing research in this area. I am not an expert in this area, and I am sure no one in this House is. I do want to register a concern and that is that one of the major cornerstones of our advertising has been the Home of the Klondike and also, the affiliation with the gold rush. There are many ways of saying it. That particular slogan, that particular identification for Yukon, is not only known within Canada, but is known internationally. In many cases, in many countries in the world, it is taught in the history courses and identifies Yukon with the Klondike and the gold rush.

Recognizing you want to broaden your tourism base, I see perhaps some need for modification. I want to register our concern that the slogan that the Minister has just put forward does not replace that of "The Home of the Klondike". The amount of advertising that we get from the fact that the Klondike, Dawson City and the gold rush were identified with the Yukon, I do not think the Government of the Yukon Territory, no matter how much money it had been left by the Government of Canada, can afford a major change in advertising if that is totally deleted and ignored.

⁰⁵ **Speaker:** This then brings us to the Question Period.

QUESTION PERIOD

Question re: Chronic disease list

Mr. Phelps: I have a few questions relating to the Ministerial Statement that was read out a couple of days ago regarding the comprehensive chronic disease and disability program. I noted from her remarks that this is a transfer of a federal health program to the Government of Yukon. I am rather interested in the steps that the government has taken in order to facilitate that transfer. Has CYI been fully consulted on this matter?

Hon. Mrs. Joe: The transfer of the Chronic Disease Program did not include those status Indians who would have been affected by it. They would still have their needs dealt with through Medical Services. This would include non-status Indian people and other Yukoners. The administration of the program has already been done and has been for a long time by our government. It was just a matter of transferring that administration.

Mr. Phelps: That leaves me with some concern if the status Indian people are not part of the program. Does that mean that they will not be benefiting from the broadening of the program that the Minister has announced?

⁰⁶ **Hon. Mrs. Joe:** Status Indian people have all of those necessary medical requirements paid for already.

Mr. Phelps: Has there been consultations then with CYI with regard to taking over the DIAND component of the program?

Hon. Mrs. Joe: The CYI have been involved in any meetings, negotiations and any other decisions that have been made with regard to a health transfer. They are on the committee.

Question re: Chronic disease list

Mr. Phelps: I would like to tie down the figures, and I see that has been done to some extent in the legislative return just filed by the Minister. There seems to be different figures bandied about.

At the time of the transfer, what was the cost of the transfer to this government?

Hon. Mrs. Joe: The cost to cover the chronic disease list as was required by Medical Services, I believe, was in the area of \$64,000. Medical Services at that time paid that amount and we reimbursed them.

Mr. Phelps: My concern is just exactly what kind of a deal was struck with the federal government when this was taken over and where we stand now, because a \$64,000 cost was a reimbursement cost. My next question is: what was the administration cost component of taking on these responsibilities?

⁰⁷ **Hon. Mrs. Joe:** I do not have that information right now. If the Member is going to be asking me specific questions, then I have no problem answering them if I know them. If I do not, I can certainly bring those answers back.

Mr. Phelps: When the Minister is bringing the answers back, could she also advise us as to how much we are being recompensed by the federal government for taking on this program, including all costs — administration costs and other costs — so that we know approximately how much we are getting back from the projected figure of \$369,600. Could the Minister bring that back as well?

Hon. Mrs. Joe: Yes, I will.

Question re: Electrical power surplus

Mr. McLachlan: When will the Minister of Community and Transportation Services be able to approve an application for sale of surplus power at the government maintenance camp at Drury Creek, so that the Department of Indian and Inuit Affairs can complete their electrification program of the native cabins in that area?

Hon. Mr. McDonald: I am not familiar with the details of the question the Member is asking. I will have to take the question as notice.

Mr. McLachlan: Part of the problem may be due to the expression used in that project, as defined as surplus power. As the Minister may be aware, there is only one source of power in that area because of the cost of providing a step-down transformer off the main transmission line to the mine. Only the government is able to afford that. The power is supplied from the government camp to lodges and other close residential cabins in that area.

Does the Minister know if there is any surplus power at the government maintenance camp?

Hon. Mr. McDonald: I do not know the details of the question the Member is asking. I will quickly secure that information. I would anticipate it would take a few hours.

Mr. McLachlan: Part of the problem surrounding some of the answers may be a reluctance on the part of the department to commit so-called surplus power because of a potential rebuilding of the government maintenance quarters at Drury Creek.

Can the Minister advise in the long-term plans of the department if there is a plan to rebuild the living quarters at Drury Creek in much the same manner as the government is going to be doing in the Minister's riding at Stewart Crossing?

Hon. Mr. McDonald: There are plans, as Members know, for the improvement of staff quarters at Stewart Crossing and Swift River this year. There are plans in the future to do the same for the living quarters at Drury Creek, but I am not sure whether the connection the Member makes between those plans and his allegation of the department's reluctance to supply power to other users have any connection at all. I will have to check on that question for the Member and will return to the House with it.

⁰⁸ Question re: Chronic disease list

Mrs. Firth: After reviewing the Ministerial Statement of Chronic Diseases, I find that since we recognize the medical need for some of the measures, I would like to ask my questions in the context of the financial background work that has been done, particularly in light of the fact that the government has just abolished medicare premiums, which is a loss of revenue of \$3 million.

Does this policy decision mean that now all medical costs for eligible individuals will be borne by the government from diagnosis of disease on?

Hon. Mrs. Joe: A certain number of those things will be paid for by this government. There are certain things that the Member knows that individuals have to have as a result of a disease that they have. Some of them will be paid for. We have a list of those items in our regulations, and I would be happy to give a copy to the Member.

Mrs. Firth: I have a copy of the regulations. I am talking about the expanded programs that were announced in the Ministerial Statement and the additions in the Chronic Disease List. I interpret it as covering all of the costs. Is that correct? If a patient is diagnosed as having some disease that is on this list will all the costs be paid for as a result of the expansion of the services?

Hon. Mrs. Joe: I do not have a complete list of all those things that will be covered when the program comes into effect. There are certain things that will be covered. Things like aspirin would not be.

Some apparatus that is necessary to make the patient more comfortable or to help her/him in any way would possibly be covered. That would be at the discretion of the physician.

Mrs. Firth: The Minister should be able to answer what is going to be covered. They said they have done regulations and made the decision to add these diseases to the Chronic Disease List as well as add the extension of Services. The Minister should be able to tell me if all the costs are going to be covered. I would like to know if all the costs are going to be covered or are patients going to be required to have a means test or pay a certain percentage for pharmaceuticals?

Hon. Mrs. Joe: There has been a lot of work done in putting together this program and deciding what will and will not be covered. There are individuals who will be able to take advantage of it. There is a process for these people with the chronic disease to go through. They have to register to be on the chronic disease list.

I cannot stand here and say that certain things are going to be paid for. I do not know the things that are required for every disease that is listed in the regulations. I do not know all the things that are needed to go along with those diseases. The Member is asking a question that I cannot give a specific answer to.

Question re: Chronic disease list

Mrs. Firth: The Minister made this policy decision, and I am assuming she understood what she was doing when she made the decision. Either all the costs are going to be covered for some diseases or no diseases, or they are not.

I am simply asking the Minister if there are any diseases that all of the costs are going to be covered?

Hon. Mrs. Joe: I have answered that question.

Mrs. Firth: The Minister has not answered the question.

I would like to ask the Minister why, since she has tabled this legislative return and we find out that the costs of the program are really going to be \$369,600, the Ministerial Statement did not say that? Why did the Ministerial Statement say simply the \$120,000?

Hon. Mrs. Joe: The \$120,000 are additional costs. There are certain things that are being covered right now under other programs. There are certain individuals who have been able to take advantage of a vocational rehabilitation program. They are individuals who have been on social assistance, who have had to go on social assistance because they could not afford to pay those costs. Those patients' costs will be transferred over to the Chronic Disease and Disability Program.

Mrs. Firth: Can the Minister answer my question as to whether they are setting a precedent by including AIDS on the chronic disease list? I find that the answer in the Legislative Return is not sufficient. I would like to know if we are setting a precedent in that we are putting AIDS on a chronic disease list that is going to be covering all of that individual's costs.

Hon. Mrs. Joe: I do not know if we are going to be setting a precedent or not. AIDS is a chronic disease. If there is any medication that would be available to an AIDS patient, it would be covered under here. Unfortunately, anything they have right now is purely experimental.

Question re: Chronic disease list

Mrs. Firth: I feel the Minister should have the answers to these questions if she has made these policy decisions. In my research I find that AIDS generally is found in young people who are well educated and who have good incomes, good jobs. In other areas of Canada they are required to pay some costs.

I would like to ask the Minister why that was not taken into account? Are we setting a precedent that here in the Yukon they are not going to be required to pay any of the costs? This is a very important question.

Hon. Mrs. Joe: We do not have any AIDS patients in the Yukon right now who are taking advantage of any other program under our health insurance except possibly for tests. We do not anticipate that we will have any for awhile, this year or next year. We do not know if somebody is going to be moving to the Yukon and will require any kind of medication or hospitalization.

If we do happen to have an AIDS patient and that patient does

require any kind of medical services from us, surely to God we would have to have them covered under a health plan of some kind.

Mrs. Firth: Why would we be including them on a chronic disease list, if the Minister is saying that we are not expecting to have any. I do not necessarily agree with her analysis that we are not going to have any. However, why would she include it on this chronic disease list without even being able to give me an estimate of what the cost would be to care for one AIDS patient in the Yukon Territory?

Hon. Mrs. Joe: We do not have a lot of reported AIDS cases in Canada. We have possibly between 700 and 800. Unfortunately, half of those people have died. We do not know whether or not we are going to have any AIDS patients here who will require any of our services. If we do, there is no reason why that should not be on our chronic disease list. I see no reason to exclude it, if it is a chronic disease.

Mrs. Firth: The Minister of Health is wrong in her comments. My research tells me that, in Vancouver, they had 191 cases of AIDS for the calendar year of 1986. They are anticipating that that is going to double in the next year.

The St. Paul's Hospital, who cares for AIDS patients in Vancouver, is given a grant from the government to run the hospital. For 15 patients in St. Paul's Hospital in the calendar year of 1986, the grant to the hospital had to be subsidized, or added to, to the tune of \$4 million.

There are lots of ...

Speaker: Order, please. Would the Member please get to the supplementary question.

Mrs. Firth: I will. Thank you, Mr. Speaker.

There are lots of facts and data to substantiate some investigation in this area. My concern is that we are setting a precedent for the Yukon. Why has the Minister not examined this? Is the Yukon Territory setting a precedent in Canada by her decision?

Hon. Mrs. Joe: We are aware of the information that the Member has given to this House. We have statistics as well. We have reports. The government has been involved in workshops, in consultations with other governments and provinces.

We had all that information available to us when we put together the chronic disease list. I cannot see what the Member is trying to do.

Question re: Willingdon Correctional Institute

Mr. Phillips: With respect to the young offenders, there has been a great deal of discussion in this House about young offenders and about the young offenders being shipped out to Willingdon. The Minister, herself, expressed some serious concerns about the young offenders going to that facility. Are we still sending young offenders to Willingdon?

Hon. Mrs. Joe: The Member for Riverdale North knows that we are sending them out. We do not have a facility here to accommodate them.

Mr. Phillips: I believe the Minister gave an undertaking that we explore other areas that they thought would be more adequate. One of them was in Alberta. How many young offenders do we now have in British Columbia? How many have we sent to Alberta, versus British Columbia, since the Minister was asked the question last? Have we tried to send more into Alberta?

Hon. Mrs. Joe: I believe we have three young offenders in BC right now. We had six, but I think some of them have returned. The deal that was made with Alberta is that if they have space available, we could send some of our young offenders there. Right now, we have three young people in Vancouver. The people who go to Willingdon are sent to a wilderness camp as soon as they can be.

Mr. Phillips: Do we have any young offenders currently in the Yukon who have not been sent to Willingdon up to this time?

Hon. Mrs. Joe: I do not have that information. If we do, I will let the Member know.

Question re: Mental Health Review Board

Mr. Nordling: In July of 1986, I wrote to the Minister of Health and Human Resources expressing a concern of several of my constituents respecting the suicide of a Teslin man. I also inquired

about the plans for the Mental Health Review Board. On July 29, 1986, the Minister wrote back to me saying "I am able to advise you at this time that circumstances surrounding this man's suicide will be reviewed in the near future by the Mental Health Review Board". Has that review been done?

Hon. Mrs. Joe: Yes, it has.

Mr. Nordling: The Minister's letter also went on to say that following her review of the report provided by the Mental Health Review Board, she would be in contact with me regarding the issues raised in my letter. Has the Minister reviewed the report?

Hon. Mrs. Joe: Yes, I have.

Mr. Nordling: As the Minister said in her letter, will she be contacting me regarding the issues raised in my letter? When can I expect that? It has been six or seven months.

Hon. Mrs. Joe: I only got the report last week, and I read it last week. I will find out how much of that information I can reveal. The report is confidential. There may be some things in it that can be revealed, but I would have to check that out.

Question re: Home Care Program

Mr. Brewster: On December 8, 1986, the Minister of Health and Human Resources made a Ministerial Statement regarding a Home Care Program. Can the Minister advise the House how many people are now using this service in Whitehorse and in the rural communities?

Hon. Mrs. Joe: I do not get a question for about six weeks, and all of a sudden I have them all day. I do appreciate it. In regard to the Home Care Program, we did hire a Home Care Coordinator, and that person is now on staff. We are assessing the need and we will have to determine who does need the help, and we will possibly be looking at contract people to look after those individuals who need it.

We already had some Yukoners, both in and out of Whitehorse, taking advantage of a Home Care Program even before we initiated the program.

Mr. Brewster: I thought I would try another Minister because I do not get any answers out of any of the others, but I did not get any here either.

How many people are using this service in both Whitehorse and the rural communities?

Hon. Mrs. Joe: I do not have that exact figure, but I can certainly find out and bring the answer back.

Mr. Brewster: That is all I asked, and I got the answer finally, thank you very much to the Minister.

Can the Minister tell the House what components of the program are currently available to people in the rural communities?

Hon. Mrs. Joe: When we find out what the need is in the rural communities, we will be dealing with them the same way we do here. If somebody needs the care out there and if there is someone who can be contracted to look after that person, in whichever way they are needed, then we will be doing it, the same way we do it in Whitehorse.

Question re: House business

Mr. Lang: I have a question to the Government House Leader. It is with respect to the conduct of the business of the House.

As you know, we have been proceeding this last week with the *Human Rights Act*, and the Minister himself has said that it may take as long as a month. We, on this side, have some concerns with respect to the budget and whether or not the government sees it as a priority to be passed. We know that there is some urgency, at least from the civil service side. When we reconvene, after the one-week vacation coming up here, is it the intention to go back to the budget?

Hon. Mr. Porter: The Member can appreciate that we have not set the agenda for the week following next with respect to the business of the House. That will be discussed in our Caucus tomorrow and a decision will be made at that meeting.

Mr. Lang: I want to reinforce representation from this side that, in the discussions, would the Minister convey to his colleagues that perhaps we should turn to the budgetary items to expedite them through the House. We believe it to be of some urgency.

Hon. Mr. Porter: Essentially, what the Member is asking me to do is repeat something he has already told them and which they have already heard.

Question re: Six Mile River lots

Mr. Phelps: I have a couple of constituency questions I would like to ask of the Minister of Community and Transportation Services.

The first one has to do with a letter that has been received by a number of people with lots along the Tagish River, or Six Mile River as I like to call it, regarding the construction of a new alignment of the road along the river. The letters sent to the property owners request a reply by the 15th of this month. My first question is whether or not the Minister has received any comments from the residents along the road, or the property owners, yet?

Hon. Mr. McDonald: The department and I have received responses from a number of residents along the road to date. The response from the residents has been universally negative towards the proposal and if it is clear that the residents along the road do not wish the upgrading of the road, the upgrading will not take place.

Mr. Phelps: I am raising it, because I understand there are a number of people who wish to make those representations to you. I just received one before coming into the House today, and I wanted to be assured that nothing would be done in the near future, until they had had a chance to make their negative comments known.

Hon. Mr. McDonald: I will include any representations the Member would like to pass along to me with the other representations that have been made. It seems fairly obvious that the majority of the residents do not wish the upgrading. For that reason, in all likelihood, the upgrading will not take place.

If we determine that the majority do not want the upgrading, the upgrading will not take place.

Mr. Phelps: With respect to Tagish again, is there any word yet as to when the transfer of the cemetery is going to take place, and whether or not the government has reconsidered its position with respect to starting on a survey in the very near future?

Hon. Mr. McDonald: I am not sure when the transfer will take place. We have processed the application and we would hope that, once the application has been processed, the transfer will take place as soon as Ottawa can conceivably manage it.

I indicated to the Member this week or last week that if we perceive there to be no problems from the Ottawa end, we would consider doing development work on the plot. We would feel some security that our investment would not be lost.

Question re: Tagish Cemetery

Mr. Phelps: Just to follow up on the last answer, when could we have that kind of decision? I am asking the questions because the residents of Tagish are concerned and would like to see some of this work proceeding as soon as possible. Is there any way the Minister can advise me as to when I can have that kind of decision?

Hon. Mr. McDonald: It is a fairly imprecise art to determine whether or not people in Ottawa will give us some indication that there will be no problems with this application in advance of their decision.

Right now, it is in the federal Lands office in Whitehorse. It just needs to be transmitted to Ottawa, if it has not been already. I cannot tell the Member with any accuracy when I could be given that indication, but I will review it once again with the Lands department over the coming week. Hopefully, I will have an answer for the Member when we return to the House week after next.

Question re: Placer mining

Mr. Nordling: Yesterday, in answer to my question on effluent standards for the placer mining industry, the Minister of Economic Development said some kind of negotiations are going on between two federal departments that have split jurisdiction. The Minister went on to say, "We are going to try to help facilitate that process."

I would like to know exactly what the government is going to do to help facilitate that process.

Hon. Mr. Penikett: There is nothing mysterious about it. Our

officials are acquainted with, and are in contact on a fairly frequent basis with all of the parties to the discussions. Our mission is quite simple: to help facilitate in any way that we can the parties in coming to a decision. At this point, the KPMA and the other mining interests have been reasonably well briefed on what is happening. In the last few days there has not been anything new transpiring, but if we get called to play any constructive role at any point in the discussions, we will offer to do so. We do not have any direct responsibility in the area, but we do have a strong economic interest.

Mr. Nordling: Do I take it from the Minister's answer that we are going to watch and wait to be called with respect to the negotiations? Is that what the Minister told us?

Hon. Mr. Penikett: If the Member would show me the courtesy of listening to my answer, he would know that that is not what we are doing. I said that we are in touch with all of the parties.

Mr. Nordling: It seems, with respect to the Minister, that questions have to be asked several times before we get an answer. I would like to know when the meetings will be held and what this government is going to do? We have heard the Government Leader and the Minister of Economic Development say he is in touch. I would like to know if the government is going to take a position and when?

Hon. Mr. Penikett: With respect, it seems to me that the Member is more interested in rhetorical questions than he is in the answers. I have answered them before, and I will answer them again. Our officials are in frequent contact with the parties to these discussions. We are reasonably well aware of what is going on. I do not think it would be useful. I do not plan to give the Member a detailed account of every meeting that every official of my department, especially the Energy and Mines Branch, has with everybody on this topic or on other topics.

If he would like, at some point, a more detailed accounting, if it is useful, I will try and get the information on what discussions we have had and at what times. I do not think I can give, nor is it proper business for Question Period or the for the House, that sort of administrative detail in the normal course of our business.

Question re: Placer mining

Mr. Lang: I would like to follow up on the question asked by the Member for Porter Creek West on the position of the government. There have been certain positions given for the placer mining industry. Some would put the placer mining industry in a position where they could no longer operate. Others, if they are of a higher standard, can continue to operate.

Is the Government Leader supporting the position put forward by the Placer Miners Association on what the effluent standard should be?

Hon. Mr. Penikett: Quite obviously, we are well aware that there are some standards that would cause great difficulties for a lot of placer miners and would put some of them out of business. We want to see a standard established that is acceptable to Fisheries and acceptable to the placer miners. That is what we are going to try to assist them to come to a negotiated agreement about.

Mr. Lang: The ultimate decision is going to be a political decision with respect to what those effluent standards are going to be. I asked the Minister a very direct question. I asked if the government, through the office of the Minister of Economic Development, was supporting the effluent standard that the Placer Miners Association feels would be appropriate in Yukon?

Hon. Mr. Penikett: If you are asking me if I am going to take a technical position with respect to one specific proposal of one of the parties in the discussion, no we are not. We are going to try to get an agreement; we are not going to be trying to go through gratuitous grandstanding.

Mr. Lang: I am not asking for a technical decision, I am asking for a political position. I am not asking for consultation; I am not asking for a committee. I am asking the Government Leader, on behalf of the people of the territory and the Placer Miners Association, which represents the placer miners who represent approximately \$60 million to the economy, whether or not the

government was going to support or is in the process of supporting the effluent standard that the Placer Miners Association has put forward that they feel is appropriate and they can live with and continue to function under?

Hon. Mr. Penikett: Unlike the Member opposite who presided over the great recession that we suffered for several years, this government is interested in results. We are interested in a successful conclusion of these negotiations; we are interested in seeing problems solved that have been with us for years, and that is what our actions will be geared towards — having little people get up and make posturing statements in the House brings no solution whatsoever to the problem.

Question re: Placer mining

Mr. Lang: Unlike the Member across the way, I am not going to refer to anyone's size in this House because I believe it would be inappropriate. I asked the Minister of Economic Development: has the government made a policy decision to support a designated effluent standard deemed appropriate by the placer mining industry, and have they conveyed that information to the Minister of Indian Affairs and Northern Development?

Hon. Mr. Penikett: It is interesting how convenient the memory of the Member opposite is. He continues to make aspersions and insults people, but then forgets it when it is convenient. I was not talking about physical size, I was talking about mental stature.

I want to make it perfectly clear that we are trying to help find a solution to this problem. In answer to the question has the Cabinet taken a policy decision on a technical matter, no we have not. We have advice from our officials as to what the parameters of a successful solution to this situation are, and we are going to try and help find a solution.

Mr. Lang: I am not going to refer to the Minister in any physical or mental capacity because I do not think it is appropriate.

I would ask the Minister of Economic Development, could he give us a good reason why the Government of the Yukon Territory will not take a position with respect to the effluent standard that they deemed to be required for the Placer Miners Association as opposed to the present position which is, as he described his role, "a watching brief".

Hon. Mr. Penikett: A few weeks ago, Members opposite wanted us to take a very specific decision with respect to the task force report, which we consequently were advised recommended something that was totally illegal. It is for that reason I avoid, at this point, taking public positions on the specifics, because our interest is in seeing a solution to the problem rather than just posturing about it.

Mr. Lang: It is very difficult to get the answer from the Minister. It is obvious he does not have a position. If he does not have a position, I do not have any problem with that, as long as he comes out and tells us he does not have a position.

Does the government intend to take a public position with respect to the effluent standards that they deem necessary for the placer mining industry to continue to function in Yukon?

Hon. Mr. Penikett: Officials in this government have some clear ideas as to what parameters are acceptable, from the point of view of the industry and may be acceptable from the point of view of Fisheries. It is no more useful for me to take a public position on this thing in the middle of negotiations than it is for me to take a public position in the middle of other negotiations which, I suggest, are very sensitive. I would not take bargaining positions on collective agreements or other matters like that.

We are going to try and help facilitate a successful resolution to a very difficult problem that has been with us a long time. I am not going to be satisfying myself by making speeches on the floor of this House.

Speaker: The time for Question Period has now elapsed. May I have your further pleasure?

Hon. Mr. Porter: 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 hon. Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole. Are you agreed?

Some hon. Members: Agreed.
Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chairman: Committee of the Whole will now come to order. We will recess for 15 minutes.

Recess

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

Bill No. 99 — Human Rights Act — continued

Chairman: General debate continued.

Mrs. Firth: I would like to go back to the pay equity issue that involved all kinds of equal pay for equal work. I would like to discuss clause 15(2) in a general sense, so that we are not being perceived to be on clause-by-clause debate.

In a general sense, I would like to ask the Minister about the education and research program that is mentioned. What does he mean by education program?

Hon. Mr. Kimmerly: I had thought that we had adequately dealt with this issue last night. However, I have no meaning in mind for the word "education" outside of the dictionary definition or the dictionary meaning of the word "education".

The government has no plan, and it would be improper to direct or even suggest the particulars of any education or research plan. The policy in 15(2) is that if this Bill is passed the Legislature would approve of the policy of a Commission conducting education and research about pay equity in the private sector. That is the policy.

There is no position of the government about the way that would occur. It would be up to the Commission.

Mrs. Firth: I have some concern about the Minister's comments about the Legislature approving the policies of the Commission. The Minister has not given us any clear indication as to when we are going to see those. We did come to a conclusion that when a Commission is appointed there may be some time before the Legislature endorses that appointment. We came to that conclusion, whether we are still sitting while the Commission is appointed or whether we are not.

For the Legislature to approve the policies of the Commission, I have some concern about that comment. If the Minister is not going to give any policy direction, could he indicate to us how he sees it working. What does he see happening?

Hon. Mr. Kimmerly: The phraseology, I believe, was not the phraseology that I used. The Commission is responsible to the Legislature, or will be. The policy of the government in proposing this legislation and the policy in the legislation is that the Commission would be responsible for conducting education and research. The way they go about that would be up to them.

Mrs. Firth: I asked about a possible way to go about that. It is a little hypothetical, however, I would expect that the Commission may contract, with whatever funds are voted by the Legislature, with persons to research the effect on the private sector, as an example, or the particular impacts. The education campaign could be done either through the director or by contract. The Commission would make up its own mind about that in light of monies made available to them, of course.

Mrs. Firth: I have asked a question of the Minister that is really similar to the question that the Chamber of Commerce asked regarding pay equity, and when a question was asked about specifics giving some ways of red circling, or holding individuals salaries when they discussed how the Commission was going to be working, or how pay equity would work, I believe the Minister in his reply talked again about public education and research as well as

supervising and investigating the complaints. He mentioned again that the Commission was going to contract out the research concerning pay equity.

I would like to know how the Minister sees this affecting the whole issue. He has not really given me an answer as to what he sees happening. If I stood up and asked another question he would be quite happy to say, "In my clear opinion, this is how it is going to work." So could he, in his clear opinion, tell us what it is going to do and what he sees happening with it?

Hon. Mr. Kimmerly: In my clear opinion, which I would imagine is even uncontroversial, the right will be in the Commission to decide what they will do. Now, the question of research and the principle of pay equity will obviously involve collecting information of a particular relevance to Yukon as to the wage gap here between men and women and the particular effect that may occur on particular businesses.

I would speculate, and this is entirely speculation, that a business that may be interested may ask the Commission questions about pay equity and the effect on that particular business. It would be entirely appropriate, I would imagine, to work with a particular business about a particular implementation plan, and that is certainly research. That would be entirely consensual. That is one of the things that may occur. I am aware that the Chamber of Commerce has asked to perform some research itself.

It would certainly be legitimate for the Commission to contract with the Chamber of Commerce to do the research to answer the questions that the Chamber is interested in. That is something that could occur. I emphasize that this is speculation. Those are the kinds of things that this program obviously entails.

Mrs. Firth: I will be a little more specific then. When the Commission conducts the education and research, will they, for example, be able to go into businesses and ask them how they evaluate their employees?

Hon. Mr. Kimmerly: The Member opposite knows the answer to that, I am sure. Yes, they will be able to ask. There is no obligation on the business to answer. There is no duty to answer the questions. It may be in a business' interest to either answer or not answer. They will decide for themselves. There is no power here to obtain information that is not obtained simply by asking and the willing answer given.

Mrs. Firth: In that education and research, will the Commission be able to ask on what basis the business pays its employee?

Hon. Mr. Kimmerly: The answer is exactly the same. Yes, the person conducting the research will be able to ask those questions. The people being asked, which would primarily be businesses, would be able to either answer or not answer as they chose.

Mrs. Firth: Does the Minister not agree that that puts the businessman or businesswoman in a rather awkward position to say no? Would he not agree that the businessperson would feel rather uncomfortable having to say no to the Commission. On the other hand, the businessperson could feel uncomfortable having to say yes, because they may be concerned that they were not complying with what the Commission was going to be doing. It puts the businessperson in a very awkward position.

Hon. Mr. Kimmerly: Absolutely not. I do not agree at all. I have been a businessperson for some years of my life, and I frequently got questionnaires from all sorts of people, most of them private interests, some of them government interests. Occasionally I answered. Frequently, I simply threw the questionnaire in the garbage, and that was the end of it. There is no concern here at all.

Mrs. Firth: That is a very dangerous assumption that the Minister is making: because of the way he responded to something, everyone else is going to respond that way.

It is something I try never to do as a politician. It is very presumptuous to do that kind of thing. The way I respond to something does not necessarily reflect the way everyone else does. I am sure the Minister can appreciate that because he answered all the questions and felt comfortable about it, that that is his personal way of dealing with something. That does not reflect how the other businesses are going to be responding to it.

The Minister knows very well that his government has been trying to get information from the business community to put on the

computers in the statistical bureau with respect to jobs and so on. I have raised this issue in the Legislature before, about the same business information that is entered in the computer.

I do not like the Minister to just stand up and say that because he had no problem with, nobody was going to have a problem with it. We maintain that that puts the business person in a very compromising position. The Commission is going to be going around and accumulating information and doing its education and research and its data. If the concept of equal pay for work of equal value does not take into account seniority or merit, the business person is going to be very hesitant to say: I evaluate my employees on merit and seniority.

In the event that they have to comply with equal pay for work of equal value, that does not count. The Minister is being very presumptuous and unfair in his comments.

The Minister is a well-educated individual. He understands these things. He is well-informed about them, not to say that the business community is not, but perhaps they are not all as well-informed as he is a lawyer. I would anticipate that some of his colleagues in the legal fraternity would interpret things the same way he does. I know other business people who would be very hesitant about questioning like that. I raise that as another point.

The Commission has a duty to go around and do these things. According to this, they have a duty to conduct education and research. Does the Minister not anticipate some problems with that duty to conduct this education and research, in light of the comments I have made?

Hon. Mr. Kimmerly: No, not at all. If the Chamber of Commerce wishes to do research about Yukon businesses, it is perfectly free to do it. If any private individual or private business wishes to canvass its neighbours or colleagues or competitors, he is free to do it. I know they do do it. All these things occur.

This section here does not give any power at all to the Commission. It is directional, from the Legislature to the Commission, instructing them to do certain things. The things are: to conduct education and research. It is an instruction to do that. That is an extremely general instruction.

²¹ The specifics will be practically determined by the budget allotted to them, and by the particular research that the Commission decides to do.

The Chamber of Commerce has raised the possibility of them, as an organization, obtaining funds to do research. That is an entirely reasonable request, and I would anticipate that that request would be made with the Commission. I would also anticipate that other organizations may apply as well. The Commission will decide.

Mrs. Firth: The Minister has just stood here and told me that the Chamber has made their willingness known to do the research. I have read the letter from the Chamber. He said that other groups would be interested in doing that, too.

Really, the Minister cannot sit there and say that he does not anticipate this causing any problems, because the Chamber is perfectly free to come and put their presentation forward to do the research. I know and you know that the minute they put a presentation forward, the Status of Women are going to put a presentation forward. The Status of Women and the Chamber probably have opposing views about the equal pay for work of equal value.

The Minister also talks about the Commission not having the power: the power. He uses the word. However, the clause says that the Commission shall conduct this research. It does not say they may do it; it says they shall conduct the research. It gives them a mandate to go out and do it.

If the Commission does not think this education and research is needed, can they refrain from doing it, if they do not feel it is needed?

Hon. Mr. Kimmerly: Certainly.

Mrs. Firth: Well, the clause says they have to do it. The clause says they shall conduct education and research, so it is not really a decision that the Commission is going to make, it is a decision the government has already made and it is a mandate they have given them, and they shall do it.

Hon. Mr. Kimmerly: If the Commission is of the opinion that

certain education and certain research is not needed, they will obviously not do it.

The instruction here is to conduct education and research on the principle of equal pay for work of equal value in the private sector. It is very general instruction. It does not say how much education or when. It is extremely general, and it raises the duty or it states an instruction to the Commission to educate and research. The way they do that is entirely up to them, and they will obviously be constrained by the funds available and they will follow their opinions of what is needed at the particular time.

²² **Mrs. Firth:** The Minister is saying that this is a general instruction and is in some way indicating that the Commission does not have to do this research if they do not deem it to be necessary. However, the government met with some resistance — much resistance, I must add — to the concept of equal pay for work of equal value in the private sector. It continues to be a great concern.

The philosophical direction of this government is equal pay for work of equal value, both in public and private sectors. In his legislation, the Minister has very specifically given a mandate and a direction by saying that the Commission shall — meaning they have to, that is how I read it as a lay person, otherwise it would have said may — conduct education research on the principle of equal pay for work of equal value in the private sector.

To me, that means that the Commission will do those things and will ask employers those questions. The Minister has said that they will be able to ask employers how they will evaluate employees, on what basis they pay them and if merit and seniority are taken into account, which are consistent with the concept of equal pay for work of equal value. How can the Minister then say that the Commission is not going to have to do this?

I get all the signals and the messages that the eventuality is that there will be equal pay for work of equal value in the private sector. How can the Minister casually dismiss it by saying that it does not have to be done if the Commission does not want to do it?

Hon. Mr. Kimmerly: When merit pay and seniority are accommodated by most, if not all, systems applying equal pay for work of equal value, the instruction here is that education and research occur. As to the degree and as to what aspect, it is entirely up to the Commission. It is an instruction to the Commission to do something in this area as much as they are able to do.

The real question here is not the instruction at all. It is the funding, which is not before us in this Committee. The government could do this, the Department of Education could do this, the Department of Economic Development could do this or the Women's Directorate could do all of these things. We are instructing the Commission to look at this question.

Mrs. Firth: Mrs. Firth ended her long preamble with a question about her impression that this means pay equity in the private sector. It is clear what it means. It does not impose pay equity in the private sector. It is an instruction from the Legislature to the Commission to research and educate concerning pay equity in the private sector.

²³ That is the principle. In general debate, and even in clause-by-clause, that is the only principle that is written in this legislation. The government is in favour of that principle. I am extremely eager to see the way the Conservatives vote on that issue.

Mrs. Firth: I constantly get tired of the Minister with his little mini-threats — I am very anxious to see the way the Conservatives are going to vote — like in some way they are threatening or intimidating us.

We have just had the Minister do a complete turnaround with the debate on this Human Rights Bill. First of all, he has just stood up now and agreed with what I said, generally. Then he tried to sidetrack me with some words about the real question here is not what I have just agreed with; the real question here is funding.

Two or three days ago, when we were debating this Bill and I was asking specific questions about the funding, the Minister told me that there was no funding attached to this Bill and I should not be asking questions about the money.

I am trying to be patient. I think I am being patient. I am not yelling and screaming and losing my temper and calling people names on the other side of the Legislature, but the Minister keeps insisting on trying to run us around in circles. Then he says he has

to put up with this debate that is not intelligent and not well-informed. I have done my homework. I have my files of research on all the concepts dealing with human rights. I feel like I have enough information here to represent the constituents of Riverdale South in a well-informed way. They will be the judges of whether I do it intelligently or not, not the Minister.

The Minister is saying this is simply instruction to the Commission, and that they believe in the concept of equal pay for work of equal value. Can the Minister tell me if he believes in the concept of equal pay for work of equal value in the private sector?

Hon. Mr. Kimmerly: Yes. It has been in our party policy ever since I have been a member. I have run on that in the last three elections. This Bill does not impose equal pay, or pay equity, in the private sector. What this Bill does is it legislates pay equity in the public sector and sets up a process for education and research on the principle of pay equity in the private sector, which we believe in. We have believed in it for years. We continue to believe in it.

Mrs. Firth: The Minister has said that he believes in equal pay for work of equal value being imposed on the private sector. He has said that and we now have that clear.

He is now making his little notes, and he is going to say those were not exactly the words he used, but those were the effect of the words. "I believe in equal pay for work of equal value in the private sector" means the same thing as I just said. The Minister agrees with the concept. His party has stood up and agreed with that concept. They are not giving general instruction to the Commission. They are giving the Commission a mandate that they shall conduct education and research on equal pay for work of equal value being in the private sector.

The Minister has said that they will have to do it, otherwise it would have said "may" instead of "shall". This is instruction to the Commission to do that. Why, why is the Minister going around saying that his Bill should be found more acceptable to the private sector because the imposition of equal pay for work of equal value does not apply to the private sector? All the messages I get are that it does apply to the private sector, it is just a matter of time.

Hon. Mr. Kimmerly: To use a colourful phrase that was used by the Leader of the Official Opposition, I believe, earlier in the week, "I did not come down the Yukon River on a bicycle." I did not say that the government stands for the proposition that pay equity should be imposed on the private sector in this Bill.

The government is very clear about its policy in this legislation. Pay equity is something that we believe will be here, and, in fact, it is here in some forms; it will be here because of market forces if no other forces. That has already been occurring for some years. Indeed, the Elsa Mine has had pay equity under the Hayes system for some 10 years or so. That is what the mine manager told me.

The policy here is that equal pay is imposed, if you will, on governments, on the public sector. It is already done in the territorial government, which is the major issue. This Bill does not impose pay equity on the private sector. We believe that pay equity will come to the private sector.

²⁵ I believe that. It will come to the private sector. We are not imposing it on the private sector. The Members opposite say, "At this time". Let us debate the issues at hand. We are debating this Bill. The prospect of pay equity will be studied very closely by business leaders. It is being now and has been in the last few years.

Business is understanding the issue and is dealing with it. The Chamber of Commerce is a major actor in all of that. The Contractors Association has been discussing the issue. I am sure individual businesses look at these things individually. All of that is part of a process that is bringing pay equity throughout the world. It has been in federal legislation for 10 years. It passed by the unanimous consent of the House, and Mr. Nielsen was a Member at the time. It was supported by the federal government; Mr. Nielsen was in the Cabinet at the time. This is a concept that is coming here quite rapidly. We are not imposing it on the private sector in this Bill.

Mrs. Firth: I know the Minister is in trouble now; he has reverted to calling it pay equity. Let us call it what it is. It is equal pay for work of equal value. Let us call it that. When the Minister gets into trouble, he tries to narrow us down to one clause of the

Bill. Then he wants to talk in generalities and philosophical concepts. Let us talk about equal pay for work of equal value.

I would like to know if, when the Commission is doing its education and research that is going to apply to the private sector, it will be expressing and explaining in that education and research the three concepts that I raised yesterday, so that the business community will be fully aware of what is presently in the *Employment Standards Act*, and what this government is going to be bringing forward in its legislation and what the philosophical direction of the government is on equal pay for work of equal value?

Will the Commission be explaining those differences of equal pay for equal work — men and women being paid the same salaries? A lot of the public believe that that is pay equity. Sure, I believe that a man and a woman should get paid the same salary.

Will the Commission explain equal pay for work of similar value that is presently in the *Employment Standards Act*, which the former government put in? That was a positive direction in removing the inequality of wages between men and women. We, too, agree that that inequality should be removed.

Will the Commission be explaining the concept of equal pay for work of equal value that is based on a point system for knowledge and skills. There is 244 points for a head nurse as opposed to 122 points for an electrician. Mental demand is 106 points for a head nurse as opposed to 30 points for an electrician. Responsibility is 122 points for a head nurse as opposed to 30 points for an electrician. Working conditions for a head nurse is 11 points as opposed to 15 points for an electrician. This is a point system based on whether or not a person is on their feet all the time, whether or not the quarters are cramped, whether or not the person orders supplies, or whether or not the person has supervisory duties.

²⁶ Concepts like whether you make life and death decisions, whether you are a troubleshooter for the public safety, whether you are a licensed RN or apprentice technician. Will the Commission be explaining those concepts in that education and research program?

Hon. Mr. Kimmerly: I am proud to say that the government, in its public education campaign over the recent months, explained exactly those differences. I think I did an extremely good job with that.

The concept for equal pay for equal work is a dead issue now. It was hotly fought in the 1950s. I think Ontario was the first one to change the law, and it was in 1951. It was quite a substantial issue at the time. However, that is gone now. My own opinion is that there is no need at all to educate or to advocate the principle of equal pay for equal work, although there are issues under the *Employment Standards Act* where that may come up in particular circumstances from time to time.

Mrs. Firth is asking me what the Commission will be doing. I have already answered *ad nauseum* the relationship between the government and the Commission. Pay equity is a concept that I am absolutely convinced is quite well understood in the Yukon. At many of the meetings I had in rural Yukon and in Whitehorse, the question came up and explanations were given. The meeting dealt with the issues of pay equity.

It is clear that there are still some individuals who do not understand what pay equity means. I believe Mrs. Firth, in part, is one of them. The concept is generally well understood. The Commission, undoubtedly, will be educating about pay equity. I am sure that that education will be well-focused. It will probably be the direction of specific applications, as opposed to the concept *per se*. That is a question for the Commission.

²⁷ **Mr. Lang:** The comments regarding pay equity from the Minister are interesting. I wish to reiterate the comments of my colleague from Riverdale South in that pay equity can be interpreted in many ways. Equal pay for work of equal value, equal pay for equal work, equal pay for equal and similar work. I am sure there are a number of others. It is almost intellectually dishonest to say that equal pay for work of equal value is the only definition under the concept of pay equity. ^{u9} I want to stress that because it is important that people recognize that we are dealing with a very broad issue that is going to have some major effects in the general economy. I understand that there

is in the area of 20 to 25 percent increase in salaries within the YTG alone. That is not to say that in some cases an evaluation of a job did not warrant an increase.

The point I am making is that there seems to be a position taken by the government where market forces are not considered at all, that it is not a question of how much one can give, it is just a question of how much. It is fine for the short term, but as legislators we have a responsibility for the long term. What are the implications and how are things going to be affected?

What caught my attention was the obvious tone of the voice of the Minister when the question was put to him whether he believed equal pay for work of equal value should be implemented in the private sector. The answer that was given was: yes. I think he was honest in giving his position. The Bill before us, and the issues contained therein, and how it is affecting every sector of our economy, as well as every social group within Yukon, obviously, in politics, is what is possible. So as an interim step we are going to be subjected again to an advertising campaign — I believe in the neighbourhood of \$200,000 for the one launched last year for human rights in total — and I would think this year we are going to be seeing a significant amount of money coming forward so, in this particular case, the private sector will be educated.

It concerns me when the government takes on the responsibility to educate the general public when you are dealing with adults. We are very fortunate in Yukon because we are dealing with adults with the highest educational backgrounds per capita in the country. Now, the majority in this House deems it necessary to go on an educational program to further educate them as to what they should believe. I get the impression that I am to stand here and agree to propaganda.

The Minister referred to his educational program of the past year. There were a number of issues that were taken to task by this side, and rightfully so, where the Minister stood up and said he did a very good job. They did do a very good job in putting forward the Minister's position, I am not going to argue that. That was the position that was taken.

If he had said that the job was to put forward our position, I would have a lot more respect for him, but the impression he was trying to convey through this House and through various other media events to the general public was that he was putting all sides forward, all alternatives forward, and then he would make up his mind when it was all finished. I go back now to the consultation and the process we have undergone and it has been so manipulative, so devious.

It is becoming more and more apparent. Now, we are going to be faced with it again. He says, "I cannot tell the Commission what to do." The Commission will be reporting, administratively, to the Department of Justice. There is going to be a rapport between that particular department in some concept, or the Department of Consumer and Corporate Affairs. There is going to be an interplay in the bureaucracy. I am sure the Minister will be involved in some capacity, just like he said that he felt in all the advertising campaign was fair and was totally objective. He later said in Question Period was that they all crossed his desk for approval. That was fair and objective. It put Mr. Kimmerly's view out to the media with taxpayers' money.

I do not judge that to be fair. I do not think a lot of other people would, either. That is what concerns me, with respect to the issue we are dealing with here at the present time.

I guess this is where we part company. The Minister says, "All I want to talk about is the concept." We can talk about the concept. I could bring forward a book on philosophy and read it. We could talk about concepts. We are talking about laws here. We are talking about how they are going to affect the public we represent, not only in a specific targetted area, but also in a general sense. We are supposed to be visionary enough to look at these laws in such a manner that we understand what the implications are.

I do not appreciate the Minister sloughing off everything and saying, "It will be up to the Commission." The only thing that will dictate what they are going to do, the only minor involvement is how much money they are going to get. I think that is irresponsible on our part.

I refer to a December 2, 1986, article of the *Whitehorse Star*. I

want to read the quote, and then I have a direct question to the Minister, if he could pay attention closely here. It states as follows:

" 'The absence of pay equity concepts in the legislation does not mean the government is backing down from its commitment to it,' Kimmerly said. 'The research and education is, in fact, the most appropriate step to promote this issue in the private sector at the present time. The government's position on pay equity is progressing in its implementation across the country to include the Yukon. When this step is complete, we will think about the next step.' "

Is it the policy that the government will implement equal pay for work of equal value on the private sector when they deem the time appropriate?

Hon. Mr. Kimmerly: That is an impossible question for me to answer. I do not want to be defensive or to give anybody the impression that I am trying to be evasive in any way at all. Our position is very clear. Our position is in our party policy. I should explain that, as New Democrats, we are a democratic party. Perhaps that is one of the reasons why, in the national polls, we now come ahead of the Conservative Party. We are a democratic party, and our membership establishes our policy.

Our policy is there in black and white for everyone to see. We are not trying to hide behind anything. We, as Members, will promote pay equity in the public and the private sectors. What the government will do in the future will be decided by Cabinet. I cannot guess or responsibly say that we will or will not. It will be up to the Cabinet. Make no mistake about where we are coming from. That article that was quoted is entirely accurate. We are promoting this issue.

As a government, we are putting a Bill before the Legislature that imposes pay equity on the public sector and does not impose pay equity on the private sector. The appropriate step is to conduct research and education. That is a very general phrase, but it is a prerequisite step to actually implementing. Implementing is not the same as imposing on anyone, especially imposing by law. We are not proposing that pay equity be imposed by law on the private sector.

We will certainly encourage and assist the private sector to apply pay equity in their businesses. That is presently our policy. We are encouraging; we will assist where we can, but the policy of this Bill is very clear. The reason I speak about concepts is that we are at the stage of general debate. On a clause-by-clause debate, we should be more specific as I understand the rules. I am confident that I am right; this is the time to talk about the concepts and policies generally.

Mr. Lang: I am very pleased that the Minister did not refer to me as his confidante. I do not know how the Chairman takes it. That is why we are here in general debate. What is the *modus operandi* of the government? What is the intent of the government? The politics of today do not allow the Minister to impose the multitude of issues contained in this Bill as he would have liked to do a year ago, so we are doing it one step at a time. There is fair warning there, from what the Minister has said, that the imposition of this concept on the private sector in the territory is inevitable if the Minister continues to retain his seat.

All we are talking about is time and a propaganda program that is necessary to see if there is any political support out there so that the Minister can get his way eventually.

The concern I have is that I do not think both sides of the story will be told. It is going to be a very slanted "education program" through the Minister. I see a situation where people will be effectively buffaloed, or led down the garden path, to the point that they accept the principle of a group of civil servants going through one's books or pay scales and making the appropriate decisions. That is exactly and effectively what is going to happen.

I have a number of general questions with respect to the concept of equal pay for work of equal value and the workings of the Commission. Within the confines of where this principle applies, is it then going to be the duty of the Commission to hear a complaint, if lodged, on the question of equal pay for work of equal value, if an individual feels that within the municipality they are working for, the Yukon Development Corporation or subsidiaries, or within the YTG, that

this allows them a mechanism for the purposes of appeal?

Hon. Mr. Kimmerly: On the specific question the answer is yes, that would be the case for the public sector, but not for the private sector.

In answer to the preamble briefly, the Member for Porter Creek East ought to recognize the inconsistency of his argument. He is stating that the government has a purpose or goal, and it is educating, researching and promoting that goal. About pay equity they are absolutely right. I would ask rhetorically this question: why would we not do education and research entirely administratively, perhaps through the Womens' Directorate, and promote only one side of the issue? What we are doing here is, as a government, to lose control over the issue. We are giving it to a Commission, which will be balanced.

I would submit that that is the responsible and fair way to go in Yukon today, to do a balanced research and education program. That is the proposal that is before us. The Member opposite must recognize the inconsistency in his previous statement.

Mr. Lang: The Minister has the audacity to tell me I am inconsistent. I think the allegation ought to be that perhaps I am too consistent. Perhaps the Minister will agree that at times I am a little too tenacious for his liking.

It is very difficult to debate with the Minister. I will refer to him as being intellectually dishonest. Over the course of last evening and today we have talked about pay equity. We have pointed out that there are three, if not more, concepts under the principle of pay equity.

³¹ The Minister referred to the Hayes concept that is behind the collective agreement at United Keno Hill Mine. There is the JES concept. There are various concepts that, fundamentally, underpinned these particular programs. When he says it will be balanced, and all sides will be presented, he does not use pay equity in the legislation itself. He wants to be very specific what the Commission is going to advocate and what the Commission is going to research. Under section 15(2), "the Commission shall conduct education and research on the principle of equal pay for work of equal value in the private sector."

That is specific, and he says it is balanced. Why would he tell me and the public that that is the case. It is not. That is the difficulty of debating the Bill with the Minister. He must think that the public is really stupid. They can read, just like I can. I am not the most educated person in this House, but I can read and I can understand what the intent of legislation is. I have been involved in drafting legislation, much more so than a lot of other Members. I recognize the import of what we are dealing with. Why one would be so devious as to come out and make a statement of that kind is mind-boggling.

I felt the government has a responsibility to come clean and say: this is our intent. Quit trying to pretend you are going to be balanced. You will be a propaganda machine for the purposes of this particular section of the Bill. They do not have the mandate under the Bill to go and give the alternative, equal pay for equal work, equal pay for similar and equal work; that mandate is not there. It is clear and unequivocal.

The Minister cannot argue that. The fact is, it is written there in black and white. I want to get that point on the record.

I want to go back to the question of the appeal procedure. Am I clear in my mind that if there is a collective agreement signed between the Government of the Yukon Territory and its employees, and if I, as an employee, am dissatisfied with the collective agreement and what I am getting paid, there is now not only the grievance committee within the collective agreement that I can grieve to, but I now have the ability, if I do not believe I am getting justice and I do not believe I am getting listened to and not getting my fair share and my fair due for the work and the job I am performing, because the legislation is so broad and open, I can lodge my complaint with the Human Rights Commission, and it has to be heard?

Hon. Mr. Kimmerly: It is true that public servants will be able to complain to the Commission about any point that they wish to complain about, however, it will only do them any good if they can establish that there is a violation of the pay system, or the pay

practice, of the government.

³² Because the government is well able to document its application of the job evaluation system, there would be a requirement on the person complaining to find fault with the whole system. If they can do that, that would ultimately be constructive because the system can be corrected. However, I would suggest that it is unlikely that they would.

Mr. Lang: Municipalities are included under this as well. Is it not true that employees of municipalities who do not have collective agreements will be able to appeal to the Human Rights Commission to get equal pay for work of equal value as it equates to their job and to what people in other communities are getting. We use a foreman for an example.

Hon. Mr. Kimmerly: The question of whether or not there is a union is irrelevant. Employees will be able to complain if there is or is not a union. Employees of municipalities are covered here.

Mr. Lang: Do I take it that the same principle applies to the Yukon Development Corporation's employees? Will their jobs equate equal pay for work of equal value to what is being paid for the same job within the Government of Yukon?

Hon. Mr. Kimmerly: Yes.

Mr. Lang: Were the costs of implementing the program to municipalities for equal pay for work of equal value taken into consideration by the government?

Hon. Mr. Kimmerly: Yes, they were.

Mr. Lang: Does the Minister have on file any resolutions of support for this concept to be imposed on any municipality in the territory?

Hon. Mr. Kimmerly: No. The Town of Faro sent a letter supporting the concept. I believe it was signed by the Mayor, but I do not believe it said in the letter that it was a resolution.

³³ **Mr. Lang:** Just for the record there is no Mayor for the Town of Faro. The fact is that there is no elected council there, as of yet. This is important in view of what has been brought before the House.

Have there been any resolutions or letters by any councils asking that the imposition of that particular concept not apply to their particular municipality?

Hon. Mr. Kimmerly: No. Certainly not to me. In the discussions that I had during the fall, councillors expressed opinions. The City of Whitehorse was particularly interested in a period of delay in order to get the system properly studied and in place before the law actually took effect, and that is accommodated in the last section of the Bill.

Mr. Lang: My understanding is that at least one community did go on the record by resolution, I believe, asking that this particular concept not apply to their municipality. I believe it was the Town of Watson Lake.

Could the Minister give us a breakdown of what the costs are going to be in the analysis that they did of the municipalities prior to making the decision of imposing this principle? What are the costs going to be that will be directly borne by the municipalities?

Hon. Mr. Kimmerly: It is impossible to say because it matters how the municipalities act. In the case of Watson Lake and the smaller communities, it is my firm belief that it will cost nothing at all because of the job categories. There are, I believe, seven employees in Watson Lake and the job categories are so different that I cannot see it having any impact.

It will have an impact in the City of Whitehorse. There are approximately 150 employees in the City of Whitehorse. It depends what system they choose and how they choose to implement the system. I really cannot go much beyond that.

Mr. Lang: What substantiation does he have for the Town of Watson Lake not having any increase with the imposition of this concept?

Am I not correct in saying that, if I am a grader operator in the Town of Watson Lake and there is a grader operator in the Town of Dawson City? I am only getting \$10 an hour, but the grader operator in Dawson City is getting \$12 an hour. Is that information something the Commission would take into account in making a decision in trying to determine equal pay for work of equal value if they get a complaint of this kind?

Hon. Mr. Kimmerly: Absolutely not. There is no controversy about that at all. The situation is entirely clear. That is exactly the same as the comparisons in the private sector. It is done within a business. It is absolutely clear in every system that there is no consideration at all of what other people pay. It is entirely consistent with this principle that there is a grader operator in one municipality earning \$15 an hour and in another earning \$18 an hour.

The concept of equal pay for work of equal value involves the comparison of jobs within a particular establishment, not across establishments. There will be no comparison whatsoever imposed by this law among, for example, the territorial government and the municipal government, or between any two municipal governments. Anybody who is claiming otherwise is clearly and simply and definitely wrong.

The concept goes further. In some cases, the application has considered the differences in levels between jobs. It has considered the degree of difference. However, the concept, as it is imposed in law, is simple and does not do that. The only principle is that a job that is valued higher than some other job be paid more. It may be \$1 more or \$10 more or one cent more. Those differences are entirely decided by the employer, not the Commission.

Mr. Phelps: The legality of what the Minister is saying is correct, but that is not really how things work in the real world. So many people are attempting, without any success, to get through to the Minister. The point is that there is a tremendous impact on wage and salary levels in governments. That impact is felt throughout the system. I am sure the Minister has heard this, whether he believes it or not. I am sure he believes it, even though he wants to remain technical. One of the greatest concerns from the private sector is the impact that high wages in government have on the private enterprise. That ripple effect will impact between municipal governments who hire one person. You have to acknowledge the market forces. I realize that Mr. Kimmerly does not, but he does so at his peril, because market forces do exist.

If you acknowledge market forces: is one person in that company or in that government being paid the same as in another company or government? If the other place, the other outfit, or other government, or other entity is under legislation such as is proposed here, then the equal pay for work of equal value would mean that, ultimately, I suspect rather quickly, the grader operator in Dawson would have to be paid the same as the grader operator in Watson Lake, simply because it is absolutely inconceivable that two similar governments are going to have everybody at a different wage scale forever in a market economy.

³⁵ The problem with the rather blind vision of the Minister is that he would as soon ignore the market economy. One cannot; it is there. It does not matter what a person's philosophy is, the forces described by Adam Smith are there. That is something that no economist will disagree with.

How one copes with reality is really what segregates the various schools of thought, when it comes to distinctions between different types of systems, but market forces are there. That is a fact. So, where does that lead us? It leads us to this situation. It is very cute for the Minister to be able to stand there and say that there is absolutely no problem at all, that a grader operator working for one city can be paid half, and that the Commission would not take that into account. Technically, they do not.

If pay equity is extended to the private sector, the various employers cannot ignore the market force. They will have to have at least one or two employees paid the same. When that happens, all of a sudden JES will work on that kind of parity.

I can go further. We cannot ignore reality, although the Minister would like to. If a person decides they would like to listen to the various Chambers of Commerce and their memberships, if a person decides that they would actually believe that they do know something, if the Minister wants to put faith in the people and their experience, if he does listen, he will hear the complaint that the government has unleashed a tremendous force in the marketplace. Time and time again, one will hear the growing and common concern that the market is so biased because of the high salaries and wages paid by government that it creates a hardship for business,

private enterprise. That is not to speak of what is right and what is wrong or who should get paid what. One does not even have to pass judgment on that.

But for the Minister to stand in his place and try to pretend that this interrelationship does not exist, or that this huge impact on the marketplace is non-existent, is to try to walk on water or ignore the laws of gravity. The market forces are there. No matter what the Minister's political stripe, no matter how left wing he may be, it is a different argument, and cannot deny the fact of the free market.

I become alarmed when we have this kind of argument because, of course, equal pay for work of equal value will have a tremendous impact on our economy. Of course, the job evaluations in one government will impact on others.

³⁶ Of course, whether or not it is actually imposed on the private sector, these things have, will, and are now impacting on private industry. There is not a person in the private sector who is at all successful who would say otherwise. It is just a fact. It is as simple as do not go skidooning on Bennett lake because there is no ice there yet and you will not get very far; you know what I mean.

Hon. Mr. Kimmerly: I have checked my information with regard to the letters that were asked about by the Member for Porter Creek East. I have received two letters, one from Faro supporting the principle of pay equity and one from Watson Lake that says that by resolution of the council they are against pay equity.

The question that is interesting is the one raised by the Leader of the Conservative Party. I have been a businessperson in the territory for some years, and I know precisely what he is talking about. Business people have told me the same things they have told him. Indeed, he has been a businessperson in the territory and he knows what he is talking about. It is absolutely true and everybody knows that the government has a very major impact on the labour market in the territory. That is absolutely true and is not controversial.

Another statement was about the difference in wages between or among municipalities, or indeed any industry or governments, that is generally called wage parity. That is an issue now and will continue to be an issue. The issue of pay equity is entirely irrelevant to that issue and the Member knows it.

The question of whether municipalities pay people differently from other municipalities has been an issue. All Members here who have been municipal councillors, I am sure, have dealt with that issue. I am sure it is the subject of conversations at AYC meetings. It is certainly discussed by labour unions all over the world; if somebody doing the same kind of job is getting more money, everyone else wants it too.

³⁷ That is undeniably true. That exists now; it has existed for years and will continue to exist. To use that as an excuse to oppose pay equity is pretty feeble.

Chairman: We will now recess Committee...

Mr. Phelps: I do not...

Chairman: We will not recess.

Mr. Phelps: ...like words being put into my mouth. I did not say that I was using that as an excuse for opposing or standing behind any principle. I was simply making it very clear that the Minister was incorrect in the manner in which he answered questions posed by the Member for Porter Creek East. There is a fairly important distinction there. I hope the Minister would not say misleading things about my comments.

Chairman: Is it the wish of the Committee to continue or to recess?

Some Hon. Members: Recess.

Chairman: We will now officially recess.

Recess

Chairman: Committee of the Whole will now come to order. Bill No. 99, *Human Rights Act*, general debate continued.

Mr. Lang: I think it is safe to say that we all know the number and the Act.

Chairman: Just so there is no mistake.

Mr. Lang: The Minister has indicated that he expects to be here a long time.

With respect to the question of equal pay for work of equal value, and with respect to the government's position and overall policy direction that has been taken, as the employer, do the principles that are contained in the JES study, and the implementation thereto, apply to the employees within the Yukon Development Corporation?

Hon. Mr. Kimmerly: I do not know if that specific decision about the specific system in JES, which was the Willis system, has been applied. This law would require the government's commissions and boards, of which the Yukon Development Corporation would be included, to have a pay equity system. It would be open to the directors of the corporation to use another system. That is a decision for the board to make.

Hon. Mr. Penikett: I wonder if I could just add to the confusion a little bit. The situation is slightly more complicated, the Members will understand, with respect to the situation where the Development Corporation may have a contract manager, because the Development Corporation will have practically no employees. Let us take what is still a hypothetical case of NCPC, where Yukon Electrical is managing the Corporation and the employees are, therefore, working for the manager, Yukon Electrical. I suspect that they will have pay equity, or something close to it, in this case, since the majority of the employees will be inherited from NCPC, where there was a Public Service Alliance of Canada contract in existence with the federal Crown, and pay equity, or something approaching pay equity rules, would have been in effect there.

³⁸ I do not know the situation with the people in the bargaining unit, and they will become a single bargaining unit with the Yukon Electrical employees, but I would assume that since the benefits package of existing Yukon-based employees of NCPC will be maintained or respected by an agreement with Yukon Electrical, then the basis for something resembling pay equity would be there.

The question really is a subtle one about when you get one removed from the corporation, in other words a contractor supplying services to the corporation, I think probably they might still be deemed to be in the private sector, not in the public sector. The Member will be aware that in the federal situation, I believe they are looking to contract compliance as a method of enforcing pay equity, although that is not contemplated in this legislation.

Mr. Phelps: That is interesting because with the other business that Yukon Development Corporation is going to be carrying on, the logging business, one has to wonder about the government's principles. We have heard for some time from the Minister of Justice where he stood very clearly, so I am rather interested as to what the government's position is going to be with regard to both businesses or any businesses carried on by Yukon Development Corporation, whether or not they will insist on pay equity, or as they call it, equal pay for work of equal value, and not leave any loopholes because you certainly do not expect this government, after talking for so long, to try and sidestep that issue. I am interested, of course, in what the Government Leader has to say, but I will be following it up with the other Minister.

Hon. Mr. Penikett: Let me be quite brief about this. Certainly it will be our wishes that employees of Crown corporations will be the beneficiaries of a system of pay equity. Should it be necessary for the government to convey those wishes to the Development Corporation Board, we will do so.

I was trying to make the distinction, and I hope it is not too subtle a one, of a case where the Development Corporation or another corporation may retain a contract manager, and that contract manager may have employees. In other words they are not one removed from the government but two removed from the government. I would think that some people might argue that they would be in the private sector. I would guess in that case that while we may wish they had pay equity, we would not, by this Bill, be enforcing pay equity upon them.

Mr. Phelps: The subtlety is certainly not lost on this side. What I have to wonder about then is the real sincerity of the government and their conviction and beliefs. We have heard all afternoon from the Minister of Justice as to where his party stood on the issue. I am absolutely surprised that this loophole would be left unattended by this government that has been working so hard to impose their will

on the people of the Yukon. Surely, it is no problem for the government to include the requirement for equal pay for work of equal value in any contract they might negotiate with partners or, whatever else, managers of Yukon Development Corporation.

I would really like to hear the Minister on this because, of course, if he is of the opinion that the manager-contractor ought to be allowed this loophole, then one has to really pause and reflect upon the sincerity of his comments that we have been hearing *ad nauseum* over the past few days, weeks, months and even years.

³⁹ **Hon. Mr. Kimmerly:** This is not a loophole at all. The policy of the government is to have pay equity in the public sector, not in the private sector, and not to have what is called "contract compliance" by the federal government. It has not been mentioned before but the federal government has a policy now — a policy decision that was taken when the Yukon's MP, Mr. Nielsen, was in the Cabinet — to have contract compliance. That means that those private sector companies contracting with the government must have a pay equity scheme for their employees so that employees working on government contracts have the benefit of pay equity. That is a policy that the federal government is now implementing.

That is not a policy that we are implementing, we being the territorial government, of course. On government or Crown corporation contracts with the private sector, we are not imposing pay equity. The policy is clear in that respect.

Mr. Phelps: It is wonderful to watch the Minister squirming like this. It reminds me of the ad for Money's mushrooms — simply m-m-m-marvelous. Here we have a simply marvelous situation where the Minister is quoted in the *Star*, we have heard him on the CBC, we have heard him on CHON-FM, and we have read about him in the *Yukon News* saying words to this effect. I will use the *Star* quote, " 'The feeling of government is that pay equity is well on its way to being accepted here', he told reporters Monday shortly after tabling his Human Rights Bill. 'We are not doing it all at once. We were criticized a year ago for being too optimistic, and we are now managing human rights in manageable chunks.' "

Later in the same story, the December 2 *Star*, " 'The absence of the pay equity concept in the legislation does not mean that the government is backing down from its commitment to it' ", Kimmerly said. 'The research and education is, in fact, the most appropriate step to promote this issue in the private sector at the present time. The government's position on pay equity is that it is progressing in its implementation across the country, which will include the Yukon. When this step is complete, we will think about the next step.' "

They are talking about their policy, how they stand on this issue, how they are going to be promoting it, how they are trying to get it implemented and so so. Here they also have a tool at their disposal, with which they can actually force companies in the private sector to have equal pay for work of equal value, at least within the companies that are going to be managed by this government, namely the energy wing of the corporation, the Yukon Development Corporation and the logging operations in Watson Lake.

⁴⁰ Now he wants to make a distinction. The government's policy is just terribly clear. When it comes to possibly getting their fingers burned, when it comes to a situation that might be a little icky and actually make their life just a little tough — not as tough as they are going to be making it for the poor masses who happen to live in the Yukon and run little businesses and so on, and this Bill is going to be a terrible nuisance for all those people — all of a sudden we have a distinction. While they are not backing down on the pay equity, and they really are committed to it. When it comes to a situation in which they call the shots, they call the shots. That government over there really does not have any conviction about where they stand: whatever is politically nice.

Surely, the Minister wants to pave the way in this brave new world he is bringing us, and surely the Minister will assure us that, in negotiating contracts, both in the energy sector and forestry sector of this brave new corporation, they will take steps to ensure that all the employees related to those two businesses, and the people who work in the businesses themselves, will have the government's blessing of equal pay for work of equal value, to share in the wealth of government largesse and the very wonderful

principles of the brave new world that this government is striving for.

Can we have that commitment, because this is fairly serious?

Hon. Mr. Kimmerly: This is an interesting twist, a marvelous twist. The Conservatives are criticizing us for not going fast enough on pay equity, which is indeed a marvelous twist.

The distinction was clearly explained by the Government Leader. There is a distinction between the employees of Crown corporations, *per se*, and employees of a private manager, which is contemplated with Yukon Electrical. The principle in the Bill that we are debating is that we are not imposing by law pay equity on people who contract with the government. Perhaps the Conservatives would like us to. They did not specifically say that, but if that is what they mean, we will be pleased to hear their position.

The particular situation of Yukon Electrical and the private manager-to-be, I assume, of the logging operation is clear, in light of that policy.

⁴¹ The Government Leader was very clear in stating that it is our wish, which we may express to the directors of the Corporation, to see pay equity. We are not legislating it to be so, but we may achieve that without legislation; however, let me be clear, despite the interesting twist of the Conservatives, the Bill does not impose contract compliance. It is not the intention of the government now to impose contract compliance.

Mr. Phelps: When the Minister says, "Let me be clear", let me assure him that we encourage him to be clear once or twice during the debate. We look forward to that actually occurring before this debate is over.

I would like to go back to the tongue-in-cheek remarks I made just prior to the answer of the Minister. Of course, we are against equal pay for work of equal value in the private sector. We stand on a very clear principle that has not changed, equal pay for similar work is in the brochure that we put out regarding where we stand. I find it amusing that the party that is such an advocate of certain principles, who have the golden opportunity to ensure that their corporation, the brave new world corporation, the Yukon Development Corporation will carry the torch on behalf of this government for their principles.

They have a chance to ensure that all employees working directly or indirectly for that corporation will be under the equal pay for work of equal value regime. Yet they back off; it would be like touching a hot stove. They would jump away from that. Do you know why? It is because the marketplace is such, that if they try it in the forest industry, they will be priced right out of the market, and they know that. That is the only reason: self-interest, self-interest from this brave new world government that we have here.

I submit that it is hypocritical for the government to go on and on and on about pay equity and about what marvelous things they are doing. The minute they are put to the test, they suddenly find all kinds of distinctions and back right off. I say it is hypocritical. I cannot imagine how they can continue to play this game and expect to earn any credibility on these issues with the Yukon public.

⁴² We will be bringing this out. I recall my good friend, the Minister of Community and Transportation Services, talking about how he was going to go to the people about LEOP and the problem of getting the supplements through before Christmas. Let me make the same promise, only I will keep it. I will make sure the people know where this government stands on the issue when it comes close to their pocketbook, when it comes close to them trying to run a viable business.

Hon. Mr. Kimmerly: Mr. Phelps was obviously not listening. The statements made here were that the law is as it is here, and the interpretation of the law, which is only reasonable, does not include the private sector that contracts with the government. That is the only point that is made here and that point is clear. That is as much as I need to say.

Mr. Lang: I honestly submit that at times the Minister must have trouble sleeping at night.

With respect to standing on principles, he stood here for three hours telling us what a great concept this was and how it would not

have any really negative effects on the marketplace and then here have a legitimate question about the Yukon Development Corporation, and he says that this principle cannot apply there because it has to compete in the marketplace on the price of lumber. The wages are going to have to be on parity, and the contracting of the logging and trucking and all that will have to be in comparison to what happens in Fort Nelson, I would think.

What I find amazing with respect to where we are going with this is that I heard the Government Leader be very critical of the fact that Curragh was taking over the mine, and Altus has been there for so long as a contractor. He stood up and pontificated and said that it would be a very good day when all the members who are working in Faro would come under Curragh and the collective agreement. From the stories I hear, I am sure the employees would very much welcome it.

What I do not understand is why we are following a similar path here if that is the position of the government with respect to the Curragh/Altus relationship. Now, all of a sudden we have the Watson Lake situation and we are going in the same direction. I see that as inconsistent with what has been said.

Quite frankly, I do not think the government has any choice if they are going to make that a competitive marketplace environment for the purpose of producing lumber and getting that particular industry rejuvenated and revitalized.

I point out, for the record, that it is totally inconsistent with what has been said by the front bench in other companies that have been operating.

⁴³ I have a question for the Minister with respect to the municipalities and with respect to the increase in Whitehorse. Has the Minister sat down with the imposition of this particular piece of legislation and discussed the financial implications with the mayor and how it is going to translate to every property taxpayer in Whitehorse?

Hon. Mr. Kimmerly: Yes, in its general sense. There was a meeting among the mayor, the council and myself, which occurred just some months ago.

Mr. Lang: Does the Minister believe in, and support, the principle that with the implementation of this piece of legislation it is going to be roughly a five percent increase overall in the wage schedule?

Hon. Mr. Kimmerly: No, I do not agree with that statement. If the Member for Porter Creek East would read that same newspaper story to its conclusion, the story clearly states that there are other problems, aside from the pay equity problem, in the municipal pay structure, which need to be addressed. The whole thing should be looked at. The mayor used a figure of a possible five percent increase, which may or may not be accurate. The system has not been studied. We do not know the particulars. I expect that the city will do the proper studies, which they are required to do anyway, and they will be presented, I am sure, as a council with various alternatives and options. They will make a choice. I am confident that they can make a choice within the requirements of this Act quite easily.

Mr. Lang: Very easily. They shall impose the concept of equal pay for work of equal value. Now I want to get into what I am getting at. The Minister is quite correct. There is to date a projected five percent increase that is going to be required in the property tax in order to pay for the various things that would have to be done with respect to the pay schedule for the employees of the City of Whitehorse.

We cannot have it both ways. What we are saying is that if we approve this as it applies to municipalities and, specifically, one of the areas of Whitehorse that I represent, what we are agreeing to is for the city to impose a five percent property tax increase.

⁴⁴ Does the Minister agree with, in order to have this concept imposed on the municipalities, the five percent increase to the property taxpayers in Whitehorse as cited by the Mayor of Whitehorse?

Hon. Mr. Kimmerly: Absolutely not. Opponents to equal pay raise all kinds of issues and all kinds of red herrings. This is another one.

Mr. Lang: The Minister loves to consult, loves to listen, loves to do what the majority of the people would like him to do. If the

Association for Yukon Communities was asked that the municipalities to make the decision to go into this type of pay equity voluntarily, would the Minister be prepared to remove the imposition by law that he presently has in the legislation?

Hon. Mr. Kimmerly: If the municipalities agreed to do it voluntarily, there would be no need at all to remove the law in the legislation.

Mr. Lang: Once again, the Minister has taken the question out of context. He knows he has one wholly elected council that has already voiced its opposition to the concept being imposed on them as a council and as a town and on behalf of the property taxpayers. Since the Association for Yukon Communities is meeting next Saturday, if a resolution was passed by a majority — and I do not know whether it would be — would he be prepared to remove municipalities from the section for equal pay for work of equal value and leave it to the communities to decide how they want to run their business?

Hon. Mr. Kimmerly: I understand that the Association for Yukon Communities is looking at the ways to implement pay equity and the implications on the municipal budgets and on their employees. That is an entirely responsible course of action. The AYC is getting prepared, which is exactly what they should be doing. The question is hypothetical. The AYC is quite capable of speaking for itself, and we will see what happens.

Mr. Lang: The Association for Yukon Communities did not ask to be included in the legislation. We have one duly elected council that has voiced its opposition to being included in the legislation. I have spoken to a number of councillors who do not really understand what is taking place, and have also asked of me why they are included in the legislation since we did not ask to be included.

Why are the municipalities included, in view of the fact that, to my knowledge, the only community that has voiced an interest is the community of Faro? Right now, that is just an advisory council; it is not an elected council.

Hon. Mr. Kimmerly: The municipalities are a part of the public sector. It is the government's policy that pay equity will be applied in the public sector.

Mr. Lang: In your discussions with the community of Haines Junction, did they voice their opinion that they should be included or not included, as far as the principle of equal pay for work of equal value was concerned?

Hon. Mr. Kimmerly: There was not a formal statement by the council. The council and I met and we discussed the concept and we discussed the implications of applying equal pay in the Junction. It is impossible to say that the council has not specifically spoken. The council is responsibly looking at what it will mean. I am sure they will be considering the fairness of their pay structure on their employees.

I expect it will make no difference at all in Haines Junction, as it will not in the communities with a small number of employees.

Mr. Lang: I do not understand how the Minister can stand there with such certainty and say it is not going to make a difference. If it is not going to make a difference and there is an objection out there, with the community of Watson Lake, for example, why are they included in the legislation? You still have not answered the question. Why are the municipalities included, which are a separate identity from the public service and from the Government of the Yukon Territory? Because it is a new concept and there are reservations being expressed by this side and by other people, why is the government not taking the position it would apply to the public sector or the YTG and see what happens over the course of the next two years, so he can evaluate it?

Mr. Lang: What I do not understand is that he says they are going to apply it to the City of Whitehorse, but they have not done any studies, but they must impose that mandatory section on the City of Whitehorse. At the same time when we vote for that, we are agreeing that there be a five percent increase for the property taxpayer in Whitehorse.

I can tell you from Porter Creek's point of view people feel they are paying enough. I do not know about your riding, but I know that is the case in my riding. It makes it very difficult on the council of the day and the future councils when you see this type of

imposition from a senior level of government without having asked for it. They are big boys. I have had the Minister of Community and Transportation Services tell me how they want to have those various authorities given to municipalities throughout the Yukon and let them make their own decisions, because they are duly elected and are accountable to the electorate. I do not think there is any argument from this side of the floor on that.

At the same time we now have big brother coming in and saying, "You shall impose a property tax to whatever amount it comes to, and it does not matter how much, but you impose it in order to meet our principle of equal pay for work of equal value." I do not understand why you do not let them do it by themselves.

I will ask a question of the Minister who stands there so sanctimoniously talking about certainty. Is his government prepared to transfer the amount of money to the City of Whitehorse that is calculated it is going to cost over and above the normal transfer of dollars in order that the taxpayers within the City of Whitehorse are not faced with an increase in property tax?

Hon. Mr. Kimmerly: It is interesting that we bring a TV camera in here, or it appears, and the Member grandstands and repeats the inaccurate information about a five percent property tax increase. That is inaccurate.

There is now pay equity in the territorial government. It has been achieved through an administrative act. It is there. It is important to progress on this issue. The next step, or the next progression, is the application of pay equity to municipalities. Now, the next practical step is the City of Whitehorse who has approximately 150 employees.

Mr. Lang: That next step should be taken in the next year or so, and it will be.

Mr. Brewster: I object to the fact that the Minister says that we brought the television cameras in. My leader just sent a note over to the Clerk to get a ruling on whether or not they were even allowed in the House.

Mr. Lang: We have had a debate for two and a half hours on exactly what the effect of equal pay for work of equal value would be and the commitment that the government would have to it. We then find out that it cannot be implemented in the logging business because of market forces.

If we get ahead of the economy in the marketplace, we are into a situation that is going to cause major inflation. Major inflation is a tragedy because it causes, ultimately, a recession and unemployment. The ultimate end is that it hurts a lot of people. That is our concern. The government should review exactly what it is doing and what the implication will be. We are in a marketplace where we are competing internationally. How can we supply a service at a cost that is acceptable to the consumer?

Mr. Lang: We are in a situation where this particular type of legislation is going to have a direct and indirect effect on our ability to be able to compete — the mining industry is the same — with Australia or all the countries internationally.

With that in mind, that is our concern. We are also concerned with what we pay as taxpayers for the public service that is being rendered. The problem we have is that we see a government that is growing to the extent that it was found out that we have just taken on another quarter of a million dollar bill for further office space. That was just idly thrown out in conversation. At the same time, the Minister admitted that none of this space was going to revert to some of the lessors who have contracts with the government.

No matter how flush the government is, there is going to be a day of reckoning and, fundamentally, the question is being asked from this side about how much government does 28,000 people need? If this continues, and I am serious on this point, the public will be serving the government. The government will not be serving the public because the government will be that vast, and there will be no reason to have it any other way.

Mr. Lang: Our economy has not reached the zenith of what it did in 1979, if we equate 1979 dollars to 1987 dollars. Even in the past two years, we have had an increase of roughly 150 to 200 positions, and that is not counting contracts. That is not talking a total increase in volumes of dollars, as far as the cost of the civil service is concerned.

I want to assure all Members, I do not have any problem with people getting paid for what they are doing, but there has to be some rationale. We cannot just plunge ahead and give money for the sake of giving money.

If you deem it to be politically expedient, one would think that yes, we are going toward a political objective, and that is to get re-elected so let us do anything we can to buy however many votes we can buy. Maybe, in some quarters, that works. You do have a responsibility. Within that responsibility, every Member sitting in this House has a responsibility to their constituents to be responsible.

It is almost as if nothing counts in this Assembly, as far as finances are concerned. This week, alone, we have had a number of announcements. We do not even have an O&M Budget before us. We have \$250,000 for space; we have increased the chronic care list, which is very nice thing to do. There are implications there, too, that nobody on the side opposite is aware of, to the point that one figure thrown out was \$120,000. Today, in a Legislative Return, we are talking \$370,000.

Take a look at the Bill before us and the cost implications in it. There is another \$200,000, according to the Minister, depending on which forum he is speaking in. Now, I am up to \$750,000 and I have not even raised any of the other programs that have been brought forward.

⁵⁰ In view of the time and in view of the lack of response that we are getting from the Minister as far as our direct questions are concerned, I would move that you report progress on Bill No. 99.

Motion agreed to

Mr. Lang: I will take on my duties as House Leader. I move that Mr. Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Mr. Webster: The Committee of the Whole has considered Bill No. 99, the *Human Rights Act*, and would like me to report progress on same.

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

Some Members: Agreed.

Speaker: I declare the report carried.

May I have your further pleasure?

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

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

Motion agreed to

Speaker: This House now stands adjourned until 1:30 p.m. Monday, January 26, 1987.

The House adjourned at 5:23 p.m.

The following Legislative Returns were tabled January 15, 1987:

87-3-28

Comprehensive Chronic Disease and Disability Program re AIDS, and costing

Oral, Hansard (Blues), p. 450 (Joe)

87-3-29

Northern income tax exemptions re revenue for Government of Yukon

Oral, Hansard, p. 270 (Penikett)

87-3-30

Contracts issued to perform review of Nielsen Task Force
Oral, Hansard, p. 163 (Penikett)

87-3-31

Exemption of contracts by Management Board under Section 11(1) of Consultants Services Contracts

Oral, Hansard, p. 270 (Penikett)

