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Speaker: Honourable Derek Bennett, MHA

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The House met at 1:30 p.m.

SPEAKER (Bennett): Order, please!

Admit strangers.

In the Speaker's gallery today, I am honoured to introduce His Excellency Kerim Uras, the Ambassador to Canada on behalf of the Republic of Türkiye.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The ambassador is an important friend to this Legislature and our province. He will be the subject of a Ministerial Statement today.

Welcome.

Also in the Speaker's gallery, I would like to welcome members from L'Arche Avalon: Maureen Mackinnon, core member and honorary board member; her worker, Nora Wells; and Sheilah Mackinnon Drover. They are visiting us this afternoon and subject of a Member's statement.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: In the public gallery, I'd like to welcome a Grade 6 class from Cowan Heights Elementary and their teacher, Kimberly Phillips, who is also being recognized in a Member's statement today.

Welcome.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Also in the public gallery, I'd like to acknowledge students from the District of Bonavista, Mallory Cotter and Shannon Shirran.

Lastly, in the public gallery, I'd like to welcome Roxanne Fisher back to the province. She is the health and safety advisor for the Nunatsiavut Group of Companies based in Happy Valley-Goose Bay.

Welcome, everyone.

SOME HON. MEMBERS: Hear, hear!

Statements by Members

SPEAKER: Today, we'll hear statements by the hon. Members for the Districts of Mount Pearl - North, Placentia - St. Mary's, Exploits, St. George's - Humber, St. John's Centre and St. John's West, with leave.

The hon. the Member for Mount Pearl - North.

L. STOYLES: Speaker, today, I stand and recognize one of the most successful businesses in my district, the O'Neill Auto Group.

Founded by Richard O'Neill over 40 years ago, when it was known as the Datsun dealership, today under the leadership of his son, Rick O'Neill, it is now the largest Nissan dealership in Canada. Rick O'Neill also has six other locations Island-wide with brands like Nissan, Land Rover, Volvo and others, employing over 130 people. He also promotes the sale of electric vehicles.

When the pandemic started most businesses came to a standstill but Mr. O'Neill continued with the expansion of his Topsail Road location, reopening ahead of schedule and under budget. The new O'Neill headquarters for the O'Neill Auto Group ensures a future of growth for this company as they continue to look at new opportunities.

In 2021, the O'Neill Auto Group was honoured to win the Mount Pearl Paradise Chamber of Commerce Best in Business Award.

Mr. O'Neill credits his success to the commitment of his loyal staff and customers.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia - St. Mary's.

S. GAMBIN-WALSH: Speaker, the Heart and Hand Loyal Orange Lodge was built on a rock foundation between 1895 and 1898 in Green's Harbour, Trinity Bay. The building, constructed by the Orange Lodge men, was used as a meeting hall but also open to the general public. This large wooden building, a prominent landmark in the center of Green's Harbour, was designated a registered heritage structure in April 1995 by the Heritage Foundation due to its social and aesthetic value.

Clad in narrow wooden clapboard, the structure features a steep pitched roof, an arched door and a rebuilt unique circular window with a star motif in the gable end referred to as the Star of the East window. The interior arched ceiling retains the original beadboard sheeting.

In 1930, the building was used as a courthouse and later as a polling booth for provincial and federal elections, community concerts, church socials and writing public exams.

The Green's Harbour Heritage Society, formed in 2009, has been instrumental in raising funds to restore the outside of the building and are now working to restore the inside. I applaud them for their dedication and commitment to this project. Understanding our past, builds bridges to our future.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

On July 28 of this year, Wallace Sceviour & Son Ltd. celebrated 60 years of business.

In 1962, Sceviour Groceteria was officially opened in Botwood. The Sceviours eventually expanded and incorporated under Sceviour's Building Supplies Limited in 1974. In 1978, Wallace signed a deal with Sears Canada and used part of their building as part of a mail-order outlet until 2016 when Sears Canada ceased mail-order outlets.

During this time, Wallace took some accounting courses and applied for an ad with H&R Block franchise. After being a successful applicant, he started filing tax returns for a cost of \$5 and after 40 tax seasons, he eventually sold the franchise.

Also in 1979, Mr. Sceviour answered an ad for an insurance representative and was successful. In 1982, the Sceviours decided to change their corporate name to Wallace Sceviour & Son Ltd. and the rest they say is history.

This year, the company was inducted into the Exploits Chamber of Commerce Business Hall of Fame.

Speaker, I would like for all Members to join me in congratulating Wallace Sceviour & Son Ltd. on 60 years of service.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for St. George's - Humber.

S. REID: Speaker, today, I would like to commend the Royal Canadian Legion on their Youth Education Program and in particular their Poster and Literary Contests.

The Legion National Foundation assists primary and secondary teachers, imparts valuable information and foster traditions of remembrance amongst Canadian youth.

The Poster Contest challenges participants to exercise their creativity and submit a poster on the theme of Remembrance. The Literary Context involves writing an essay or poem on that theme as well. The submissions are judged by the local branches and then at the provincial level. The provincial winners are then submitted to Ottawa for judging by the Legion National Foundation.

The impact of the Royal Canadian Legion Youth Education Program can be demonstrated by the experience of Qiqi Liu, a student from Pasadena in the district I represent. She was a participant several times in the Poster Contest and is a past winner of the Remembrance Day Poster Contest. She considers the pilgrimage to Europe, as part of being a winner of this program, to have been a life-changing experience for her.

Speaker, in conclusion, I ask all Members of this House of Assembly to join with me in commending the Royal Canadian Legion on their efforts to inform students about Canadian military history and foster remembrance among Canadian youth.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for St. John's Centre.

J. DINN: Thank you, Speaker.

L'Arche is an international not-for-profit organization dedicated to creating homes, programs and communities allowing people with intellectual disabilities and their carers share lives together. Founded in 1964, today L'Arche operates over 153 communities in 38 countries, including L'Arche Avalon.

In the words of long-time member of L'Arche Canada, Susan Zimmerman,

"L'Arche is about revealing the unrepeatable grace in the life of each person."

That unrepeatable grace was the overarching theme of L'Arche Avalon's evening of short films by filmmaker Michael McDonald on disability, community and inclusion. The animated short *Freebird* and four short documentaries from Michael's *As I Am* series were funny, inspiring and deeply touching films from the perspectives of people with intellectual disabilities. The *As I Am* series tells the stories of 12 members from L'Arche homes around the world.

When asked what was the best part of making the videos, Michael said: "It was the opportunity to follow beauty from place to place and to make films that say, 'You matter.'"

Thank you to L'Arche Avalon chairperson, Sheilah Mackinnon Drover, her sister and honorary board member, Maureen MacKinnon, and Jenn Power, Atlantic regional director and the L'Arche community for your work in creating a more human society.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for St. John's West, with leave.

AN HON. MEMBER: Leave.

SPEAKER: Leave granted.

The hon. the Member for St. John's West.

S. COADY: Thank you, Speaker, and I appreciate the leave.

I would like to recognize a remarkable educator and the 2022 recipient of the Prime Minister's Award for Teaching Excellence Certificate of Achievement.

Kimberly Phillips is a reading specialist at Cowan Heights Elementary teaching students the fundamentals of reading. She is also leader in reading advocacy and professional learning amongst her colleagues.

Reading has wide-ranging benefits including enhanced brain activity, improved vocabulary and the development of critical thinking skills, to name a few.

Among her many passions, Ms. Phillips oversees a program for parents and students ensuring parents have the opportunity to read to their children before starting kindergarten, further ensuring students are better prepared for the school setting. She is also a leader in introducing technology in the pursuit of enhanced reading abilities.

Ms. Phillips accomplishments are extensive, and the impact she has had on students and their families is significant. In recent years, there has been a 40 per cent increase in reading in the school's primary grades due in part to her extraordinary efforts.

I ask all Members of this House to join me in recognizing Kimberly Phillips, a remarkable educator and this year's recipient of the Prime Minister's Award for Teaching Excellence Certificate of Achievement.

Congratulations.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Statements by Ministers.

Statements by Ministers

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

I rise today to recognize an event that honours the past, has great significance in

the present and reminds us of the sacrifices that were made for our future.

As we look forward to Remembrance Day later this week, I invite all Newfoundlanders and Labradorians to reflect on the freedoms they enjoy and consider how they will honour the fallen and all of those who have served to protect and enhance those freedoms.

This past September, more than a century after, Lieutenant-Colonel Thomas Nangle set out to create an enduring memorial to the valour and sacrifice of the Royal Newfoundland Regiment, his vision to establish the Trail of the Caribou was finally completed.

With the dedication of the final monument at the Gallipoli Peninsula Historical National Park, six life-sized bronze caribou monuments now stand as a permanent tribute to the bravery of the Newfoundlanders and Labradorians who fought for freedom and who made the ultimate sacrifice in critical battles in Türkiye, France and Belgium.

Today, I am pleased to welcome to the gallery His Excellency Kerim Uras, the Turkish Ambassador to Canada, whose country welcomed us in September for this historic event.

It meant so much to stand on that sacred ground – where once they stood, experiencing the horrors of war, to honour the brave members of the Regiment in such a significant way.

Mr. Speaker, I extend my sincere thanks to Ambassador Uras and the Gallipoli Peninsula Historic Directorate for their generosity and support in commemorating this important chapter of our history.

I also thank the Royal Canadian Legion and Veterans Affairs Canada for their commitment to preserving and presenting Newfoundland and Labrador's proud military

history and for their unwavering support as we work together to fulfill Padre Nangle's vision.

And of course, to the Royal Newfoundland Regiment and the Royal Newfoundland Regiment Advisory Council – thank you for your tireless dedication to ensuring that this memorial would be constructed.

Through your efforts and perseverance, the stories of the Royal Newfoundland Regiment will be remembered for future generations to come.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Opposition House Leader.

B. PETTEN: Thank you, Mr. Speaker, and I thank the Premier for an advance copy of his statement.

On behalf of the Official Opposition, I welcome His Excellency, the Turkish Ambassador to Canada, to our province and our hon. House. I wish to also recognize the Gallipoli Peninsula Historic Directorate, the Royal Canadian Legion, Veterans Affairs Canada, the Royal Newfoundland Regiment and the Regiment Advisory Council for their unwavering dedication and commitment to the Trail of the Caribou.

As Remembrance Day approaches, I urge all residents of this province to take a moment to reflect upon the significance of the Trail of the Caribou and to reflect upon those who gave the ultimate sacrifice to serve and protect our freedoms.

Thank you very much.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

I thank the Premier for an advance copy of his statement and I would also like to extend a warm welcome to His Excellency Ambassador Uras. Our province was dealt a great blow due to the call to war in 1914. An entire generation was taken from us overnight. I encourage all of us in this Chamber to never forget the sacrifices of war and the trauma left behind after the call to arms.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Before we move into Question Period, I just want to thank the students of Cowan Heights Elementary for joining us today. I think they do have to leave very shortly. So thank you again.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Further statements by ministers?

Oral Questions.

Oral Questions

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Thank you, Speaker.

Speaker, can the Premier detail his relationship with Brendan Paddick, one of the proponents of World GH2 and the former chair of Nalcor Energy?

SPEAKER: The hon. the Premier.

A. FUREY: Thank you, Mr. Speaker.

I've never hidden my friendship with Mr. Paddick. In fact, I've stated very publicly that he's one of my best friends, Mr. Speaker. I've never hid from that. That's why I did the extraordinary thing of setting

up an ethical wall with respect to the proponent in question.

While the Members continue to point to that one proponent, there are, as we said in this House, over 30 proponents. We're on the verge of a new industry. It's not unique to one proponent. This is unique. This is a special time in our history, Mr. Speaker, as we have a generational opportunity afforded to us with respect to a new industry.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Thank you, Speaker.

Can the Premier confirm wind energy was discussed at a Cabinet meeting on March 24, 2022?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

I'll take this question on behalf of my colleague, the Minister of Industry, Energy and Technology, Mr. Speaker. We've had a very robust process around the whole hydrogen file in this province. It's one that started, you know, quite some time ago. I believe it was the Opposition – one of their planks in their platform, not too long ago, was to get rid of the moratorium and we agree with them and we actually did it, Mr. Speaker. We all know why there was a wind moratorium in this province to begin with.

Mr. Speaker, I do know there were 31 submissions received. There is a very wholesome process here. We have total faith in our employees and our staff at Industry, Energy and Technology, Mr. Speaker. So again, there's a very robust process here, with some great applications.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Thank you, Speaker.

Speaker, according to records from the Premier's office we can confirm the Cabinet meeting took place from 9 a.m. to 10 a.m. on March 24, days before the lifting of the wind moratorium was announced publicly.

Can the Premier confirm whether he recused himself from the Cabinet discussions surrounding the wind moratorium?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker, and I thank the hon. Member for the question.

Mr. Speaker, I would refer the hon. Member if he would like to see the oath that Cabinet ministers swear, because there's an oath we swear that we don't divulge Cabinet meetings. There's a Cabinet confidence in this society and the parliamentary system we operate. We have full faith in the operations and the applications that have been received so far by the department and we have faith that they will be adjudicated and done to the best of our ability to make sure that we get the best proposals.

Mr. Speaker, we realize that we have an opportunity here to be maybe the best in the world with what we can export on hydrogen and we look forward to entertaining these applications.

Thank you.

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Thank you, Speaker.

Speaker, can the Premier confirm exactly what time on March 24 Brendan Paddick and then chair of Nalcor Energy submitted his resignation?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Again, thank you very much, Mr. Speaker.

I thank the hon. Member for the question. Mr. Speaker, there's a process here and the process has always been followed. The Premier has been very clear from the onset that he has set up the proper necessary channels, the necessary walls to make sure that there is nothing untoward here.

Mr. Speaker, quite frankly, what the Opposition is doing here is they are questioning the integrity of the Department of Industry, Energy and Technology. They have a process set out here. We've received 31 applications, Mr. Speaker. We're looking forward to having one of the most robust hydrogen industries in the world.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Mr. Speaker, I take exception. These are legitimate questions. The people of the province have a right to know and we in this House have a right to know.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: They are very fair questions.

Speaker, documents confirm Mr. Paddick submitted his resignation at 1:44 p.m. on March 24, 2022, less than four hours after this Cabinet meeting took place.

I ask the Premier: Was this a coincidence?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

We've set out a very robust process for wind applications in this province. We've actually received 31 and they're being evaluated, and we have some tremendous opportunity here for investment.

Mr. Speaker, I was at MNL on Friday and I spoke to a number of the delegates there that were in regions of this province that are looking forward to wind development. I think it's a very exciting new industry. One that will actually fill in a big void in our province. As well, Mr. Speaker, it will provide green hydrogen to places in this world that need it.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Thank you, Speaker.

What an insult to the people of this province for the Government House Leader to stand up in defence of the Premier and provide no answers, repeat the same answers three times on very serious questions that we deserve answers for and the public deserve answers for. It's absolutely shameful.

SOME HON. MEMBERS: Hear, hear!

B. PETTEN: Speaker, this government has already had investigations of Cabinet leaks.

I ask the Premier: Did Brendan Paddick receive a heads-up about the lifting of the wind moratorium?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Mr. Speaker, I guess he might have had a heads-up –

SOME HON. MEMBERS: Oh, oh!

SPEAKER: Order, please!

S. CROCKER: Mr. Speaker, I guess he might have had a heads-up back in 2015 or 2019 in the PC Blue Book because that talked about lifting the wind moratorium. That's long been a conversation in this province. Mr. Speaker, we all understand why there was a wind moratorium. There was a wind moratorium in this project to protect a specific project, a project that got us in the situation we're in today.

Well, Mr. Speaker, we're going to make sure that when we have our hydrogen industry in this province – and we will have a very robust hydrogen industry – it's done the right way, it's set up, not like projects we've seen in the past.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Acting Leader of the Official Opposition.

B. PETTEN: Four hours later, decisions made in Cabinet – less than four hours later he submitted his resignation before any MCs, OCs, you name it, the public knows. Just imagine, four hours later and then they are giving us the same foolish answers three or four times in a row – not even by the Premier. Again, shameful.

Speaker, what we're talking about today is conflict of interest and whether insider information was given to the proponent of a billion-dollar project – fair questions. The Premier has time and time again refused to be transparent but questions persist.

So for the third week in a row, Premier, will you table the receipts for your fishing trip?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Mr. Speaker, I will first take a moment to address the preamble, again talking about the end of the wind moratorium. There has long been conversations in this province as to why we should end the wind moratorium; probably because we have a very strong industry, we have lots of wind, Mr. Speaker, and I'm hearing some wind here today from the Members opposite.

But, Mr. Speaker, at the end of the day, the Premier has been very clear about these processes. There is a structure in place here and it is so important that the people of this province realize that what they're hearing over here is just a deflection of a great industry in this province, one that we look forward to, Mr. Speaker, to bringing further.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Thank you, Speaker.

I think we all agree with the minister when he says he wants it done the right way, but we do want to make sure that due diligence is done and full disclosure.

Many seniors in my district and other parts of the province do not have a family doctor and are having to pay to see a nurse practitioner. Now, people don't pay when they go to see their family doctor, but they do pay when they go to see a nurse practitioner.

So I ask the minister responsible for Seniors: Is this fair?

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

I'm just going to take a moment again to address the preamble. Mr. Speaker, I think it was in December of 2021 that we said that this would be lifted, so this wasn't a surprise to anybody that it was lifted. So quite frankly, Mr. Speaker, for the Opposition to get up today and think that they found something, that it was lifted at this moment, there has long been talks about a lift here. I think they started it in one of the Blue Books.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Speaker, people are still paying to see nurse practitioners in this province despite the minister's answer. Seniors are also forced to pay for medicals in order to keep driving. The Seniors' Advocate recommended that the cost of these medicals be eliminated and covered by MCP.

I ask the minister will he implement the recommendation.

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Thank you, Mr. Speaker.

There are two important issues the Member has raised. On the first issue of nurse practitioners, we are looking at expanding the scope of all health disciplines, Mr. Speaker, which includes nurse practitioners, getting more nurse practitioners into the community, including the collaborative care clinics, Mr. Speaker, and providing greater access to the general public of nurse practitioners.

On the second issue, we understand the value of driver's licences for seniors, the strain of them having to pay for medicals. It is something that I have asked officials in the department to look at, Mr. Speaker. We are reviewing it and if there's a change in that we'll make a decision known publicly soon.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Thank you, Speaker.

According to the Fraser Institute, our province has some of the highest marginal income tax rates in North America. At a time when people cannot get a family doctor, cannot afford to eat healthy fruits and vegetables, are continuing to pay more for gas, continuing to pay more for home heating fuel, this Liberal government collected almost \$500 million more in tax revenue.

How does the Liberal government justify charging the highest tax in North America?

SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

S. COADY: Thank you very much, Speaker.

Allow me to educate the Member opposite in this House. Newfoundland and Labrador, for the lowest income, under \$39,000 per year, has an income tax rate of 8.7 per cent; PEI, 9.8 per cent, that's for \$31,900 and under; Nova Scotia, 8.79 per cent, Speaker, and that's for \$29,000 and under; New Brunswick, 9.4 per cent, and that's for \$44,000 and under; Saskatchewan, 10.5 per cent – remember ours is at 8.7 per cent – Manitoba, 10.8 per cent. If you're looking at the higher income earners at \$150,000, our marginal rate is 15.8 per cent, compared to 21 per cent in Nova Scotia.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Stephenville - Port au Port.

T. WAKEHAM: Speaker, obviously the Fraser Institute must have it wrong, because they're the ones that said we have the highest tax in North America. But I would also argue that if we're trying to recruit health professionals to this province, whether it's doctors or nurses or anyone else, we're trying to keep young people from moving here, having the highest tax rate in North America is not conducive to keeping them.

Right now, the cost of gasoline and diesel keeps skyrocketing. This past weekend the cost of gasoline went up by 27 cents a litre, driving up the cost of fruits and vegetables.

How can seniors afford healthy food?

SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

S. COADY: Well, first of all, allow me to address that preamble. The Member opposite says how can we attract health professionals to this province. Allow me to say that we have done a tremendous amount of work under the current minister, ensuring that we have addressed the concerns, ensuring that we're working very closely with all the various agencies and stakeholders to make sure that we have a really good robust ability to be able to attract people. That's why we lowered the gas tax by 8 cents. That's why we added tax credits. For example, the Member opposite is talking about taxation, that's why we've added tax credits in manufacturing, in green tech, in film and video, in fiscal activity. That's why we cut the sales tax from home
—

SPEAKER: Order, please!

The minister's time has expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

Speaker, this week, emergency rooms are closed again in New-Wes-Valley, Harbour Breton, Fogo Island and Whitbourne. When ERs are closed, people who need to see doctors urgently are forced to search elsewhere.

How much longer will people be forced to drive hours to see a doctor?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Thank you, Mr. Speaker.

As I've said on a number of occasions in this Legislature, we are working actively on recruitment of physicians, Mr. Speaker. We passed the Medical Act in this Legislature, which will allow us a better ability to attract physicians from jurisdictions outside of Canada. We've put a number of incentives in place to attract physicians.

We've seen a drastic reduction in the number of closures and diversions at our Category B emergency departments, Mr. Speaker. We will continue to work on that so that we see even further reductions.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

We don't see the elimination of reductions, nor are we seeing results. We haven't seen results. Because of this Liberal failure to keep emergency rooms open, people are having to drive further and further to appointments, that's if they can afford it.

When will the minister adjust the MTAP program so people in this province can afford to see a doctor?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Thank you, Mr. Speaker.

I think the Member is aware that the MTAP program is under review, but I will speak to the fact that we haven't seen results – a comment that he made. We have in fact seen results, Mr. Speaker.

You look at the closures or diversions of Category B sites in July and August; we've seen a significant reduction in the number of diversions at our Category B sites in this province. The results speak for themselves.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you.

I believe the minister referred to results in terms of doctors. We're not seeing them. We've seen a drastic reduction in hours but we haven't seen elimination.

For the 20th straight week, the doors of the Dr. William H. Newhook Community Health Centre in Whitbourne remained closed.

Should residents of this area now assume that the Whitbourne clinic is closed for good?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: No.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Mr. Speaker, a professor at Memorial University who spoke about the high cost of food said: "There's going to be long-term repercussions of that for what it means for people's health"

What is the minister responsible for poverty reduction doing to prevent the high cost of food and heating homes from making our health care crisis worse?

SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

J. ABBOTT: Thank you, Speaker, for the opportunity to respond.

As I said in the House last week, we're certainly monitoring what is happening in the community around food pricing and cost of living in general. At the same time, we have announced and implemented various measures, as the Minister of Finance mentioned earlier, in terms of putting money in the hands of individuals to meet the rising cost of living. We will continue to do that, as our means allow us to do that. In terms of the other issues, we're certainly monitoring those as well.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Speaker, in expert in nutritional science at another Canadian university, U of T, said: "People who are food insecure are way more likely to turn up in an emergency department." Our emergency rooms are already overflowing.

How will the minister responsible for poverty reduction prevent this from happening?

SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

J. ABBOTT: Thank you, again, Speaker, for the opportunity to respond.

One of the things that we are working on right now is a social and economic well-being plan so that when we – through our consultants we're getting the input so that for the medium and longer term, we'll have the right programs and services in place to address many of the issues that the Member raised in his question.

Thank you.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: It would be nice to see a time frame on a plan, because we don't have plan, I don't think, as we stand here in this House today.

Speaker, this same expert also said that Type 2 diabetes, heart disease, high blood pressure and poor bone health can be negatively impacted by a poor diet, which is more likely if they cannot afford to buy healthy food.

Is the minister concerned that health outcomes will get worse with the high cost of food?

SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

J. ABBOTT: Again, Speaker, thank you for the opportunity to respond.

Certainly, we are always concerned about health outcomes here in the province and making sure we can improve those. The Health Accord speaks specifically to that and the measures we need to take, as a province, to improve health outcomes.

For my part as minister responsible for Children, Seniors and Social Development, we are looking at our economic and social well-being plan as being one of the mechanisms that we can identify specific initiatives to address those issues, so that in

the longer term our health outcomes improve to where they are today.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, I heard from a senior from Holyrood who was told she has a 12-month waiting list to get an appointment to see a doctor through the collaborative care team. This is shocking to hear and just unacceptable.

Where does the minister suggest that this desperate senior look to obtain health care for the next 12 months?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Mr. Speaker, I'm not aware of that particular individual. If the Member sends over the information, we can certainly look into that.

However, I will say, Mr. Speaker, there are a number of services available, including 811, where individuals can speak with a nurse practitioner and the nurse practitioner can provide much of the advice a physician can. If it needs to elevate to the level of a physician, there are other services. We do have emergency rooms which people can go to if they have an emergency or if the situation is of that nature, Mr. Speaker.

In terms of the collaborative care clinics, Patient Connect will provide people a waiting list to get on the list into one of the collaborative care clinics.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: Speaker, another senior reached out to me concerning the price of groceries. She said to me that she's forced to skip meals and is worried about how this will impact her diabetes.

Does the minister realize by ignoring the rising cost of food, the Liberals are putting the health of our seniors at risk?

SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

J. ABBOTT: Thank you, Speaker, for the opportunity to respond.

I will challenge the premise of the question that we are ignoring the plight of seniors in this province, which we certainly aren't. The Health Accord certainly speaks to – and if you go to chapter 8 in the Health Accord it specifically identifies the means by which, as a province, we can improve the health outcomes of seniors, including issues around income and food security.

So we are addressing those issues, literally, as we speak and we, in the meantime, have increased the financial support to seniors and others in the province to meet their immediate needs.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Speaker, this weekend I spoke to a senior who just paid almost \$1,900 to fill up her oil tank, which she will have to do at least four times this winter, totalling almost \$10,000, just to stay warm. This senior is on a fixed income.

What does the Minister of Children, Seniors and Social Development say to this senior?

SPEAKER: The hon. the Minister of Children, Seniors and Social Development.

J. ABBOTT: Speaker, thank you again for the opportunity to respond.

As I said earlier, we have implemented and continue to implement financial measures to support our seniors in the province. In the March plan, we provided an increase in the seniors' supplement. We are providing a fuel rebate for those heating with oil. We are providing \$500 also as a financial support for seniors. So all of that can and will help seniors meet their immediate needs.

We recognize that the price of oil continues to go up and down over the winter. We will support those that we can, when we can.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Exploits.

P. FORSEY: Speaker, the \$500 government is giving to this senior will only put a fraction of oil in her tank or a month's worth of groceries. Either way, winter isn't here yet and she's stressed about how she will afford to live.

Does the minister suggest this lady sell her home and move into a personal care home so she could stay warm and fed?

SPEAKER: The hon. the Minister of Finance and President of Treasury Board.

S. COADY: Thank you very much.

We know that it's been a very difficult year for a lot of people. That's why we provided \$430 million to support Newfoundlanders and Labradorians. A 10 per cent increase in Seniors' Benefit, a 10 per cent in the Income Supplement, a \$500 home heating rebate that are going out now, \$500 more for cost of living that's going out now: these are just some of the initiatives.

We've lowered taxation; we've provided supports. Motor vehicle registration is another thing that we've lowered. Yes, we

are doing everything we possibly can to support the people of this province, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

Can the Minister of Health and Community Services tell the people in my District of Placentia West - Bellevue, who have been waiting months and months in pain, how much longer they will have to wait for their hip and knee replacements?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Thank you, Mr. Speaker.

As we'd indicated in the House previously, we are implementing same-day hip and knee replacement or joint replacement, Mr. Speaker. That is set to start this month.

We are also expanding the service into other areas of the province. We do anticipate that will have a very positive impact on the wait times.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

I remind the minister that without the surgery, these people cannot work and they can't provide for their families, thus giving them other issues that are being presented. Likewise, the people in Arnold's Cove are waiting on this Liberal government to find them a new family doctor.

How much longer will the people of the Arnold's Cove area have to worry about not having a family doctor available?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Thank you, again, Mr. Speaker.

We have, again, the Medical Act, which will allow us to recruit physicians from outside the province. We have released an RFP for virtual care. Anybody who doesn't have a connection to a family physician, Mr. Speaker, will have care through the virtual care model, which will also provide virtual care to our remote emergency departments when that is needed.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

A constituent of mine, in April, was looking to have the dye test done and it is now November and still has no appointment time.

Can you please advise why the wait time is so long?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Mr. Speaker, I am not aware of this particular case, but I do ask the Member to send the information over to my office and we can certainly look into it on behalf of that individual.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: In response to the minister's previous answer suggesting that patients go to the emergency room, I had another constituent from Harbour Main who expressed concerns about her elderly father taken from

his home in Clarke's Beach by ambulance, brought to the Carbonear hospital, only to wait 12 hours in the ambulance outside the emergency department, alone, without family, scared and very sick.

What do you say to this 84-year-old senior who experienced this and had to wait 12 hours to access care?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Obviously, Mr. Speaker, these waits are not acceptable, which is why we've worked hard to recruit physicians, why we brought in the Medical Act, why we're bringing in the virtual care model to try and reduce these wait times.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

Speaker, for the past nine weeks a senior has been driving a three-hour return trip daily from Sunnyside to visit her husband in St. Clare's hospital because there's no specialized care at the hospital in Clarenville for him to receive dialysis.

I ask the Premier: Tell me again how the PR announcement of a new St. Clare's will help this couple and countless others off the Avalon who simply need less expensive resources nearer their communities.

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Mr. Speaker, St. Clare's – for example we had a piece of steel fall off of St. Clare's and onto the walkway this summer. We've been told by Eastern Health that St. Clare's cost of repair is probably beyond the cost of building a new facility – that it is gone well beyond that, Mr. Speaker.

We obviously need a new facility. Much of the same staff that are in the current facility will move to the new facility, but we are working to recruit others. A new facility will be built, probably five or six years from now. I ask the Member: Is he suggesting that we don't act now to put a new facility in place five or six years from now, while we are acting now to recruit additional individuals?

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Leader of the Third Party.

J. DINN: Not bad, Speaker. The minister addressed neither the preamble nor the question.

Speaker, Nurses' Union president said that since January 2022 over 300 nurses have left the health care system. She said government's biggest focus needs to be on addressing workplace conditions and the shortages of nurses and other health care practitioners in the system so they can provide patient care, not a new hospital.

Other than repeating the Minister of Health's litany of one-off announcements, can the Premier instill confidence in the people of the province and the people in the health care system that his PR stunts aren't just adding more stress to the public health care system?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Thank you, Mr. Speaker.

I believe many of the union leaders in this province had said that the replacement of St. Clare's was a necessary announcement. We do need to work on workplace issues; they've also said that. We do need to work on recruitment; they've also said that.

We are working on all three, Mr. Speaker, the announcement that they said was

necessary, the workplace issues – there was a Nursing Think Tank designed to address the workplace issues. Those issues that were identified during the Nursing Think Tank are actively being worked on as we speak.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

Speaker, recruitment is one part of a bigger problem; retention needs to be a priority. What does this Liberal government expect to happen when new health care workers come to work in our health care system that is already in a crisis? We are recruiting them for the rest of Canada, really, because there will never be ...

I ask the minister: Where is the comprehensive human resource plan for health care workers going forward?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: As we speak, Mr. Speaker, the human resource plan is being worked on. That is something, Mr. Speaker, that came out of not only the Nursing Think Tank, but through discussions with the RNU; that is actively being worked on as we speak.

The Member is right. Workplace issues are something that we need to address, which is why the Nursing Think Tank was put in place, Mr. Speaker, why we are working to address many of the other workplace issues.

But one of the workplace issues, Mr. Speaker, is mandated overtime, is double time, and the only way we can address that workplace issue is through recruitment.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Labrador West.

J. BROWN: Speaker, I ask the minister: Can we get a timeline on when these consultations will happen and when will this plan be delivered for the workers because we need it today, not tomorrow?

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Mr. Speaker, we are going through the process of reviewing the information on the RFP that went out. We are also working on the issues that were identified during the Nursing Think Tank; they are actively being worked on as we speak. All of those issues will be addressed, Mr. Speaker. It is a commitment of this government.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

My district has the highest rate of suicides in this province. ITK identified six priority areas for suicide prevention. These are: creating social equity; creating cultural continuity; nurturing healthy Inuit children from birth; ensuring access to a continuum of mental wellness services for Inuit; healing unresolved trauma and grief; mobilizing Inuit knowledge for resilience and suicide prevention. We've had more suicides this past week.

I ask the Minister of Health: Starting with social equity, where's your action? All I see is erosion of services.

SPEAKER: The hon. the Minister of Health and Community Services.

T. OSBORNE: Mr. Speaker, the plan that was released earlier this year and the six recommendations that came with that are

very valuable recommendations. Every Member in this Legislature, I'm sure, are deeply saddened by the increase in the number of suicides, especially up in that Member's area of the province.

It is something that we obviously need to address, Mr. Speaker, and the six action items that were identified are being put in place, are being worked on as we speak. The plan was released only a few months ago, but this is a priority for our government.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The time for Question Period has expired.

Presenting Reports by Standing and Select Committees.

Tabling of Documents.

Notices of Motion.

Notices of Motion

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I give notice that I will on tomorrow move, in accordance with Standing Order 11(1), that this House not adjourn at 5:30 o'clock p.m. on Tuesday, November 8, 2022.

SPEAKER: Further notices of motion?

Answers to Questions for which Notice has been Given.

Answers to Questions for which Notice has been Given

SPEAKER: The hon. the Minister Responsible for Indigenous Affairs and Reconciliation, and Labrador Affairs.

L. DEMPSTER: Thank you, Speaker.

I'd just like to take a moment. Last week, there was a statement delivered in this House, and it was really a beautiful celebratory story. It talked about home dialysis being offered in an isolated community. I think it's an example of how health services can be delivered in the North with the right supports. This is a story where Rotary, locally, and international Rotary, and the International Grenfell Association all came together, the important acknowledged partners, with about \$250,000 total.

But, Speaker, the story and also some media outlets picked up on it, said it was the first home dialysis in Labrador. I received a lot of calls and emails over the weekend because, in fact, the first home dialysis happened in L'Anse au Loup in June of 2019. Just in case there's some political science student in 10 years' time saying when did the first home dialysis happen in Labrador.

But Bob Piwas and whether it's Calvin Barney in L'Anse au Loup, we are thinking about them as they go down this road of home dialysis. We wish them well and the rest of the people in the province who are grappling with this terrible, dreaded disease called diabetes. So it was in June of 2019.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Any further answers to questions for which notice has been given?

Petitions.

Petitions

SPEAKER: The hon. the Member for Placentia West - Bellevue.

J. DWYER: Thank you, Speaker.

The background to this petition is as follows:

Students with disabilities are feeling segregated in my district due to the lack of student assistants in the schools, and some are missing significant school time due to no student assistants being available to travel on the bus to school.

Therefore, we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to ensure children with disabilities have regular access to school and the supports to maximize their ability to learn.

This is something that we face, really, every year. I would ask the Minister of Education to weigh in on it because I think the thing is what we go on here is historical values, that's where we get our allocations. But we don't do it until September.

In my opinion, I think we can do this in June at the end of the school year so that we have a good idea of what parents and persons with disabilities and special needs would require, come September. That way making these allocations in September is kind of cart before the horse or there's no cart attached to the horse. It's one or the other because right now we're falling short every year in September of allocations for student assistants and for IRTs, all this kind of stuff.

Like I said, our education system is kind of letting down people right now with disabilities. I know about it first-hand, obviously. But like I said, when I went to the autism walk in Marystown recently it wasn't like there were just one or two parents coming up to me and asking me or talking about this subject. They were very adamant that this part of our system in our education system is just not working.

I would ask the government to make sure that we can get these supports in place, because there's a lot more planning that goes around somebody with disabilities. It's

not just like we find out the news one day and then show up the next day.

One of the most disturbing stories out of all these stories for me was that there was a little boy with special needs. One of his favourite things to do, actually, Speaker, is to go to school on the bus. But he's finding out 10 or 15 minutes while he's down at the bus stop – the parent is getting a call 10 or 15 minutes before the bus is supposed to show up and saying that he can't get on the bus because there's nobody there to be on the bus with him as a student assistant.

To me, it's just not good enough. We have lots of people out there that are asking for hours and I ask the Department of Education to please reconsider this and make these allocations in June so that people can plan for the school year coming up in September.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

Crown Lands enforcement of the provisions of the *Lands Act* abolishing squatters' rights against the Crown has created undue hardship for Newfoundlanders and Labradorians who honestly, and in good faith, have occupied and developed their lands. Historical titles in Newfoundland trace back centuries and people have developed their land for generations based on informal title. There is a significant disconnect between Crown Lands positions on private land claims and the reality in communities throughout the province.

The District of Bonavista is one of the oldest settled areas of the province and its residents find themselves unable to sell, mortgage or develop their lands because they cannot get clear title.

We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to make a legislative amendment to allow for a mechanism to resolve existing private land claims on Crown land and revisit the 1976 legislation to abolish squatters' rights against the Crown.

CBC on *Here and Now* tonight will cover the plight of the Diamonds in Catalina: Pauline and Randy whose father had bought land back in the early '80s; they built a house on it, clear title, surveyed, registered in the Registry of Deeds, no objections locally, only to find now that with her stage four cancer she's moved to a home and wishing to sell her property. For almost two years now, she's been trying to sell it, and the only objector to selling it is Crown Lands.

Nobody in the local area has objected. The story tonight is by CBC reporter Darrell Roberts, and I suggest that you watch the *Here and Now* story because it speaks to a lack of a plan for Crown lands. In 2015, the previous government had a plan. In fact, they had over 190 participants who made submissions to a plan, and they suggested at that time that they would reinstate squatters' rights for any 20-year continuous period and occupation within a municipality; 30 years if in a Local Service District or an unincorporated area. This was a plan to try to settle those historical homesteads of which people have.

I would say to you, we do not have a plan to resolve that. The study that was done in 2015 will provide it. All we need is an initiative on behalf of government. We need an initiative on behalf of the minister to fix what is broken and costing Newfoundlanders and Labradorians a whole host of money in the courts.

Thank you, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Harbour Main.

H. CONWAY OTTENHEIMER: The background of this petition is as follows:

Many residents of the District of Harbour Main are struggling with the constant increase in the cost of living. The working poor, who are living paycheque to paycheque, are experiencing turmoil with whether to heat their homes or buy food for their children. This is having a serious impact on the mental well-being of many families.

The supports that government have recently implemented are failing families who are working hard, yet fall within a lower income bracket and are unable to avail of government supports.

Therefore, we petition the hon. House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to immediately create an emergency plan for the working poor to ensure that no Newfoundlander and Labradorian is left behind.

Speaker, I have heard from many constituents who are struggling to make ends meet. I'll give one example from a constituent who has contacted my office. She is married. She has three children. She works 30 hours a week. She cannot afford to put gas in the car to go to work. Her husband is on disability. She's making every effort to go to work but it seems, to put it in her words, to be no good.

She can't put food on the table. She does not have the ability to keep going. She said her husband's mental health has declined, she believes, because of their financial situation. She said – quote – he cannot get better like this. He can't afford to get his medication. They were turned down for a drug card. She doesn't have family to support them. Her father had passed away

and her mother has dementia. She has nobody to turn to.

This is what she said. This is what the important piece is, Speaker: It seems our government wants to watch people starve to death, and winter is coming. I won't be able to afford the \$400 light bill. She said: It's truly ridiculous and I don't know where to turn anymore. What do I do? Where do I go to get financial help?

Speaker, we've heard from the minister that there is a cost-of-living adjustment. That adjustment is not addressing the long-term needs of families like this, families who are trying to work, who believe in the work ethic and are trying very hard and struggling from paycheque to paycheque. But so far she says, as do others that contact our office, that the support that government have implemented are not working.

So under this government, Speaker, we've seen increases. We've seen increases on taxes on working families, the cost of heat has increased, the cost of gas and fuel, the cost of groceries. Speaker, a lack of understanding and compassion here; we need help.

Thank you, Speaker.

SPEAKER: Order, please!

The member's time has expired.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

This petition is to reinstate the freight boat for the marine shipping service between the Island portion of our province and the Northern Labrador communities.

We, the undersigned, are concerned citizens of Newfoundland and Labrador who

urge our leaders to return the marine shipping services between the Island portion of our province and our Northern Labrador communities of Rigolet, Makkovik, Postville, Hopedale, Natuashish and Nain.

This freight service was removed in the spring of 2019, resulting in freight having to be trucked to the port of Happy Valley-Goose Bay, then shipped to our northern communities. Since then, the additional shipping has directly impacted prices of food, building materials, vehicles including trucks and off-road vehicles, household goods and many other essential services for our communities

Our Northern Labrador communities are totally isolated, with no road access, and marine transportation services are limited to five months, on average. With the cancellation of this direct marine freight service to the Island portion of our province to our communities, residents are witnessing exorbitant price increases of basic needs impacting overall quality of life.

We, the undersigned, call upon the House of Assembly to advocate for reinstatement of the marine service between the Island portion of our province and our Northern Labrador communities.

So this is a lot about food insecurity that impacts the people in my district. This is about the ability to build homes. The cost of building materials have gone up drastically. This is about the cost of household food.

Now, I asked a question in the House earlier regarding what's being done for suicide rates, especially in my district. I'll just read to you: Inuit children are faced with being burdened with suicide risks that can multiply throughout their lives each time they experience additional risk factors. Focusing on the early years and ensuring children grow up in safe, nurturing and protective environments in which they can achieve optimum development and build resilience

is the most impactful, long-term approach to preventing suicide among Inuit.

So this petition really is about quality of life in my district. We talk about intergenerational trauma, we talk about residential schools, we talk about relocation and we talk about it generation after generation. Even in the Health Accord, it recognizes that the trauma that people can face can be passed on to their offspring, and it's recognized that the Indigenous groups, especially the ones that were faced with residential schools, have intergenerational trauma.

With us, really, we want things that are going to improve the quality of life, that will help our children stop the intergenerational trauma. It's about having a warm house to live in. It's about being able to go to school and not be hungry. It's about being able to not be cold during the winter.

This freight boat provides essential service –

SPEAKER: Order, please!

The Member's time is expired.

The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

The background to this –

SPEAKER: Oh, sorry.

The hon. the Minister of Transportation and Infrastructure for a response. We'll go back to you after.

E. LOVELESS: Thank you, Mr. Speaker.

We'll allow you ample time to speak, Sir.

SOME HON. MEMBERS: Oh, oh!

E. LOVELESS: Just in response to the Member who just presented the petition,

because facts do matter, Mr. Speaker. For her, I've listened to her time and time again, the sky is always falling when it comes to Labrador.

Well, in the last three years, freight and cargo is up. Passenger transportation is up. Private passenger vehicles, up – all increases.

I had –

AN HON. MEMBER: (Inaudible.)

E. LOVELESS: If you give me a chance to respond, Mr. Speaker.

I had a very important meeting with stakeholders in Labrador and what came out of that meeting was encouragement, positivity around the service. I'm not sure what the Member is speaking about.

That's important. When the industry in Labrador is telling me that it's a good service and it's improving, that's enough for me.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Ferryland.

L. O'DRISCOLL: Thank you, Speaker.

The background to this petitions is as follows:

Whereas the Bay Bulls-Bauline Athletic Association are proposing a 4.1-kilometre multiuse trail for recreation and physical activities linking Cape Pond Road to Horse Chops Road, in addition to the trail through Cape Broyle, Calvert and Ferryland.

Therefore, we petition the House of Assembly as follows: We, the undersigned, call upon the House of Assembly to urge the Government of Newfoundland and Labrador to approve the multiuse trail between Cape Pond Road and Horse Chops Road

proposed by the Bay Bulls-Bauline Athletic Association so that the residents and tourists can enjoy the great outdoors.

Speaker, I was speaking to some residents the weekend, speaking to them at a hockey game last night that I attended. They were very encouraged. They took their bikes, ATVs and Side by Sides and went to Cape Broyle and dispatched their vehicles from a trailer and drove from Cape Broyle up to Fermeuse.

He said, while doing that part of the trail – they had to bike their vehicles there – they met between 40 and 50 people on bikes this weekend, which is new – the trail has been open now since last year. Last weekend, supposedly, was over 100 people on the trails. All wearing helmets while driving their ATVs. He said it was encouraging to see.

There's even a restaurant up in the Fermeuse area that when they put this trail through, they put a sign up on the trail: restaurant down to this side. So there's a new trail that's been in there. But we'd like to see this get like from Cape Broyle down to Cape Pond.

I live in Bay Bulls. I have a son-in-law that lives down the road from me, and he moved in from Glovertown. Of course, when they're in Central Newfoundland they use all the railway tracks or right across the Island for these ATVs. It's a big business coming from Port aux Basques, people coming over from across the Island, coming over to Central Newfoundland.

We haven't utilized these in our area and I am going to say from Bay Bulls and maybe from the Goulds up because the train went all around this Island so it went through all the communities. I think there is a way that we can certainly link these, through Crown lands, to be able to get these trails all updated and some work done to them. Like I said, I live in Bay Bulls. For me to drive to Witless Bay, I would have to drive on the main road and I am still going in across

bogs where I shouldn't be, so there's no way for people to get around. The trails are there; we just have to utilize them.

I think it would be incumbent on the minister to have a look at this and see if it is feasible that they can get these places done. What they add to the economy is incredible. So hopefully if it ever does get joined, that the people from the top of the district will be able to drive down and utilize our restaurants as well.

You have to remember 100 bikes on the trails, how much gas has been purchased to get the vehicles up there in their cars or trucks or in the ATVs, and they're buying the grub. When they go in the woods, if they're gone 70 or 80 kilometres, when they get in there driving around they got food with them, they're going to go to the supermarkets to buy – there are all kinds of stuff that they can do.

So it is just an economic benefit to have this and, hopefully, the minister will be able to look at this and see where it goes.

Thank you, Speaker.

SPEAKER: The hon. the Member for Humber - Bay of Islands.

E. JOYCE: I'm going to read this petition. The background of the petition:

WHEREAS our environment must be protected and the *Environmental Protection Act* must be followed to ensure the safety of our environment for future generations; and

WHEREAS the World Energy GH2 has submitted a plan to the Government of Newfoundland and Labrador to build wind turbines in Western Newfoundland; and

WHEREAS the company director has stated publicly that the government told the company to register only Phase I of the project; and

WHEREAS the company director stated that they need the three phases to make the project viable;

THEREFORE we petition the hon. House of Assembly as follows: We, the undersigned, call upon the hon. House of Assembly to urge the Government of Newfoundland and Labrador to reject Phase I of the World Energy GH2 project and complete an environmental impact study on the World Energy GH2 project as one to ensure the complete project is evaluated and the environmental study is not circumvented.

Mr. Speaker, I stand, again, on behalf of the people of Western Newfoundland. I don't know which one of the ministers could stand and confirm this. We noticed where they put out today for the testing sites, there are none in the Lewis Hills-Serpentine valley area. So can one of the ministers stand up today – because the map is out where they're actually going to do the testing sites for potential wind development. Can a minister stand up today and confirm, here in the House, which would alleviate a lot of concerns in Western Newfoundland, that Lewis Hill, Serpentine Valley and Blow Me Down Mountain is out of the equation now because of the sensitivity of the area for moose populations, for the Appalachian Mountains, for the geopark, for possible UNESCO site?

Can a minister stand up today – and I'm hoping they can, because it would be the right decision to make. It would be the prudent decision to make. I already had a couple of questions today from concerned residents, just to confirm. Ministers can respond to petitions, so I'm asking the minister today to stand up and respond and say, yes, what's on the website for possibly putting up test sites for wind power, that it does not include Lewis Hills, Serpentine Valley and Blow Me Down Mountain. If that's done, I will not be presenting any more petitions in this area.

Plus also, Mr. Speaker, that will preserve a great piece of our environment where the moose habitat is so important for the whole Area 6.

So I ask one of the ministers to confirm that before I go public and say if it is or if it's not, but it certainly shows on the map that it's not included in that area.

Thank you, Mr. Speaker.

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker.

WHEREAS there are approximately 2,500 students currently enrolled in four elementary and one intermediate school in Paradise, with an additional 3,300 students enrolled in intermediate and high schools in neighbouring communities; and

WHEREAS with a population of approximately 24,000, Paradise is growing every year, with some school-aged groups doubling in size over a 10-year period; and

WHEREAS there is no high school in Paradise and hundreds of students are being bused to nearby communities to attend school; and

WHEREAS nearby intermediate and high schools are beyond capacity and seeing class sizes escalate to unmanageable levels;

THEREFORE we petition the House of Assembly as follows: To urge government to see the urgency for the need a high school in Paradise and plan a course of action for when this will be implemented.

Speaker, this was in the budget of 2015, from the previous PC government, to have an intermediate school built in Paradise, as well as to begin a planning process for a high school. When the current government came in, in 2016, the intermediate school

was deferred two years, and planning for a high school was deferred indefinitely.

As we already heard in this House – I think it was alluded to by the Premier talking about population increases that are happening here on the Avalon. We see Paradise continues to grow. CBS continues to grow and we have not yet even realized the full potential of growth in the Galway development and the Southlands development. Those are two X factors that are yet to be realized.

So when you have a community that has four K-to-6 or four K-to-5 schools, an intermediate school and a population that's ever increasing, a high school in Paradise would serve the residents well, as well as those in Mount Pearl and CBS by allowing all schools in the region to have acceptable levels of student population, to allow teachers to have appropriate class sizes, to allow additional programs and services to be offered to students in those communities and it would reduce busing requirements.

There are so many factors at play here that benefit and promote a high school in Paradise. I'm hoping that with the current budget we'll see some money allocated, at a minimum to start a planning process for a high school in Paradise. Our kids are our most important resource and we need to do what we can to ensure they have all the resources available to them.

I thank you for that, Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: Orders of the Day.

Orders of the Day

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

I call from the Order Paper, Motion 1.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Speaker, I move, seconded by the Minister of Finance, under Standing Order 11(1), this House not adjourn at 5:30 p.m. today, Monday, November 7, 2022.

SPEAKER: Is the House ready for the question?

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I call from the Order Paper, Order 5, third reading of Bill 10

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I move, seconded by the Minister of Education, that Bill 10, An Act to Amend the Wild Life Act, be now read a third time.

SPEAKER: It is moved and seconded that the said bill be now read a third time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK (Barnes): A bill, An Act to Amend the Wild Life Act. (Bill 10)

SPEAKER: This bill has now been read a third time and it is ordered that the bill do pass and that its title be as on the Order Paper.

On motion, a bill, "An Act to Amend the Wild Life Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill 10)

E. JOYCE: Mr. Speaker, I stood up to speak on the third reading.

SPEAKER: One second.

The hon. the Member for Humber - Bay of Islands.

E. JOYCE: I stood up to speak on this third reading. I didn't know if you seen me or not.

SPEAKER: I didn't see you, no. You may have stood after I called the vote.

E. JOYCE: I'm just going to speak for a minute on the third reading.

SPEAKER: The bill has been passed and read now.

E. JOYCE: Yeah, but I'm standing.

SPEAKER: Do you have leave?

AN HON. MEMBER: Leave.

E. JOYCE: It's only just two minutes.

SPEAKER: Okay, leave is granted.

The hon. the Member for Humber - Bay of Islands.

E. JOYCE: I'm just going to speak on this bill for a second because it's about the regulations of the moose in the area and especially for Area 6 which is very important to the area. I just noticed today, again, and I'd be proud of the government if someone stands up and confirms it, that this has been taken out of the windmill project, World Energy GH2.

I just wanted to bring that up because Area 6, the Lewis Hills-Serpentine Valley area is the breeding ground for all of Area 6. So, again, I am going to support the bill but I just need confirmation from the government that this very sensitive area for wildlife habitat in the whole Lewis Hills, Serpentine Valley, the whole Area 6, has been taken out of any consideration for these windmills.

I just wanted to express the concern I've received, the numerous petitions that I presented and, again, I ask a minister to stand up and confirm that this is factual of what was put out in the media today that there would be no windmill project for GH2 in the Lewis Hills, Serpentine Valley because it's so important.

When we're talking about we're going to have moose and be able to have moose for a lot of service clubs in Western Newfoundland; a lot of them for Western Newfoundland comes out of Area 6 where the Lewis Hills, Serpentine Valley is at. We need to protect that area as best we can.

So I ask the minister, again, to stand up and confirm what was in the media today to alleviate a lot of concerns in the Corner Brook, Bay of Islands – in that whole area. So I anticipate a minister do have that information and will confirm it here today.

Thank you, Mr. Speaker.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

I've reached out to my colleague in the Department of Industry, Energy and Technology and I can certainly relay the answer to the Member Opposite when he gets that. I was filling in for him today. I won't profess to be as knowledgeable as him, Mr. Speaker, so I'll leave it at that for right now, but once I get an answer from the minister, I will relay that message.

SPEAKER: The hon. the Member for Humber - Bay of Islands.

E. JOYCE: I thank the minister for that.

SPEAKER: Orders of the Day.

The hon. the Government House Leader.

S. CROCKER: Thank you very much, Speaker.

I call from the Order Paper, second reading of Bill 18.

SPEAKER: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Speaker, I move, seconded by the Minister of Justice and Public Safety, that Bill 18, An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment, be read a second time.

SPEAKER: It is moved and seconded that Bill 18, An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment, be now read a second time.

Motion, second reading of a bill "An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment." (Bill 18)

SPEAKER: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Thank you very much, Mr. Speaker.

I am very pleased to rise in the House today to bring forward this bill which seeks to repeal and replace the *Workplace Health, Safety and Compensation Act*. While it may sound ominous to say that it's to repeal and replace, this bill incorporates amendments that will modernize the language and reduce red tape and achieve internal and cross-legislative consistencies.

The bill represents a practical modernization of the act. The act has not had a substantive consolidation since 1983. This update will provide comprehensive modernization and improved readability.

The bill stems from a combination of processes that included the 2023 statutory review and technical review reports, the 2019 statutory review report, which was received by the government in 2021 and supplemental analysis by WorkplaceNL and the Workplace Health, Safety and Compensation Review Division.

As part of the 2023 statutory review, a technical review of the act was commissioned by the Statutory Review Committee, otherwise known as the 2023 SRC and carried out by legal advisors. The 2023 statutory review was assisted by legal advisors from Work Safe British Columbia and the Alberta Workers' Compensation Board.

The scope of the technical review included identification of potential errors, omissions, anomalies and opportunities to reduce red tape. Modernization of the language included a gender-based analysis and a jurisdictional and best practices review of workers' compensation legislation across all of Canada.

The technical review produced a suite of proposed amendments to the act and suggested areas that warranted further analysis. The 2013 statutory review

subsequently analyzed the technical review and in their final report to the provincial government, tabled in 2014, they recommended the act be rewritten to incorporate the majority of the recommendations outlined in the technical review and additional amendments arising from the 2023 statutory review public consultants' process.

Mr. Speaker, from 2014 to 2016, officials and legal counsel from the provincial government, as well as WorkplaceNL, conducted an in-depth analysis of legislative recommendations and agreed that the act warranted redrafting given the volume of amendments required. The wholesale redrafting of a legislation did not occur at that time. However, some of the hon. Members in this House will certainly recall that a number of the changes have been made to this act since the receipt of its 2013 statutory report and by this government. These changes included the introduction of presumptive coverage for cancer for career and volunteer firefighters, the introduction of presumptive coverage for post-traumatic stress disorders for all workers, an increase in the income replacement rate for injured workers from an 80 per cent level to an 85 per cent of net wage level and the introduction of a new retirement benefit for injured workers that receive extended earnings loss of benefits.

So, Mr. Speaker, on December 18, 2019, government announced the 2019 statutory review, which is required to do under statute, as part of the ongoing review process. The 2019 statutory review reviewed the 2013 report, including the technical report. The 2019 statutory review delivered its final report to government on June 10, 2021. It contained 17 recommendations, which, along with subsections, totalled 48. Of these 48 recommendations, 29 were deemed operational in nature. WorkplaceNL is addressing these 29 operational recommendations. To date, 18 are completed and another 10 are in progress.

Recommendation 17.1 asked government to proceed with necessary legislative changes to give effect to the 2013 technical report and other amendments identified by the 2019 statutory review, WorkplaceNL and the Workplace Health, Safety and Compensation Review Division. Further analysis and consultation is required with respect to some of the remaining recommendations, Mr. Speaker, but due to the significant nature and potential implications of these recommendations, due diligence is most definitely required before any final decisions are made.

As a government, we have waited until the analysis of all of the outstanding recommendations was completed prior to bringing these proposed amendments to the House of Assembly, but we decided against that approach. This was not the right approach to take. Action was needed. The perfect should not be the enemy of the good.

There is a consensus among key stakeholder groups that these amendments as proposed are necessary to modernize the act and enjoy very strong support. It is important to note that none of the modernization amendments proposed in this bill negatively affect benefits to injured workers or increase costs to employers, nor do they modify current obligations, authority levels or rights. In essence, it makes the act more user-friendly.

Proceeding with these amendments demonstrates government's commitment to early progress of the 2019 statutory review recommendations, while recognizing there is more to be done as we continue to assess other aspects of the reports.

Once proclaimed, this bill will repeal and replace the current act. Repealing and replacing the act takes considerable time to implement. Recognizing this, the bill is set to come into force, as proposed, on September 1, 2023. This will allow WorkplaceNL ample time to make the

necessary internal adjustments these amendments will require.

It is important that this process be seamless and not negatively impact injured workers. The time of the amended bill will not negatively affect any services or benefits clients are currently receiving.

Speaker, our government is taking decisive action on the recommendations to modernize the *Workplace Health, Safety and Compensation Act*. The approach we are taking now is more efficient than the piecemeal approaches which have been taken in the past, which ultimately resulted in what is clearly, by view of many, many, many stakeholders, a disjointed and inconsistent bill. We are correcting this.

I'm proud to stand in the House of Assembly today on behalf of our government and bring forward this legislation and on behalf of the Minister Responsible for Labour in our province. I ask all hon. Members of the House of Assembly to endorse the changes to the *Workplace Health, Safety and Compensation Act* and I look forward to the debate.

Thank you all.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER (Warr): The hon. the Member for Exploits.

P. FORSEY: Thank you, Speaker.

It's good to speak on this bill today. We know there are some needed changes in this bill. The *Workplace Health, Safety and Compensation Act*, the overview is this bill was to replace the existing *Workplace Health, Safety and Compensation Act*. This bill will incorporate recommendations from the 2013 and 2019 statutory reviews. It will also include new modernized and gender-neutral language. A new act is being

presented instead of changes to the existing act in efforts to modernize the language, be better organized and removal of internal inconsistencies.

What is WorkplaceNL and the compensation commission? WorkplaceNL, or workers' comp as it's often referred to, is a mandatory, employer-funded, non-fault work injury insurance system to protect both workers and employers in the event of workplace injuries. The act first came into force in 1952 – 70 years ago – and the version of the legislation, which is in effect today, dates back to 1983. It's time for a full update.

WorkplaceNL has had a legislated inquiry fund. This fund is generated through an annual employer assistance fees and investment returns. When a worker is injured, their compensation comes out of this fund. This new act will not create any additional costs for the injury fund.

The 2013 and 2019 statutory reviews, the changes we are debating today have been a long time coming. In 2013, the statutory review of WorkplaceNL entitled *Working Together Safe Accountable Sustainable* included a technical review of the legislation. In 2019, the time came again to review the act. The technical review was reviewed, thus we have a new piece of legislation in front of us today.

What types of changes are made to the act? The act will put existing practices into legislation, will update language, reduce red tape, correct errors and achieve internal consistencies. This is important because when an act has errors, omissions or two parts which don't agree with each other, it creates confusion for everyone; confusion for injured workers who are trying to work and navigate through the system, confusing for people working at WorkplaceNL who are trying to take care of the injured workers and confusion for people hearing the reviews.

The new act will also have gender-neutral language and is being reformatted to be more readable. This is important. Many people who are not experts in the legislation, who are not lawyers, often look to *Workplace Health, Safety and Compensation Act* to see what their requirements and rights are. So having an act which is reader-friendly is important.

We must do everything we can to ensure the process of WorkplaceNL is streamlined, user-friendly and as least cumbersome as possible. One of the examples of wording changes which is being made – the removal of the word “industrial disease,” and occupational disease will now be defined. Definition of children that include that of illegitimate child, which are outdated, will now be replaced by dependant. I think we can all agree that having modern language is important.

Government changes: If you compare this act to the existing act, you will notice some changes in how WorkplaceNL is governed. However, the current practice is more in line with that of the new, proposed act, so we could say that many of the changes are already implemented. The board of directors will have set terms, with three representatives of employers, three of workers, three represented by the general public and a chairperson. Each will serve a three-year term. The CEO in this act will be responsible for day-to-day activities of WorkplaceNL and the board will be responsible for the performance of the CEO.

Red tape reduction: This act repeals expired provisions relating to the board inquiries, minimum compensation, minor medicals, residency requirement, child labour, CPP offset calculation, construction industry and outdated reference to federal legislation. It also removes redundant language for WorkplaceNL’s executive jurisdiction.

Prevention: In 1998, WorkplaceNL was given responsibility for workplace injury prevention. Since that time, WorkplaceNL

has evolved and, thus, new legislation is being updated to currently reflect the mandate of the prevention. Amendments include certification of training providers and trainers; codification of all aspirational commitment to safety; funding of sector councils; updated language for information sharing with the OHS Division of the C-NLOPB.

Reviews: Previously we have referred to WorkplaceNL appeals division; now this legislation correctly changes “appeal” to “review” to keep language in line with the Review Division of WorkplaceNL.

The external review division – full correct name is Workers’ Compensation Independent Review Board. This legislation strengthens and reviews commissioners’ authority to complete decisions when their term expires, codifies the Review Board’s authority to disclose information for the process of hearing, to conduct hearings by telephone or electronically and provides for decisions within 60 days of that hearing.

I’ve heard many stories from constituents and from residents throughout the province about the wait times, especially as it relates to decisions of reviews. I appreciate that this legislation is going to be given a 60-day timeline for discussion, but I have to ask: Is this going to happen? If there’s a backlog in reviews, how many review board catch-ups? Are there enough staff resources to keep reviews under 60 days? What is the current timeline for a decision after a review? What is the current timeline in waiting for a review?

The next statutory review will occur in July 2026, and then reviews will be rescheduled for every five years after receipt of a review committee’s report.

Mr. Speaker, with that, I’ll take my seat and we’ll have some questions in Committee.

SPEAKER: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Speaker.

I'm just going to take a couple of minutes to speak to Bill 18. I will support the bill because, as the minister has said basically it's – I wouldn't call it housekeeping but basically taking recommendations from a number of reviews that have occurred and modernizing the act, which I do support.

Now, it is unfortunate, I suppose, in some degree. We have these reviews every four years, and why would we be looking back to two and three reviews ago before we make the changes that were recommended is kind of beyond me. We go through a review process whereby you have somebody appointed on behalf – usually it's the Newfoundland and Labrador Employers' Council. They will appoint somebody and then you'll get the Federation of Labour who will appoint somebody and then there'll be a chair that they both agree on. I believe that is the process, if I'm not mistaken, or it may be someone from workers' comp.

At one point in time, I think it was Mr. Tucker at the time, who was the CEO of workers' comp. He put himself on the committee and I know there was a bit of backlash concern. So I'm not sure if they changed that or not but I know it's a three-person review panel, for sure, with someone from the Federation of Labour, Employers' Council and then a third person. Of course, they are going about the province and they are doing hearings, and they're hearing from employers naturally, because workers' compensation is 100 per cent paid for by employers. So they would obviously have a keen interest. As well, hearing from injured workers who obviously would also have a keen interest in the act as it's written.

This is happening, as I said, every four years and you see all kinds of presentations made at these hearings. I guess where you stand depends on where you sit in terms of whether you're an employer rep, an employee or an injured worker and your

circumstance. But I would like to see these recommendations, given the fact that these recommendations are made by a three-person board and is kind of agreed to by all parties, if they're going to go through a review process and they're going to make recommendations and whichever one is generally going to accept, then I don't know why we wouldn't simply be taking those recommendations and updating the act at the time that they happen and keeping the act updated as opposed to taking the report, after going through this exhaustive process – and I've seen it over the years – and then take that report and put it on a shelf and let it gather dust and have absolutely nothing done.

I know even the recommendations on the presumptive cancer, I give government credit for bringing in for firefighters and we just brought in another update to that recently in this House, which was unanimously passed to include additional cancers on the list. But that never just came as a result on the last review because that was brought up in the review before that and the review before that, but for some reason, it didn't get done.

So if I did have a critique or a criticism of the process, I would say to the minister that if we are going to go through this exercise every four years of doing a statutory review, and if it's going to be a fair and unbiased process, which it's set up to be that way, and if there are going to be recommendations put in place that there is a compromise on both sides and it makes sense, then I would say to the minister that we need to take that review and at the next opportunity, when we go into the House of Assembly, we need to be updating the act at that time. Not waiting at bringing in recommendations and consolidations based on reviews that were done 12 years ago or longer. So that would be one critique or concern I would have.

I would also say that it's very important – I know this language can be kind of dry, no

doubt about it, but it's also important that we really do our due diligence when we're bringing in these changes because I look at section 85 of this act and encompassed in section 85 is an amendment that the minister himself referenced when he was speaking to the bill: retirement benefits. That was a change that was brought in in this House of Assembly, I don't know maybe two or three years ago, whenever it was, but I can remember it coming through.

At the time it was touted as a great amendment that was going to give workers the opportunity to receive a lump sum in their retirement benefits as opposed to what was the case in the past would be, for example, if you had a worker who was on workers' compensation for however long, say a number of years, and as a result of being on workers' compensation that employee wouldn't be paying into their pension plan nor would there be contributions made to CPP. As a result, if you were on workers' compensation, just say for five years, I'll just use that as an arbitrary time frame and there are some workers off on it for a lot longer than that, but say five years. That would be five years, if you had an employer pension, that you would not be contributing to your pension plan.

As a result, when you turn 65 and your workers' compensation is cut off and you go to collect your pension from your employer, your pension amount that you receive would be lower than it would have been had you not been injured because you have not been paying into it for the last five years. What would happen is that workers' compensation would make up the shortfall.

So if I would normally be getting say \$1,000 a month from my employer but now, because I was on workers' compensation not paying into my pension plan for a period time, now say I'm only getting \$800 a month for argument sake – these are arbitrary numbers, of course – then workers' comp would give me \$200 a month for the rest of

my life to make up for that \$200 I'm losing on my pension. Because while I was injured on the job I couldn't pay into my pension plan.

So we brought in a change here to the act, section 85, a couple of years ago and under that change it says: "Where a worker is in receipt of extended earnings loss benefits on or after January 1, 2019 reaches the age of 65 years, the worker is entitled to received a lump sum payment" – so instead of that \$200 a month – "equal to 5% of extended earnings loss benefits"

So while you were on workers' comp, whatever was paid to you, 5 per cent of that, together with accrued interest, that's if you never had a company pension plan, only CPP, but if you had a company pension plan you'd get 10 per cent. So you would end up getting a substantial – depending on how long you were off, instead of getting your \$200 a month, you might get a cheque for \$10,000, one-time money and that was what was sort of agreed to and that was spirit and the intent.

The problem is – and this is where details matter, of course, and picking up on these things – when it was passed in this House, it was talking about when you were on extended earnings loss. Now why is extended earnings loss important? Well, I'm going to give you an example of a constituent of mine to demonstrate why it's important.

A constituent of mine was off on workers' compensation for about, I'm going to say three years. Then he turned 65. He would have been compensated every month for the money that was lost; instead this lump sum kicks in. The problem is that he was on temporary earnings loss, like any worker who goes off injured first you're on temporary earnings loss and while you're on temporary earnings loss they're trying to get you back to work. So you're doing physio. You might need surgery. They might be

looking at retraining opportunities and everything else.

While you're going through that process, you are not on extended earnings loss, you're on temporary earnings loss. It's only once you've gone through that exhausted process, which can last, depending on the person, for years. At some point in time they say do you know what? We tried it all, you've had two surgeries, we've done physio; we've done everything under the sun. We tried retraining. Nothing is going to work. You are permanently disabled for the rest of your life. Now we're going to change you from temporary earnings loss and we're going to say you're on extended earnings loss. It's the same thing really, it's still a benefit, but you are deemed to now be on extending earnings loss.

So this guy in my constituency recently, who I had to deal with, he was on temporary earnings loss at age 62. Two months before he turned 65 they made the determination: we've tried it all, nothing is going to work, now you're on extended earnings loss. So guess what? His one-time lump sum cheque, even though he was off for three years, he got \$120 or something was the cheque, because he had only been on extended earnings loss for two months before he turned 65. Even though he was off for three years, he was only on extended earnings loss for two months and then he turned 65. So here you go, here's a cheque for \$120. That's all he got.

So, arguably, I would say, the spirit and intent perhaps of what we wanted to do was not reflected. Really, it should be not extended earnings loss, but the claim. Whether you're on temporary or you're on extended, it doesn't matter, either one you should be compensated. This is saying only when you're on extended. So he ended up getting shafted and losing a benefit based on three years and he gets a cheque for \$120. That's an example of how you bring legislation in this House thinking you're

doing great for everybody but we're not because of that little detail.

Of course, I argued then well, he was already on workers' comp. This change that was made should only apply to somebody new who opens up a claim after the legislation is proclaimed. But if you read the wording, it says: "Where a worker in receipt of extended earnings loss benefits on or after January 1, 2019 ..." that's when it kicks in.

So in other words, there's no grandfathering in. It's like if you weren't on it with a claim open – someone could've been on workers' comp for 10 years and they would've been getting their certain benefit, but they were on it when the legislation changed. They didn't say you could stay on the old system. This applies to new people. It got stuck to them, too.

I know that really in one sense – it is related to this bill because everything in this bill is really up for debate because of the consolidation and the changes to the bill in its entirety. I know we can't change it right here. But I would say to all Members it is a glaring example of why we really have to be so diligent when it comes to some of these changes. Sometimes when you're here and you're in Committee of the Whole and you're asking all these questions or whatever and it feels like maybe you're nitpicking, you're not. Because here's an example of how every word can make a difference.

But I would say to the minister – because he is over there and he's listening very attentively; he's shaking his head and he's agreeing with me. I would say to him you need to go back and have a look at section 85, Retirement benefits, and how it applies only to someone on EEL. Therefore, someone who was on temporary earnings loss and could be on it for two or three or four years before they ever went on the EEL, how they're losing out based on this wording. That wording needs to be changed

to be fair to the injured worker. I know the minister, as I said, he's shaking his head, he's agreeing with me and I thank him for that and for his attention. I'm glad to see he is so engaged in the debate.

With that said, Mr. Speaker, I'll take my seat. I will support the bill because there are no substantive changes here to the actual language itself in the sense of introducing new concepts and so on. But again it is important to note, (a), we have to be so diligent with this stuff and the wording at all times; and, (b), I would go back to where I started that if we're going to be doing these statutory reviews every four years, then we shouldn't be waiting until two and three, four reviews later before we decide to make the changes.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Member for Bonavista.

C. PARDY: Thank you, Speaker.

Just a few short minutes on this bill, Bill 18. I think it appears that we have support of the House on this particular bill, but just a couple of observations. I'm always a little leery of when bills come before the House, and when bills come before the House that have minimal changes, and over a period of a decade or more you'll find that there are very few changes in a bill and you wonder whether the bill is that good.

If it's real good, you have very few changes, and I think the minister had explained that it was mostly housekeeping changes to this particular bill. We do have a statutory review that's made every four years. I would say when the *Education Act* came, when Bill 20 came, these weren't too broad of changes, but I think most people had higher expectations that you would see some more substantive changes within the bill.

So this one here came into effect in 1952, and all we have seen, if we had seen some minor changes in the bill, I think there are a lot of workers out there who were injured on the job, would say and would challenge to say that they would have hoped to have seen more substantive changes within this particular act.

I speak not from a whole lot of experience like my colleague sounded from Mount Pearl - Southlands. He had some good experiences with the workers' compensation, but I would look at some of the members who went through the process in the District of Bonavista and they found it very complicated. I'm not sure if any came out with any high degree of confidence once they went through the system.

I would think, from my perspective, they needed a navigator. They needed somebody to be able to help them to bring it through this process and to make sure they had all the documentation to go through. Maybe in Committee now, there might be more elaboration on that. But a lot of residents in my district would find that they found it very difficult to circumvent and find somebody to represent them.

Maybe my colleagues here in this House have represented people at workers' comp; I have not. I haven't had my first one, but I would assume it's a pretty daunting task to represent somebody at workers' comp. Whenever we do revision in an act, like the price fishing panel, the collective bargaining, we need to make sure we do some thorough consultations. I'm sure we'd ask the minister how much consultation work would be with those who went through the system. How many MHAs would be checked that represented eight or 10 of their constituents in workers' comp? What feedback would be coming from those individuals in order to add a little more substance to Bill 18?

I would say, well, I readily disclose here that I haven't had a whole lot of association and

representation on the workers' comp, because I always found that I had somebody else who was better able to represent them than I, and I would find that person. I know I wasn't asked. If anybody had representation, consultation is huge.

We had one lady who consistently sends messages out to all of us, quite frequently, and she's not a big fan of the workers' comp system. I often read through some of her emails that she would send out and in some of the cases what the remuneration of the injured worker who was unable to work was getting, compared to what they were getting in the first place, this lady had a strong argument stating that it wasn't a just wage. I know that whether I misread it or not, I know in section 89: "In calculating average weekly earnings, they shall be considered not exceed 1/52 of the maximum compensable assessable earnings in effect at the beginning of the loss of earnings resulting from the injury, or at the beginning of the recurrence of the loss."

My Member for Ferryland is here looking and saying 1/52 doesn't seem like a very large amount. The lady who we get emails from who has a pretty intense critique of the workers' comp system says that it's not a lot and it does not enable the person to be able to provide for his or her family when, in fact, he was injured at the workplace.

There are several situations here that my colleague from Exploits will be asking questions on shortly in Committee. I'm sure we'll look forward to get some answers to some of the particulars that would be here.

Whenever someone says that it's staying the same, generally, my antennae usually rise and say all's not well. I think the Member for Placentia West - Bellevue mentioned that at some point in time over a year ago I talked about things remaining the same and if does, with all the changes going on in the world, then I think we've missed an opportunity to make sure that we create some substantive change that

improves the system that we have. This is our opportunity today, but we're presented with housekeeping tasks.

The role of the navigators is important. Whether it be an MHA or a navigator that knows the system well and provides good leadership or representation to the worker that would be going before the appeal. I would say contacting or contracting or obtaining that navigator is challenging. Who can represent them? Keep in mind you can't pay for representation. You're looking for somebody to represent you, but you don't have financial resources to do so in a lot of these cases where workers have been injured.

I like the fact of prevention because I would think that if you're going to spend a lot of time on prevention, you're doing well. Any time you can prevent or create a keener workforce that is prone to not having mishaps on the workforce, knowing what to watch for and whatnot, then that's a better workforce. I would say where that is and how that applies in this particular act, I guess that's going to be fleshed out at some point in time in the future, I guess through regulations that we don't know. But that is a good tack to take, is the prevention.

My colleague from Mount Pearl - Southlands talked about his constituent had to wait three years. I would think some maybe longer than three years, maybe. If it is, that's an awful long time to be waiting. Keep in mind that they're out of the workforce and they're still waiting.

So I would say when we do the review and when we get into Committee there might be some questions asked that we can have some answers to, some of what Bill 18 presents. But I would say that it's an important piece of legislation if it had a high degree of affecting positive change within the system that we currently have.

Mr. Speaker, I'll leave it at that and we'll look forward to Committee.

Thank you very much.

SPEAKER (Bennett): The hon. the Member for Labrador West.

J. BROWN: Thank you, Speaker.

I know the Member for Bonavista mentioned that he's never really had many opportunities to deal with workers' comp. I have had opportunities to deal with workers' comp. Most times when you have someone that comes to you who's dealing with workers' comp, it's a bit of a situation because they're an injured worker. They're individuals whose income, their capacity to provide, has become severely diminished and the system itself is supposed to work as a benefit to help those who are injured in the workplace to carry on. So when you make changes to it, it has a very serious impact both for the worker and the ability to provide.

It's not uncommon to hear stories like the Member for Mount Pearl - Southlands had on a worker who's expecting a benefit and everything like that, but unfortunately because of some slight nuance he's going to be severely impacted. That's why when we make changes to workers' comp it has to be run through with a fine-tooth comb. Because we're impacting the lives of people who are already suffering in some way, especially with an on-the-job accident and this is very serious. That's why we said it.

It is great that sometimes, collectively, between worker and employer, they can collectively make a recommendation that impacts both parties. Sometimes it doesn't work that way. There is some benefit to it.

You look at the changes that are here now, some of these recommendations are old, they're 2016, 2013, some are 2019. This is where it's good that we make these changes, but at the same time we also have to look at the benefit itself and how the system actually operates and provides service to those who are injured. I think that

it's very important that we take that valid perspective that this affects the very particular people that are – there are always, like I said, you look at my region, I represent a very industrialized region of this province. I have thousands of people working in heavy industry.

When I actually did my work term and I walked into one of these facilities in the mine, the first thing they told me is be careful, the most moving parts in one room in Eastern Canada is in this room. It's a very daunting thing; it's a very industrialized place. It's a lot of people moving around. This is where when workers are injured they don't try to go and get injured, but it's a very industrialized place. I have people in my district, a lot of people who do get injured. It's a very dangerous environment.

When we look at it through the perspective of this act and the changes and the recommendations that are being added and things are being tweaked, you have to look at how it's going to affect the worker, how the worker is going to receive their compensation, but also at the same time you don't want to put them in a worse situation than they already are in, both physically and financially. If you have someone who's injured, who's sick, and then you have the hoops and the paperwork and all that to deal with, with workers' comp, while they're struggling and trying to recover, that just makes the situation worse.

It's value in taking back to say is the front-line service, the store-front service trying to get people their claims made, their paperwork claim, to make sure that it is a seamless transition as possible with the best possible service that we have to help these people, because sometimes it's daunting. Sometimes it aggravates, sometimes there is a lot of emotion. So this is where, when we look at these changes, we also look at how we provide the service through the changes, is it any better or are we still in the same situation?

These are things that need to be taken into consideration also on top of, who qualifies, how they qualify, what paperwork is needed, what's acceptable, what's not acceptable.

When we look at this as a whole, they are making language changes, removing outdated terms, adding more professional terminology, removing gender-based language with genderless language, which is great steps forward in the world of the workplace and the world of the legislation and government. But at the same time there's also a need of some consideration on the other side of the people that are coming to WorkplaceNL and coming for workers' compensation, these people need some compassion, some forethought and some of this as well, because it is a daunting task.

It is a world of bureaucracy that some people weren't expecting, especially after some trauma that probably may (inaudible) especially from their injury, because everyone wants to walk out of work the same way they walked in to work. No one wants to come out of work injured or hurt or in an ambulance. That's the last things that some people want.

Even when you talk to some people in your constituency, they tell you: I can't afford not to work. So this is where, I think, when we talk about the changes to workplace injuries is that we take an approach that is kind, that is thoughtful and a bit of compassion for the people who actually require this service.

I think that's the big take-away message that we need to really walk behind is these people were injured. It's not what they wanted and we should actually have some thought and kindness in the situation because they're hurt, and now they could potentially be financially hurt because of no fault of their own.

So this is where I think it's great that we're making these recommendations. It's hard

sometimes to see, you know, review of 2013, 2016 recommendations, it's a bit delayed in some of the stuff but I guess we're getting there. But, at the same time, there are some other recommendations in the 2019 that are not here yet.

At the same time when we do these reviews and stuff like that, a review of the legislation is great but to actually have the review of how we deliver some of the stuff. Because like I said, some of the stuff that I hear back, some of the feedback I get back, people are stressed, people are upset, people are hurt, people are financially hurt and these are the things that we have to actually take into consideration as well because this is dealing with people who are in a situation that nobody wants to be in. No one wants to be injured, especially on the job.

So with those considerations, I say thank you and I look forward to Committee.

SPEAKER: The hon. the Member for Topsail - Paradise.

P. DINN: Thank you, Speaker, and I'll speak briefly on this bill.

A very important bill, actually, when we're talking about the health and safety of workers and compensation for injuries received while on the job. Some members – in fact, I'm sure most members are familiar with Threads of Life, Steps for Life. That's a group that – I guess right off of their site – is working to heal families and bringing an end to workplace tragedies. If you've ever attended these events – and I have – there are many families that attend this walk, participate in this walk and bring awareness to these tragedies that happened in the workplace.

Whenever we go off to work, whenever anyone goes off to work, a loved one goes off to work, they go out for the day in the morning, they're gone, you say goodbye and you expect to see that person that evening. You expect to see them come on

home, he or she. It's a real tragedy when they don't come home or you get the call that they're at the emergency room and could be critically injured, they may never be the same, they may never be able to participate in society and in their job the way they should, and God help us if someone loses a life and you've got a family that has to deal with that. That's a huge shock to take.

So when I look at what this bill is trying to do, it talks about reducing red tape. It talks about doing everything to ensure that the processes are streamlined and user-friendly. I mean, that's the least we can do. That's the least we can do for a family that's dealing with a workplace tragedy.

I think many of us in our role as MHAs have assisted residents in appeals made to the workplace board, individuals who were injured, individuals who have had their life altered and looking for proper compensation which they deserve. You know, we need a process in place that makes that a less cumbersome approach to getting there. The last thing you want when you're injured, just the stress and tragedy of that, you want to be sure that the process for them to get the proper compensation and get the proper help they need is as easy as it can be for them.

When I look at this, there's one piece that caught my eye. I mean, there's a lot of it there but this one piece in particular when I had the opportunity, over my three years as a Member or almost four now, to help someone with an appeal. In this particular case I had an individual who was one of our front-line first responders. That could be your ambulance drivers, it could be your paramedics, fire department or your police force. There are many first responders out there, and what they go through in their daily job, what's required of them, in their daily job.

One of the examples of the wording change in this act is the removal of the word

"industrial disease" and now will be defined as "occupational disease." Why that comes up as a little red flag for me is the fact that when I supported this individual in an appeal, it was because of not a physical injury but, in fact, a mental health injury, PTSD, as a result of continuous exposure to these other traumatic events that are part of his or her job. When I was arguing or debating that, at the appeal, I spoke to industrial disease because in this act – and I stand to be corrected – even now as it stands, I've gone through it and it still doesn't speak to mental illness or mental injuries as a result of your workplace.

The definition here: "... 'occupational disease' means a disease prescribed in the regulations and another disease peculiar to or characteristic of a particular industrial process, trade or occupation" There's no mention there of mental strain or any mental illness as a result of your job.

When you actually dig a little deeper into the descriptions here, it talks about "injury" means (i) an injury as a result of a chance event occasioned by a physical or natural cause" I find it interesting that in the definition of an injury they're using the word "injury" but it goes on. It says "(ii) an injury as a result of a wilful or international act, not being the act of the worker, (iii) disablement, (iv) occupational disease, or (v) death as a result of an injury"

In the definition of injury, it still does not speak to mental health. It doesn't speak to mental health. As I said, it relates to occupational disease and, as I've read that definition, it's not there.

So if I go on it talks about disablement so, "disability" means the loss of earning capacity of a worker as a result of an injury" So they're all connected, but we still don't see any reference to mental health when it comes to your occupational health and safety. This refers to, and there is some instances in here where it talks about exposure to chemicals and asbestos and

the like. But it doesn't speak to exposure to the trauma of a job. That is just as debilitating, or probably even more so, than some injuries you may have. Imagine.

I dealt with this instance and it was – I can't even describe it, but it was so hard to go and defend or debate this issue for an individual who had done so much for us as a front-line responder and we could not help this person because there was nothing in here, in the occupational health and safety legislation to deal with mental health issues. This was an opportunity, to be honest with you, to include that definition there. Now, I may be missing it. I've gone through it, I can't find it.

But when it talks about health care that is available to individuals. It says, "health care' means (i) medical, surgical and dental care, (ii) hospital and skilled nursing services, (iii) a prosthesis or apparatus and the repairing and replacement of them, (iv) transportation, and (v) other matters and things that the commission may authorize or provide" Again, there is no mention there of mental health supports for either the worker or the family, because I'm going to tell you they are very much affected when someone goes to work and either doesn't come home as a full person – and I say that either mentally or has been injured – or doesn't come home at all.

So I started talking about Threads of Life, Steps for Life and the group that meets every year, they have a walk and people get up and tell their stories. Everyone that gets up to tell their story, it is extremely emotional. It just goes to show the emotional scars that are left behind for someone who's lost someone or as the breadwinner of the house, he or she, is not able to do that anymore. I mean, just think of the stress on them, the mental health stress on them and their family.

I mean, we're going to support this bill. There's no doubt about it, but I think we've missed an opportunity here. We've missed

an opportunity to add in or at least recognize that when we're dealing with injuries suffered in the course of employment, they're not all physical injuries. In fact, I would argue that every physical injury has an element of a mental health issue with that. Just the stress alone of having an injury on the job.

We saw the tragedy out in Come By Chance, just recently, and we've heard from workers who don't know if they're able to return to work. Now, those workers who aren't able to return to work, they may not have one physical injury with them but it's the trauma of that.

So how do we address that? How do we ensure that if we're coming in with an act respecting the health and safety of our workers out there, we need to be progressive? In fact, I would argue it's not even progressive anymore. We need to ensure that all aspects of the health and safety of our workers out there are covered, are looked at and there's an ability to assess it, an ability to provide compensation to the workers and their families.

Again, I'm sure I'm going to debate more appeals for people on this. You know, if you break a leg, you break a leg. If you're suffering from mental health trauma, it's probably not the easiest thing to cure.

We talked about mental health supports in this province and how more needs to be done for it. But when I look at this, I mean, yes, this is eliminating confusion for injured workers. Yes, it's making it easy to navigate the system. Yes, it's reducing red tape and making the process easier, but I think there's one thing here that we haven't done and that's to include mental health injuries that occur on the job, especially for those who are front-line responders, firemen, paramedics, nurses, police, what they deal with.

Excessive exposure to asbestos is going to cause you lung issues. But these people

that I've spoken to, excessive exposure to the stressful, traumatic instances on a regular basis is going to cause you some mental health issues.

Everything in this is good, but I think we missed an opportunity here to define in here as injuries, occupational disease, call it what you want, we've missed an opportunity to specifically speak to mental health issues and tragedies that workers may end up with as a result of their workplace.

I'll sit down now. We're supporting it, but I think it's a missed opportunity in that respect.

SOME HON. MEMBERS: Hear, hear!

SPEAKER: The hon. the Leader of the Third Party.

J. DINN: Thank you, Speaker.

I'll pick up where the Member for Topsail - Paradise left off with regard to mental health issues. I'll be upfront in that for many people being injured or sick on the job there's a certain element of stigma that's attached to it.

I do remember my father, when he worked with the railway, how many times he went to work sick. Really he should not have been at work, but at that time there wasn't the sick leave benefits there and it did impact his pension. But there wasn't that kind of protection at that time.

I just want to talk a little bit about the stigma, the mental health issues and certain assumptions that seem to be at play.

Certainly, as I understand it, the 85 per cent is still up to a maximum of \$60,000. There's a limit, there's a cap on it. This works, of course, if indeed you are maybe at the lowest tier of a salary scale but once you get up there in salary it becomes a little bit punitive to be off. So much so that I do often remember people would be advising their

colleagues: if you get injured on the job it's better to get off the site and then report, otherwise you'll be penalized heavily. But that's the suspicion that a lot of people would hold the workers' comp aspect of it, in their view, there would be that element of suspicion or mistrust that it really wasn't there to benefit the workers.

I know from speaking to constituents who have called in, in terms of when it comes to the appeals, more than one worker has contacted our office looking for help with it because instead of being an insurance policy, workers' comp seems to be more about cost efficiency and disputing claims. If I remember correctly, the whole idea of like a workers' comp board, it nullified the need for workers to sue their employers for negligence and for, I want to say, working conditions.

So even there – and I guess this is where I come back to. Anyone who takes pride in their work, in their profession, in their trade, in the professionalism with which they carry out that trade, whether it's unskilled or otherwise, there is a tremendous amount of pride with it. With that, of course, not being able to do that, that undermines that pride and there's a stigma, especially if a person is suffering from a mental health issue or a long-term physical issue and they are taking sick leave, it doesn't take long for the rumours of they are always sick. There is a stigma attached to it, and unjustly. Somehow it seems, built in that, the assumption almost with workers' comp is that the workers are indeed trying to abuse the system a little.

I guess, in many ways, what I would certainly like to see and I am hoping this streamlines the process – that's an initial first step, but there's no doubt about it with the workers' compensation board, WorkplaceNL, while it does offer programs for workers to get back into the workplace, the fact is that there is a certain level of suspicion.

One of the things I guess that's been called upon by the president of Registered Nurses' Union and other health care sector unions is the establishment of a health care sector safety council to address some of the issues in the workplace around violence and so on and so forth, and other injuries. Certainly that is something that probably could have been established or set up, either within this legislation or outside, and that is a question as to why not.

The Health Accord NL and the stat review certainly also asked for an occupational health clinic. Why hasn't this been included, more or less, with the duties of the commission to promote and fund occupation health clinics, to provide effective diagnosis of work-related health problems and effective prevention strategies? I can tell you this much. No one sets out in a job to be sick or to be injured and, in every job there is an element of risk. Teaching maybe not so, but I do know, Speaker, of teachers who, because of the students that they may have been dealing with, ended up losing their sight for part of a year and partial paralysis because of how they were injured.

I think, here, it comes down to having an occupational health clinic that looks at prevention, as well as diagnosis, as an essential investment, if nothing else, in the health of our workers and the workplace.

Certainly we will support this but I think, in this case, there is still a ways to go in dealing with prevention and also in the treatment of the workers who are injured and then find themselves applying for workers' compensation and how not only in the salary, the compensation that they receive, so that they can maintain a reasonable standard of living and not got back to work earlier than they should, but also in the process so that they can carry out the appeals without a significant amount of paperwork that is cumbersome or may require sometimes even legal advice just to get through it. It does not seem to be user-

friendly, at least from my experience with it so far, in terms of my role as an MHA.

With that, I'll sit down, Speaker, and I look forward to the rest of the debate.

Thank you.

SPEAKER: The hon. the Member for Lake Melville.

P. TRIMPER: Thank you, Speaker, and I hope my voice will survive a few minutes for an opportunity to address this important bill.

I didn't want to take much time, but I do want to recognize, because of some of my past experience, the great team under Dennis Hogan who's the CEO at WorkplaceNL. This is a really sharp individual who leads a very sharp team, and it was a great honour to meet with him for the briefing for this bill, most recently on Bill 18 and check in on him. There's a lot of technical background that goes into what I think most people look at is a very simple calculation.

First of all, WorkplaceNL works with this act. This act – this is their baby. So all of these pages that are in here, essentially, is all about how we as an entity, as a corporate body, assess a fee to the employers and the employees – so you're working with labour and the employers to find a fair way to ensure that if and when we do have an injury on the worksite that our workers are protected.

I feel that probably so many of us as MHAs, working in our constituency offices, can attest. I've done it and I'm sure many of you as well have been involved in workers' compensation board appeals. A very interesting, complicated process, but nevertheless it's all about ensuring that the intentions of this act are being implemented as designed, frankly, in this Legislature. We need to make sure that each, whether it be labour or the employers, are being treated fairly.

I just want to bring up a couple of points. It's really interesting. I went back and did a little bit of (inaudible) – I'm familiar with this. During the briefing we were explained – I said, what's the status on the fund right now? This is the fund. It's a pot, if you like. It's a source of revenue that's been collected by employers and employees and you want to make sure that the fund is fully funded but not to the extent that people are making contributions to it in an unnecessary way. With the rising cost of living, the pressures of inflation, everything else that we're feeling, it's most important that we be fair.

Dennis was explaining to us last week how their target is about 110 per cent. If you look at the annual report from 2021, a couple of reasons: because the level of incidents of injuries on the workplace was actually lower and, therefore, fewer claims, new claims coming into the system, there's not so much drawing on it so it tends to build up.

It's interesting, though, when I looked into some of the background around this, they're also doing some very wise investing so they're finding that this substantial amount of money that's there is actually the beneficiary of some good, sound, prudent investments and, hopefully, they will withstand the reverberations that we often feel in the markets. But I thought that was an interesting thought.

I was paying attention to what my colleague from Mount Pearl - Southlands was saying about pension plans and it is a good point. We need to make sure that as people prepare, they work all their lives, sometimes they get injured, unfortunately, and the repercussions of that can really be devastating. If you find yourself cruising into retirement receiving supports from the workers' compensation fund, you need to make sure that it's not going to compromise your ability to live independently into your retirement years. He makes a good point that we need to watch that closely and I thank him for doing that.

Do you know what? Friday night I'm in Happy Valley-Goose Bay and I'm at the firefighters' awards dinner for the fire department and there were probably – I don't know, we have 5,900 volunteer firefighters in our province, another several hundred who are full time. I had several of them in front of me and we haven't had that awards gala in some time, but it was good – since now, post COVID, hopefully – to have an opportunity to recognize these heroes in our community.

So I spoke about Bill 12, which was recently passed in this House, and my colleagues all know about this. It was about the additional coverage, particularly around cancer and cardiac arrest related to their involvement in saving lives on behalf of us – service above self in our communities and recognizing the hazards that they deal with. So there's a now expanded coverage where there essentially is no debate. If you're a firefighter and you encounter one of these unfortunate diseases and so on, it's fully recognized that you were working on behalf of our community, took a risk and we need to make sure that these people, these firefighters, are well protected.

I talked about that, but what I wanted to mention to the floor was that afterwards – and I'll mention his name, my colleague from Labrador West will know him – Joe Power drove across Labrador just to attend our banquet. Joe was speaking about the importance of also making sure that the injury fund, if you are dealing with some of these terrible diseases, that there is sufficient financial coverage to allow our heroes to be protected and be thanked and supported, as they need to be. He asked if we could also take a look at that. I said I would bring it to the floor and here I've just done that, so I'm glad to tie that in.

I wanted to talk just a little bit more about WorkplaceNL and how important it is, and, frankly, how important this is. Several years ago, I was the Minister Responsible for Labour and it opened me up into a whole

new world. As I said, Dennis Hogan, but also many other folks who are involved in workplace disputes, labour disputes and so on and the technical savvy and experience that so many folks in these departments have, I wanted to say that even at that time I can recall – and when you're looking at something as onerous as this act, the *Workplace Health, Safety and Compensation Act, 2022*, this is a robust document. I can remember so many times someone would bring something to the department and we're looking at it and it says, well, yes, we'd like to proceed with that, we recognize this is an issue, but the act needs to be reviewed and needs to be tabled as we're doing here. So we tend to use the word "housekeeping."

Well, I can tell you, Speaker, it's a lot more than just pulling the curtains apart and making it look pretty. There are so many issues that are uncovered and discovered as society changes, as our laws change, as our interpretation of these laws change that we need to catch up.

I just congratulated Mr. Hogan and his team the other day because there's a lot of work that's gone into this review. He said there were representatives from labour, from the employers and from an independent perspective who actually conducted the review. They've been at it for years. It's great to see it come to the floor.

Also, for anyone out there watching, I wanted to draw your attention to ensuring that you are registered with WorkplaceNL. It is, as I said, the body that deals with this act. I'm just going to read into the record, they've got a 1-800 number and if you go online it's tremendously user-friendly. Unlike so many sites we go to, and you're talking to a guy who learned computer science on Fortran with cards, so I find I'm always at a disadvantage. So when I get onto a website that I can actually interpret and understand, I appreciate it. So 1-888-950-1582 or MyWorkplaceNL, a tremendous online service.

I want to say that this body is what works with employers and workers and promotes the safe and healthy workplaces, prevents workplace injuries, supporting injured workers and their families and establish a strong return to work program.

You know, my previous background before I got into this political adventure was in consulting. Our company at the time was growing and we were up to 1,700 employees at one time so when we looked at situations, priority always is number one in terms of the health and safety of our workers. Then, at the same time, you're also looking at what further investments could I make that could help reduce either, first of all, the number of incidents of injuries and then, secondly, maybe also decline your rate in terms of what your assessed.

Going back to that 2021 report, it was interesting that – where do I have that note, I think I can recall it – at the conclusion of last year there were some four industries where actually they found a slight increase, I think it was from 1.5 to 1.6. Not a big deal but when you're dealing with the thousands and thousands of workers and employers in our province, it does amount to a lot. But on the other hand, eight industries saw a decline in their rate of incidence of injuries.

When you're starting to think about, again, back to all kinds of businesses and some of my colleagues, as you get to know them, you're understanding the different roles they played. You're often looking at that. If I put all my staff on an advanced HAZWOPER program or some other kinds of training, what can that mean for, first of all, keeping them safe, number one, but also can it affect my financial performance of my company just on demonstrating I've taken these extra precautions?

These are just a few examples of the type of intricacies that exist with this act. Again, I thank the department. I congratulate Dennis, the minister for getting this done and I welcome the changes. I think it's going

to make a difference for us as we carry so many of the issues of our constituents forward. We shouldn't be bumping into a situation where somebody says that hasn't been updated yet. We will have finally done it.

I think that this is going to be implemented by 2023. I forget which month that it was. I'm looking around but I think it will be late summer next year, but I do welcome that. I think we'll all feel it right across the province.

Thank you, Speaker. I survived, I think.

SPEAKER: The hon. the Member for Torngat Mountains.

L. EVANS: Thank you, Speaker.

I just want to speak on this bill, Bill 18, just very quickly. I'm not going to take up much time. Two Members of my party already spoke on this, but I just want to say how important it is because Bill 18 is meant to modernize the *Workplace, Health Safety and Compensation Act* after about 40 years without a substantial update.

Now, I spent the last 20 years working in construction and mining exploration. This act is so important to workers out there, all of Newfoundland and Labrador. But I want to say this bill, it's about 85 pages, but one of the reasons I'm speaking is just to talk a little bit about the briefing for us, again. Eighty-five pages and the briefing was only, what, about 10 minutes. Also we had to go through it because there was no substantial detail on where the updates were and what the changes were. So it was basically a lot of work just finding out how this bill had changed. For us, in the Opposition, it's so important for us to be able to scrutinize and make sure that this is good legislation. It is important to us.

It was recommended in the 2019 statutory review of the act that the rate for calculating an injured workers lost wages be increased from 85 to 90 per cent of the worker's

average weekly earnings. That's a very, very important recommendation, Speaker. When we go into Committee I know we're going to raise a lot of questions because, like I want to say, this act is so important to us.

With that, I'll just quickly close.

Thank you, Speaker.

SPEAKER: If the hon. the Minister of Immigration, Population Growth and Skills speaks now, he will close debate.

The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Thank you very much, Mr. Speaker.

May I say thank you to all hon. Members who contributed and participated in this discussion. It was not really fair to call it a debate, in the sense that there was not a testy exchange of competing ideas. There was a lot of consensus that was expressed related to the content of the bill and its overall thrust; I appreciate that.

I appreciate the fact that it does appear that we do have unanimous consensus within the House to support the act, but I also do recognize there were elements that were brought forward, questions that were brought forward as to supports to injured workers, in the application process, the consideration process, as well as issues surrounding mental health injury and whether or not the bill addresses adequately and whether the system adequately addresses mental health injury.

Also a number of other factors that come into consideration, but, Mr. Speaker, what I'd say is that we all must remember that the drafters of this particular piece of legislation, in fairness, was not actually the government; it was the Statutory Review Committee. The Statutory Review Committee is made up of representatives of organized labour, as well as organized

representatives of employers; it is stitched together with an independent, expert chair.

It is really important to note, Mr. Speaker, that is the process, if you have a consultative process, when you charge responsibility to a Statutory Review Committee that it is incumbent upon you to take those points of view seriously. So when it gets noted that there may be deficiencies in the legislation, we also have to understand as well that the Statutory Review Committee did not operate in isolation. It took submissions from the general public; in fact, the consultation process by the Statutory Review Committee was exhaustive – it was extensive and exhaustive.

So if there were elements that some hon. Members may feel as though could have been better represented within the findings of the Statutory Review Committee, I would always encourage for them, themselves, to take the time to present to the Statutory Review Committee, as it assembles each and every five-year period. It is called a Statutory Review Committee because under statute, under law, it must assemble every five years and report its findings. It will always take contributions, inputs, from the general public and that would not exclude Members of political caucuses to participate in that process. In future years, if hon. Members would like to participate and contribute and shape and draft the legislation themselves, that would be a very effective way to do so in the future, should they so desire.

The final thing – I am being very cognizant of the time, Mr. Speaker, because I know people want to get to Committee stage of this particular bill. I'd like to address the capturing of mental health injury supports, which has been raised, and concerns that this piece of legislation may not adequately address mental health injury supports. Again, notwithstanding, I raise the issue that we are all collectively the drafters of this bill; not only we, as parliamentarians, but the

Statutory Review Committee itself, which is made up of organized labour, organizations of employers, along with an independent council but they, too, take public consultation very, very seriously. This culminated in the recommendations that came forward to us.

So if there is a certain expectation or a concern that mental health may not be addressed in this, we always have an opportunity to participate in the consultation process and make sure we put our signatures on that draft, on those recommendations. I encourage Members to do that in the future if they feel that there may be some shortcomings.

But with that said, it really is important to point out, Mr. Speaker, that capturing mental health injury supports, we have long provided coverage for work-related mental stress injury claims. Government enhanced this coverage by introducing presumptive coverage for PTSD for all workers in 2018. This is very important to note.

So before or in case there may be some concerns of those who are captured by the debates of the Legislature and read *Hansard* or watches on TV to bring forward an assumption or consideration that mental health injury while on the job is not captured within our workplace health and safety protocols, we have long provided coverage for work-related mental stress claims and will continue to do so and, in fact, expanded that coverage with the introduction of presumptive coverage for PTSD just a few short years ago.

Mr. Speaker, that's an important conclusion and consideration. Now, as we go to Committee stage, I'll just pre-empt; there will be a lot of amendments. I have really done my very best to capture and internalize and process all of the amendments. If there are issues or concerns that I cannot immediately address on behalf of my colleague and friend, the Minister of Environment and Labour, I will

certainly attempt to get that information as quickly as possible, but with that said, Mr. Speaker, on with the show.

SPEAKER: Is the House ready for the question?

The motion is that Bill 18 now be read a second time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

CLERK: A bill, An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment. (Bill 18)

SPEAKER: This bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole?

L. DEMPSTER: Now.

SPEAKER: Now.

On motion, a bill, "An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 18)

SPEAKER: The hon. the Deputy Government House Leader.

L. DEMPSTER: Thank you, Speaker.

I move that this House resolve itself into Committee of the Whole to consider Bill 18.

SPEAKER: It is moved and seconded that I do now leave the Chair –

L. DEMPSTER: Seconded by the Minister of Immigration, Population Growth and Skills.

SPEAKER: Thank you, kindly.

It is moved and seconded that I do now leave the Chair for the House to resolve itself into a Committee of the Whole to consider the said bill.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

SPEAKER: All those against, 'nay.'

Motion carried.

On motion, that the House resolve itself into a Committee of the Whole, the Speaker left the Chair.

Committee of the Whole

CHAIR (Warr): Order, please!

We are now considering Bill 18, An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment.

A bill, "An Act Respecting the Health and Safety of Workers and the Compensation of Workers for Injuries Suffered in the Course of their Employment." (Bill 18)

CLERK: Clause 1.

CHAIR: Shall clause 1 carry?

The Chair is recognizing the Member for Exploits.

P. FORSEY: Thank you.

I have a few questions there, Mr. Chair. We'll start off with a general question overall.

In case of worksite incident where there is a clear negligence by the company, the OH&S charges against the employer resulting in the death or serious injury to an individual, why is it the individual or their family are not able to bring a civil suit?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, the practice of indemnifying the process and limiting civil action, I think is consistent with other jurisdictions. I do understand that to be true. I'll make a correction if required. But the compensation for the injury itself is captured within the workplace injury system and that's where the compensation is directed.

CHAIR: The Member for Exploits.

P. FORSEY: In section 2 of the definitions, disability is defined as "loss of earning capacity of a worker as a result of an injury"

Can the minister outline how this definition of disability aligns with other definitions of disability used in other pieces of legislation or by other government departments?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, every piece of legislation has its own predefined terms and definitions according to the nature of the legislation and the activities that it sculpts out within the context of the legislation. The nature of the disability is held and captured within the context of an injured worker, in terms of the disability itself. Remember, this is not a piece of legislation and not a program or a process which indemnifies all health issues, it's specifically for injuries on the job and within the context of the

disability that may be created, the disability is captured within that context.

CHAIR: The Member for Exploits.

P. FORSEY: Under definitions as well, impairment is defined as "a physical or functional abnormality or loss, including a disfigurement, as a result of an injury"

Can the minister outline how many mental disabilities is covered under this definition?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: I won't be able to give the hon. Member a specific answer in terms of the quantification of that, within that subcontext or that subcategory. But what I can inform the hon. Member is that within the context of mental health injury while on the job and the presumed coverage, for example for PTSD, 95 per cent of all claims are covered.

CHAIR: The Member for Exploits.

P. FORSEY: Same, under definitions, the definition of injury says: "... does not include stress other than stress that is a reaction to a traumatic event or events"

Can the minister please explain this? Does the definition of injury include mental illness, which may occur because of working conditions?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Thank you very much, Mr. Chair, and I thank you very much for the question by the hon. Member.

We always reflect on the premise that this is about workplace-based injury. It's not about a general health. We have very, very strong convictions and legislative appetites to be able to protect those, support those and heal those who face mental health illness. This particular legislation is directed towards

workplace-based mental health injury and, of course, stress is the conduit to that workplace-based injury. So the definition of stress within that context is taken from the workplace-based definition.

CHAIR: The Member for Exploits.

P. FORSEY: In section 6, under the Board of directors, the legislation outlines the compensation of the board.

Will the board members change with this new legislation coming into implementation or will the existing members of the board carry on until their new term expires?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: It's my understanding, Mr. Chair – and if I am incorrect in this I will correct the record at my earliest opportunity – but the tenure of the board members does not change by the new legislation. The amendments are to the legislation itself. The mandates still are in tact.

CHAIR: The Member for Exploits.

P. FORSEY: Same thing, under section 6 in directors.

Will the appointment of the board members go through an Independent Appointment Commission?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: As is the current practice, the current practice shall be maintained.

CHAIR: The Member for Exploits.

P. FORSEY: Section 8, Chief Executive Officer, notes that the LGIC in consultation with the board shall appoint a CEO.

If the board does not agree with the LGIC's choice, what happens?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, I don't think the answer to a hypothetical question is what's required at this point in time. It is the prerogative of the LGIC to appoint the chair of the board. That obviously is the authority that's vested in the statute granted to the LGIC, the Lieutenant-Governor in Council.

I can say – and I'll take this as an opportunity to say it – as the hon. Member for Lake Melville indicated, we are blessed with an incredible chair who enjoys the confidence and support of so many within the community and we hope he stays there for a very, very long time.

CHAIR: The Member for Exploits.

P. FORSEY: Under section 9, Commission staff. The commission pays the salaries of the staff out of the injury fund.

Does the commission have to follow Treasury Board guidelines with regards to salaries?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Yes, indeed, Mr. Chair, I suspect that is indeed the case.

CHAIR: The Member for Exploits.

P. FORSEY: Section 12, Financial power.

Can the minister provide some information about the inquiry fund? Is it currently fully funded and what are the projections for the fund?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: I believe, Mr. Chair, the question was the actuarial integrity of the injury fund. If that was the question – and I believe that's the question I'll answer – the

fund is very, very solvent. It's well managed and will be there for injured workers for years to come.

CHAIR: The Member for Exploits.

P. FORSEY: Section 26, Duties of commission, this section of the act outlines the duties of WorkplaceNL, especially the focus on preventing workplace accidents.

How much of the annual WorkplaceNL budget is directed towards prevention of incidents?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, I do not think it's a tongue-in-cheek expression to say that 100 per cent of the budget is because that is manifested, it is ingrained within the DNA of the commission. We support injured workers in their time of crisis, in the time of need, but we also spend significant energy in accident and injury prevention. Those two very, very parallel but, quite frankly, fused interests are representative of the very function, the very essence of the commission and the activities of every employee within the commission.

The best way to treat an injury is to prevent it from happening, and that is the focus at all times. So in terms of differentiation or segregation of specific funds, there are specific units within the commission to be able to deal with prevention, education and other elements of injury prevention. But the entire organization is focused on making sure that everybody goes home at the end of every workday.

CHAIR: The Member for Exploits.

P. FORSEY: Section 26, again, under commission, does WorkplaceNL review findings of the workplace injury investigations and then incorporate these findings in a general nature into a future education and preventative activities?

CHAIR: The hon. the Minister of Population, Immigration Growth and Skills.

G. BYRNE: Thank you very much, Mr. Chair.

I appreciate that question because I think the hon. Member knew the answer already, and it's affording me an opportunity to be able to speak to the integrity of the commission, of the organization. The simple answer is yes. Every incident, every situation, it's always taken both introspectively and retrospectively. Every examination is taken to be able to incorporate best practices and current events, current circumstances, to be able to do better for our injured workers and prevent injury.

Thank you very much, Mr. Chair.

CHAIR: The Member for Exploits.

P. FORSEY: Under section 33, Review board, can the minister outline how many members of the review board are appointed? Will the appointments go through an Independent Appointments Commission? What skill sets are required for the members of the review board?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: So, Mr. Chair, I did give a pre-emptive warning that there may be some questions which I would not be in a position to answer immediately based on the notes that I have available to me, but it's a valid question and I will endeavour to get back to the hon. Member and to the House at my earliest of opportunities and it may be in the answering of my next question.

CHAIR: Thank you.

The hon. the Member for Exploits.

P. FORSEY: Can the minister explain what is meant by 33(4): "A review commissioner

shall hold office during good behaviour for a term that the Lieutenant-Governor in Council may establish.” What is meant by good behaviour?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, the term “good behaviour” is a benchmark term. It’s a consistent term that’s applied to other situations. It may have historical context which may be out of step with kind of a modern way of syntax or language, of good behaviour, but basically means that if the individual in question is performing their duties according to their responsibilities and their job description and are doing so properly, they maintain that position. They cannot be unnecessarily removed.

CHAIR: The hon. the Member for Exploits.

P. FORSEY: The same thing under the Review board; what is the current wait time to have a review heard by the review board? What is the current wait time for a decision after hearing this has taken place?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: So allow me quickly to be able to provide the answer, as our skilled professionals within the commission are providing me with data and information that I have a shortfall with, they’re able to provide it.

Mr. Chairman, there are seven review commissioners that are appointed in that capacity. The wait times itself, what I can say is that the wait times, there have been substantial improvements in service delivery standards for receiving services, and we hope to improve those even further.

CHAIR: The hon. the Member for Exploits.

P. FORSEY: Section 45, Application of Act, allows the LGIC to exclude through

regulation from this act. Can the minister outline which industries are currently exempted and why? What happens if a worker is injured in one of those exempt industries?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Well, Mr. Chair, we’re in that phase of question there where there are obviously some questions that I can’t immediately answer but I will get back to him on that. But the bottom line is that if there is a particular industry that is exempted then, of course, obviously they would not be subject to participation within the commission but I will get back to the hon. Member with the details, the answer to that question, because I think it’s an important one to ask and to have answered.

CHAIR: Thank you.

The hon. the Member for Exploits.

P. FORSEY: Under section 47, Coverage for particular workers, this section allows LGIC to apply the act in whole or part to fishers, independent loggers in the logging industry, Members of the House, volunteers providing community ambulance services and more. The full list in this section 47, can the minister please provide some commentary? Does the list of people in this section have WorkplaceNL coverage? If they only have partial coverage, under the act, what are the caveats?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: So at this point in time, Mr. Chair, what I can report to the hon. Member, to the House, is that we do cover 98 per cent of all professions, all workers in the province that are under this particular jurisdiction. To the best of my knowledge, only professional supporting teams are exempt. That’s an interesting issue about professional supporting teams because, of course, when we had professional farm

league teams and others that were prepared to or interested in coming to the province, this was one of the issues that they raised about certain elements of that.

But we don't cover those people working in domestic homes. That would be, presumably, under a comprehensive home insurance policy within private homes. That's an important distinction. I can say that between the delivery time or the service standard is now between two and three months for addressing claims and files.

Thank you, Mr. Chair.

CHAIR: The hon. the Member for Exploits.

P. FORSEY: Section 104, Occupational Diseases, can the minister provide examples of occupational disease?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: I'm going to share my –

CHAIR: The hon. the Minister of Education.

J. HAGGIE: (Inaudible) silicosis from mining, those are recognized diseases. It's dust deposits in the lung from working in a dusty environment. A lot of them are mitigated now. It's generally accepted that asbestos mining and exposure to chrysotile is a causal relationship with mesothelioma, some of the skin cancers with exposure, for example, to benzene in the petroleum industry. Those are generally recognized as occupational diseases.

Some you have seen over the years that have literally gone away, like chimney sweepers' skin cancer and those kind of things, because we don't have chimney sweepers crawling up and down chimneys anymore.

But those are a few, I mean there are textbooks on those and that's a surgeon's

view of occupational diseases. I beg the House's indulgence.

CHAIR: Thank you.

The hon. the Member for Exploits.

P. FORSEY: Under the same section, Occupational diseases, the bill notes that the commission, with approval of the LGIC, may make regulations prescribing occupational diseases.

Which occupational diseases are now covered?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: I'd like to thank the indulgence of the Committee, allowing my student to be able to answer some questions. I've been tutoring him for a while so it's part of his mentorship to be able to participate in these debates. So thank you very much, I appreciate that very much.

One of the things that are occupational disease – hearing loss, for example, is one of the major, one of the most significant occupational diseases that is indeed covered. It's one of the things that affects many, many people and many, many families. That's why I think it's important to have this listed under regulation. That's one of the many.

As my student identified just a few minutes ago, there are many occupational diseases that are listed and regulated.

CHAIR: The hon. the Member for Exploits.

P. FORSEY: Section 108 under the firefighters: Can the minister outline why firefighters do not get full, 100 per cent coverage for cancers which are caused by their volunteer occupation?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, we follow the recommendations where we can, wherever it's prudent to establish the injury compensation within the guidelines. There are no occupations that are currently receiving full coverage. We empathize and we understand what this can represent to the injured worker. We follow the recommendations of the Statutory Review Committee. We recognize that there have been interventions to be able to increase that funding. We have to keep a balance, we always have to maintain a balance between the ongoing integrity, the future actuarial support of the injured workers funding, of the injury fund, with the potential for payout.

Mr. Chair, what I would suggest is that we'll always examine this issue. We've done some important work to support firefighters, both professional and volunteer. We very much are listening to them; we see them. We're always in communication with them.

The system as it now exists, we support a significant portion of loss to income and we're maintaining that within all professions.

CHAIR: The Member for Exploits.

P. FORSEY: Also, one more question under the firefighters.

Will the firefighters receive 100 per cent coverage while performing rescue duties?

That will be my last question. I look forward to the answers that you're going to be providing in (inaudible).

CHAIR: Thank you.

The Minister of Immigration, Population Growth and Skills.

G. BYRNE: Mr. Chair, regardless of what the duties there are themselves, we've established a rate for injured workers in terms of compensation that's being maintained not only within the context of the

legislation, but from the recommendations. The recommendations of the Statutory Review Committee not only provide inputs, but it's what is also not included in their recommendations that obviously is relevant in terms of answers on the floor of this particular House.

Organized labour and organized employer organizations were very active in the preparation of the document, as was the public, who participated through public consultations in the preparation of the recommendations.

We value both our professional and volunteer firefighters extremely well. It's one of the reasons why, Mr. Chair, the advancements with presumptive cancer care, as well as cardiac care, are very important to us all.

CHAIR: Further questions?

The Chair recognizes the Member for Mount Pearl - Southlands.

P. LANE: Thank you, Mr. Chair.

Just wondering what thought, if any, has been given to support for injured workers. I know there is a worker advisor that – you know, they're very limited, I suppose, in terms of resources and so on. But any thoughts to sort of increasing that or whatever? Because I know that quite often I have constituents, for example, come to me and on numerous occasions I've had to go and represent them as appeals and so on.

Just in dealing with people in general, again, I know there's a worker advisor, but I don't think – and I stand to be corrected – I don't think the worker advisor is going around and actually attending appeal hearings on behalf of every injured worker in the province, I just don't think that's happening. I'm not sure if it's in the mandate or whatever.

But I would just say to the minister that that is a gap, in my view, that exists. It can be a pretty complex process, sometimes interpreting the legislation and if you go to an appeal it's really very similar to going to almost like a court type of hearing, in terms of, there's case law and everything that you can look up and past decisions and so on, and it can get pretty technical.

I know that there's been people who I've tried to help, as best I could, that were injured on the job and there's no way on earth they would ever be able to navigate that system or properly represent themselves in some of these hearings based on the legislative framework and, as I say, case law and everything else.

So I'm not sure how many other MHAs do appeals or whatever. I know I do quite a few and it would seem to me that there is an issue in terms of the resources that are available to that worker advisor's office and to have that ability to deal with more injured workers and to assist them not just on the answering of questions and on internal review decisions and so on, but to actually have the resources and ability to be able to represent injured workers in the appeal process to the workers' comp commissioners.

So I don't know if the minister has a response to that or not, but I just wanted to put that on the record nonetheless.

Thank you.

CHAIR: Thank you.

The Chair is recognizing the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Yes, Mr. Chair, I do thank the hon. Member for the question, but as well I also have an answer. It's very important to get competent representation on all matters which are quasi-judicial in the sense of there is a binding decision that's imparted by the commission.

This is a very technical field of endeavour. It's one of the reasons why, Mr. Chair, and I can say this, I can trumpet it, our government is doubling the number of navigators of injured worker navigators in the system to be able to support injured workers through their journey to get the compensation that is deserved to them, to their families, under the guidelines of the act.

The one consideration that I would like to part upon all hon. Members is, while I do hear and appreciate that there is interest in supporting injured workers in their journey, please understand and be aware that do so if you are competent to be able to do so. This is their lives. This is not an amateur exercise in the sense that if you have a partial interest and a partial knowledge of the processes that works here, you may be doing more injury to the injured by not providing effective advocacy to their concerns. It's one of the reasons why we partner with the federation of labour, we partner with organized labour to be able to provide these navigators of competent, well-trained, accountable people to be able to provide these supports.

All workers who want to avail of these services can. It's not the job for the navigators to proactively go out and say, I will represent you. Many injured workers feel that their situation is that they can represent themselves, they have that ability and they have that confidence. They sometimes get support from other entities, whether it be from legal representation or from unions and other bodies that have competencies in-house to be able to get the job done.

So, Mr. Chair, we are doubling the number of navigators to support injured workers, but I leave all Members with this final thought: Thank you for any support that's given to an injured worker. It's always appreciated, but know and judge yourself as to whether or not your representation to their interests are in their best interests. You need to be

competent and capable to be able to do this. It should not be done arbitrarily.

CHAIR: The hon. the Member for Mount Pearl - Southlands.

P. LANE: Yes, I thank the minister for that and I absolutely agree with the minister on that. You absolutely need to understand the system and understand what you're doing. As I say, I've done several, but the reason why I feel comfortable doing them is that's what I actually did for a living prior to being an MHA. I represented, on the employer side, I represented the employer at many hearings.

The question I have is, in terms of these navigators that the minister is referring to, does he know – because I've yet to see a navigator or hear of – do the navigators just simply help an employee? If I'm an injured employee and I'm saying, okay, what am I to do? How do I fill out the forms? What forms do I fill out? I have questions, whatever. I understand they would help with that. If my claim is turned down and it goes through internal appeal through workers' comp and it is again turned down, then I have the option to go to the independent commissioner, which would be located there at the bottom of Mount Carson Avenue, currently.

You have that independent commissioner. That's where you have this hearing taking place, sort of a quasi-judicial type setting as the minister alluded to. Would those navigators represent injured workers at those hearings or are they simply navigating them through the process with workers' comp itself? What happens after they go to the independent hearing? Will they go on their behalf and represent them, yes or no?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Yes. Now, I'll keep going. The answer to the question, Mr. Chair, is yes. We're expanding the operations of the

navigators to be able to attend the review commission and to attend hearings and represent workers.

This is, of course, the final level within the system itself. Other opportunities are available to injured workers, should they feel aggrieved, they have the redress to the courts as well. But, yes, they will be able to participate in the review commission and in the hearings of the review commission.

CHAIR: Thank you.

The hon. the Member for Mount Pearl - Southlands.

P. LANE: I thank the minister for that. That is excellent news. I don't think that was always happening. It sounds like a new initiative and certainly one that I definitely support; glad to hear it.

I guess my final point on that would be – and I know the minister said that we don't go out and advertise it, but I really think something that needs to be changed, if it's not happening, is if an injured worker files a claim, I think part of that process after the claim is accepted and so on, and especially if there's something turned down, you will get a letter saying you have the right within 30 days to appeal to the commissioner and so on. I think part of that letter or part of the information should be: Should you require any assistance with this as an injured worker you can contact a navigator and here's the information on the navigator to assist you with that appeal. That's not in the letters that come out now.

The reality of it is, the average person, the average injured worker is not going to know about it. Now, there may be some people working in a particular workplace, a unionized workplace, whatever, and their shop steward might say, listen, you should get a navigator because they are aware of it. But I would suggest that an awful lot of people who get injured on the job, who perhaps don't work in a unionized environment, whatever, not able to

represent themselves, they would never in a million years have any clue that such a navigator existed to help them unless someone tells him.

I think we should be a little more proactive. I throw that out as a suggestion, the minister can do with it what he wishes. But I throw it out there for a suggestion, on the record, that I think we need to be a little more proactive, if we're not, to inform the injured worker, especially when you get to those appeal processes which are very tangly and very – as the minister said, you need to know what you're doing – to inform that injured worker that, yes, you have the right to appeal, here's how you go about it and if you need help, here is the person who can help you. Because that is certainly not in the letter that goes out.

I think, in fairness to the injured worker, we should at least be proactive in supplying that information so they can better help themselves when it comes to these very, sometimes, complex hearings.

Thank you.

CHAIR: Thank you.

The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Thank you very much, Mr. Chair.

I would be of the belief that the worker advisors are indeed well known; we'll always do more work to make them even better known.

I have been referring to them as injured worker navigators. Their correct title is actually worker advisors. So that is the way I have always sort of known them, as the navigators, because that's the incredible role that they do.

But I think I am able to correct the hon. Member for Mount Pearl - Southlands. In

every internal review decision, the information is conveyed of the worker advisor – contact information is given. This has been confirmed to me by the commission just a few short minutes ago that this is a standard practice.

Is there other ways that we could enhance the visibility and awareness of this particular program, especially since the government is doubling its capacity in the coming weeks? There probably is so I will take under advisement any suggestions, given his past experience with this process and with this program, how we can make that information better.

I can say, based on information that has been given to me, that the telephone numbers and addresses of the worker advisors are made known to clients.

CHAIR: The Chair recognizes the Member for Torngat Mountains.

L. EVANS: Thank you, Chair.

Working in industry has really been an experience for me. I work in health, safety and environment and safety has been really, really important to ensure that workers are safe. Workers injured at work, they need to be supported. No worker should be penalized via loss of income as a result of a workplace injury. The point I'm trying to make is most jurisdictions have IRRs of 90 per cent. Just looking at the 2019 Statutory Review recommendations that we're brought up earlier in debate: **“Recommendation 6: Injured Workers' Loss of Earning Capacity.”**

The recommendation 6.1 states – and I'll read from the recommendation: “For the calculation of loss of earning capacity for an injured worker, section 74.(2) of the **Act** be amended to increase the IRR from 85 per cent to 90 per cent commencing January 2022 and that no further rebates or discounts be provided to employers subsequent to 2021 until such time as the

IRR of 90 per cent is achieved.” And there’s a note there: “These rebates and discounts do not include safety incentives under PRIME or any replacement program.”

Now, I will mention that Recommendation 6.1 was by the majority of the committee, with a descending view from the employers represented. It is concerning when we look at this act.

So my question is: What consultation was done for this recommendation not to be implemented in this act?

CHAIR: The hon. the Minister of Immigration, Population Growth and Skills.

G. BYRNE: Thank you very much, Mr. Chair.

The consultation process obviously was conducted through the Statutory Review Committee itself, who engaged the public extensively in their deliberations. One of the things that came forward was a recommendation that was not a unanimous decision, to increase the income replacement rate to 90 per cent. The elements of this particular legislation do indeed represent those recommendations that enjoyed unanimity and that’s why we’re acting on it.

The second thing that I would like to reiterate to the House – it is this process of establishing benefit rates; all financial implications are required to have actuarial investigation and analysis before they can be implemented. It’s absolutely essential. It does not serve injured workers well if there is an unfunded liability within the injured workers fund.

It’s very critically important that the overall health of the fund remains strong and stable into the long term. There was a period of time, Mr. Chair, when many Members in this House will be able to remember when the fund was anything but stable. The anxiety and the concerns that came forward as a

result of having a fund, which may or may not meet the needs of injured workers, became quite a difficult component of the Newfoundland and Labrador workplace.

So enormous efforts were made to ensure that support was given to injured workers. In the process of that support given, rates were set, collections were made from employers that reflected the needs of the fund to be able to make payouts today and into the future, based on the benefits that have been prescribed under the act and its regulations.

With that said, Mr. Chair, it has been often said in this House, it has been often criticized in this House that government comes forward with incomplete analysis done. In fact it’s often said in this House that you’re doing something, you’re advancing something to which you have not done the analysis. Well, Mr. Chair, I would simply say and repeat to the House and inform the House that since the recommendation, there’s a significant body of work that has to be done by actuarials. It is not an uncomplicated piece of business to be able to maintain the integrity of the fund. There is work underway and to be able to increase just that, which is a general scope, the Commission is constantly in that business in all sorts of different scenarios.

So to be able to do this and to do it competently and to be able to put forward a recommendation to the House to make it statutory in effect, we’d have to make sure that that full analysis is done. It’s complicated and it takes time, and that’s one of the reasons why it’s not part of this particular package.

CHAIR: Thank you.

The Chair recognizes the hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Chair.

Mr. Chair, I move, seconded by the Minister of Finance, that the Committee rise and report progress.

CHAIR: The motion is that the Committee rise and report progress.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

SPEAKER (Bennett): Order, please!

The hon. the Member for Baie Verte - Green Bay and Chair of the Committee of the Whole.

B. WARR: Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report progress and ask leave to sit again.

SPEAKER: The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and reports Bill 13 and asks leave to sit again.

When shall the report be received?

S. CROCKER: Now.

SPEAKER: Now.

When shall the Committee have leave to sit again?

S. CROCKER: Presently.

SPEAKER: Presently.

On motion, report received and adopted. Committee ordered to sit again presently, by leave.

SPEAKER: The hon. the Government House Leader.

S. CROCKER: Thank you very much, Mr. Speaker.

I move that this House do now recess until 6 p.m.

SPEAKER: This House do stand recessed until 6 p.m.