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(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR

Her Honour the Honourable Janet Austin, OBC

FIFTH SESSION, 41ST PARLIAMENT

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Honourable Darryl Plecas

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WEDNESDAY, JULY 29, 2020

The House met at 1:35 p.m.

[Mr. Speaker in the chair.]

Routine Business

Prayers and reflections: J. Sims.

Introductions by Members

Hon. M. Mark: It's not often that we're in session on my husband's birthday, but I wanted to give a special shout-out to my husband, Cassidy Kannemeyer. As all the members in our chamber can appreciate, our partners lift us up. They encourage us. He's also a coach. So he helps me get to the finish line and gives me good advice. If the House can please join me in celebrating my husband's birthday.

Happy birthday, Cassidy. Cheers.

Tributes

JIM ABBOTT

T. Shypitka: Mr. Speaker, on Sunday, July 26, the Kootenay-Columbia region lost a political icon and a great man. A five-term Member of Parliament, from 1993 to 2011, Jim Abbott left an indelible mark on the southeast corner of British Columbia, as he did across the country.

Jim always had his constituents come first, no matter what their political stripe. Former Kootenay East MLA Bill Bennett said: "I have known no finer human being than Jim in my lifetime."

Former Kootenay-Columbia MP David Wilks said: "A fierce politician, a loving husband, father and grandfather, and a man with a strong belief in God."

Jim was a giant of a man not only in stature but in his love for his riding and the people inside it. He was honest, he was loved, and he will be missed.

Our sincerest condolences go out to Jeannette and Jim's family and friends. Jim was 77.

Introductions by Members

Hon. C. James: I rise on behalf of the Clerk, who has a very special guest in the gallery today, Sage Lacerte. Sage is certainly a remarkable young woman and, I know, is well known to most of the members of this House as the Moose Hide Campaign's national youth ambassador. Sage is also a recent graduate of the University of Victoria, focusing on Indigenous and gender studies.

On behalf of the Clerk and on behalf of all of us, would members please extend a very warm welcome to Sage.

Tributes

DARRELL NORTON

Mr. Speaker: Members, before going further, if I may take a moment to say a few words about the upcoming retirement of one of our most valued legislative employees, and that is Darrell Norton.

[1:40 p.m.]

Darrell was hired as a television technician in 1991, one of the first employees brought on board for the assembly's groundbreaking television broadcasting facility. Darrell became supervisor of Hansard television in 2002 and manager of Hansard broadcasting services in 2006.

Among his many technological achievements are the expansion of broadcasting services to the Douglas Fir Room, the high-definition broadcast service, broadcasting parliamentary committee audio from locations throughout British Columbia and the installation of the new sound system in the House.

Darrell's greatest challenge was his most recent, as you'll all be familiar with. At the height of the pandemic lockdown, Darrell successfully led his team in adapting the broadcast of chamber sittings and the Committee of Supply meetings to facilitate the remote attendance and participation of members.

The tremendous results that Darrell and his team were able to produce are a testament to the long days and nights they devoted to ensuring that the important work of members is supported and that British Columbians continue to see their provincial representatives in action.

Thank you, Darrell, for your contribution to this place, and best wishes on a well-deserved retirement.

Introduction and First Reading of Bills

BILL M208 — INSURANCE CORPORATION
AMENDMENT ACT, 2020

J. Johal presented a bill intituled Insurance Corporation Amendment Act, 2020.

J. Johal: I move that the bill intituled Insurance Corporation Amendment Act, 2020, of which notice has been given in my name on the order paper, be introduced and read a first time now.

The COVID-19 pandemic has brought with it many unexpected outcomes that have proven to be very challenging for British Columbians. Most of these issues have to do with financial strain. We, as a province, should take the necessary steps to ease this burden as much as possible. One of those avenues is to provide British Columbians with needed financial remuneration from our public auto insurer, ICBC.

During the pandemic, especially in the first months,

people drove less. There were, in turn, far fewer motor vehicle accidents and, thus, substantially less claims made. During that time, British Columbians continued to pay the high cost of auto insurance with no rebate or reduced rates to be seen. From March 16 to May 2, ICBC had 50,400 fewer claims, meaning a savings of over \$158 million. Those savings during the state of emergency continue to grow, up to and including today.

Many public and private insurers in Canada and the United States have already passed those savings on to drivers. The Insurance Corporation Amendment Act, 2020 aims to provide the mechanism for government to match the resolve of other jurisdictions and give financial relief that is so sorely needed by passing those savings on to B.C. drivers.

I hope the government can see the merits of this bill and put their support behind it. Supporting this bill simply means supporting British Columbians through this pandemic.

Mr. Speaker: The question is first reading of the bill.

Motion approved.

J. Johal: I move the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill M208, Insurance Corporation Amendment Act, 2020, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

BILL M209 — LIQUOR CONTROL AND LICENSING AMENDMENT ACT, 2020

J. Yap presented a bill intitled Liquor Control and Licensing Amendment Act, 2020.

J. Yap: I move that the bill intitled Liquor Control and Licensing Amendment Act, 2020, of which notice has been given in my name on the order paper, be introduced and read a first time now.

As everyone is well aware, the past four months have been extremely challenging for British Columbia's restaurant and hospitality sector. The COVID-19 pandemic quickly tossed aside our usual ways of operating. That included going to restaurants, pubs and bars, and enjoying that type of social experience. This also meant plummeting revenue sources for restaurants, which already operate on profit margins that are so thin during the best of times.

[1:45 p.m.]

One of the commonsense solutions brought forth by the opposition over the past few months to give restaurants a fighting chance was to allow establishments to sell

unopened liquor as part of their takeout and delivery programs. Those changes are set to expire this fall.

This bill aims to make those changes permanent, while also allowing establishments to begin purchasing liquor from any licensee, including private retailers, increasing choice for consumers, keeping costs down for business owners and providing opportunities to support locally owned liquor retailers.

This bill also provides the necessary amendments to support the recent decision by the Vancouver park board to allow responsible drinking in 22 municipal parks, creating more opportunity for safe, outdoor, socially distanced activities and encouraging people to get out and support their local economies.

The changes outlined in the Liquor Control and Licensing Amendment Act 2020 are supported by industry. This legislation is about giving our province's beloved but badly affected restaurant industry a fighting chance to survive through the pandemic by providing avenues of revenue, while still operating according to the necessary public health orders.

I trust that you can all see that these common sense solutions deserve permanent adoption and hope to see support from the House for this bill.

Mr. Speaker: The question is first reading of the bill.

Motion approved.

J. Yap: I move the bill be placed on the orders of the day for the second reading at the next sitting after today.

Bill M209, Liquor Control and Licensing Amendment Act, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

SURREY NON-PROFIT SECTOR RESPONSE TO COVID-19

R. Singh: They say that it is during adversity that the mettle of people of a society becomes evident. It is during challenging times that we see the best of us come together to assure that they can help others in whichever way we can. In our province, there have been many of those. Today, I want to celebrate one such group of people, namely, all those involved in non-profit work in and around Surrey.

To name each and every organization that has gone above and beyond their capacity in these trying times would take me beyond the designated time. However, I would like to name a few that have been tireless advocates for people facing multiple challenges, like Atira, which has

continued to provide safety to women and their families escaping violence; the child development centre, which kept its doors open for the children of essential workers; and Surrey Women's Centre, which helped a rising number of survivors of domestic violence with vital services during these testing times.

PICS, DIVERSEcity, Surrey Food Bank, Moving Forward Family Services, Phoenix Society, Newton Advocacy Group, Options, MOSAIC, Sources, Deltassist and SUCCESS — all became a beacon of hope for people.

As a former non-profit employee and having worked with people from various other similar organizations, I can certainly say that most non-profit workers have an innate urge to help and care for those who require a bit more. Despite being undervalued, underfunded and largely underpaid, they continue to work and be there for the challenge and vulnerable populations.

Mr. Speaker, I hope you and all present will join me in paying our collective gratitude to all the non-profit workers for their unsung service to the community and wish them strength and perseverance.

PRIDE MONTH AND NORTH SHORE PRIDE WEEK

J. Thornthwaite: June was Pride Month in Canada, a month dedicated each year to people celebrating the history, progress and impacts of LGBTQ-class civil rights and to commemorate the Stonewall riots that occurred in June 1969. As a result, many Pride events around the world are held in June to recognize the impact LGBTQ people have had.

June 1970 was the first Gay Pride parade. However, it was August that the first Pride Parade occurred in Canada in 1978 in Vancouver. This week marks Pride week in Vancouver, and notably, for myself, North Shore Pride Week.

[1:50 p.m.]

Normally, I would have proudly attended the Pride at the Pier events at the shipyard, listened and danced to the great entertainment and visited the educational booths. It's always a festive time, because everyone is dressed up in rainbow colours.

Many thanks to Conni Smudge and her tickle trunk for providing colourful outfits, just in case you didn't wear your own. Last night's virtual Pride Re-Imagined was also hosted by the unstoppable Conni Smudge.

I also appreciate the presence of the non-profits, like Family Services of the North Shore and North Shore Neighbourhood House, who provide those in the LGBTQ+ community and their families with help and support year-round.

A couple years ago my friend and constituent Gina Hole Lazarowich produced a documentary, nominated for a Leo award, on *Krow's TRANSformation*, the story of a successful teen model who transitioned into a boy, who is now a world-renowned trans model who has walked the catwalks

of Paris and Milan. But more importantly, his story depicts his transition, how the relationships between his friends and family evolved during this process and how love and acceptance is so important for youth who are questioning.

Love and acceptance is important to us all, and in particular, for everyone from the LGBTQ community and their families.

I'd like to congratulate the LGBTQ community on their virtual Pride events this year and look forward to joining you in person next year.

Love is love.

CHILD CARE SPACES AND FUNDING DURING COVID-19

B. D'Eith: If it wasn't already apparent, this pandemic has brought to the forefront the need for affordable, accessible child care. This July marks the second anniversary of the launch of the new spaces fund, which has approved an average of 700 new spaces for funding each month. So far, there are nearly 16,800 new spaces that have been funded throughout the province, helping parents return to work, go back to school or pursue other opportunities.

In Maple Ridge and Mission, the government has spent over \$13 million to date in creating new, quality and affordable child care spaces. In fact, there's an estimate that Maple Ridge and Mission parents have saved a collective \$8 million in child care costs.

The government has also invested \$38 million provincially through the temporary emergency funding program to help keep child care spaces open during the pandemic. As of mid-July, child care providers in Maple Ridge and Mission have received \$3 million from this fund. More specifically, in my riding, over 40 child care organizations received temporary emergency funding. My office reached out to several.

Many are in-home care providers, such as Fatoma Hosaini of First Choice Daycare, Juli Abramyk of Exploring Minds Childcare and Bluebirds Early Learning Childcare — all one-person operations. There are others, like Little Willows Early Learning Childcare Centre in Maple Ridge, and Buds and Blossoms in Mission. They said that the wage boost and the temporary emergency funding have really helped them during this crisis.

My office also heard initial concerns that providers had about keeping their kids safe and adding burdens for hygiene. Nevertheless, operators now feel confident with reopening. Half a dozen child care providers spoke to my office about how effective the temporary emergency funding was. We also got a lot of heartwarming stories. At Buds and Blossoms in Mission, some of the older kids are helping the younger kids practise hygiene.

I did want to thank all child care operators around the province for the important work they're doing in our soci-

ety, caring for our children, and how important that work has been.

NANAIMO WOMEN'S BUSINESS NETWORK AND OCEANSIDE WOMEN'S BUSINESS NETWORK

M. Stilwell: Opportunities for people to network and learn from each other are incredibly important, especially now as the pandemic creates new challenges and hardships for businesses and employees. Today I'm pleased to bring attention to two groups that continue to create spaces where women can connect, learn from, inspire and support each other.

I've had opportunities to attend a Nanaimo Women's Business Network and an Oceanside Women's Business Network meeting this year. Both times, I was struck by the power in these like-minded women coming together. These are women from diverse backgrounds.

In Nanaimo, for example, there are 70 members who work in fields like entomology, the non-profit sector, banking, real estate and marketing. Women can be self-employed or work for a business. They could be in-between careers or even retired. What unites them is an involvement in the business world, as well as their experiences and challenges as women. They can draw on each other's strengths, build friendships and contacts and even motivate one another.

[1:55 p.m.]

Through the networks, there are also opportunities for professional development and to help the community. The Nanaimo network has donated to help women through the Society for Equity, Inclusion, and Advocacy. They also give an annual bursary to two women in the business program at Vancouver Island University. The Oceanside network gives scholarships to local high school students, and last year they donated to Haven House.

I am truly inspired by these communities of women who come together and connect and support each other, especially now through this pandemic. Thank you to Liza Taylor, the president of the Nanaimo Women's Business Network, and the board; and Sandy McLary, the president of Oceanside Women's Business Network and the board there for all the work that they do.

There's a slogan on the Oceanside Women's Business Network website, "Together we are stronger." I think that has never been more true.

FACE MASKS AND COVID-19

A. Weaver: I rise today to speak about some of the evidence concerning the efficacy of face masks as a mechanism to reduce the spread of COVID-19. Since the start of the COVID-19 pandemic, numerous studies have been conducted on the subject, and from this research, considerable evidence has emerged that mandating the use of masks in all indoor and crowded spaces outside people's homes is

a low-cost, high-reward measure that policy-makers could and should be pursuing.

To begin with, even though it is difficult to prove causation, we know that almost every nation that has seen widespread usage of face masks has fared better at limiting the spread of COVID-19 than those that haven't. In many ways, this shouldn't be surprising. Research conducted well before the current pandemic began — and published in 2009 by Ben Cowling and others in the *Annals of Internal Medicine* — found that the combination of masks and hand hygiene significantly helped reduced the spread of influenza within households.

More recently a March 2020 study published in the *Journal of Medical Virology* showed that homemade masks made of simple four-layer kitchen paper and one layer of cloth can stop the transmission of more than 95 percent of the virus contained within aerosols.

Research conducted by Christopher Leffler, from Virginia Commonwealth University — which is, admittedly, still undergoing peer review — has found that "Societal norms and government policies supporting the wearing of masks by the public, as well as international travel controls, are independently associated with lower per-capita mortality from COVID-19."

A comprehensive modelling study led by researchers at the University of Cambridge, in the U.K., published in the prestigious *Proceedings of the Royal Society A* in June, concluded masks help to dramatically slow the transmission of the virus.

When taken together, mounting evidence is accumulating that the universal use of face masks is one of the most effective tools we have at our disposal to prevent the spread of novel coronavirus. While we await the holy grail of COVID-19 vaccine, it appears that making masks mandatory in all indoor and crowded spaces outside people's homes can only aid British Columbia's ongoing pandemic response.

To quote from the summary of the *Proceedings of the Royal Society* article: "My mask protects you. Your mask protects me."

FATIMA DA SILVA AND NOURISH COWICHAN SOCIETY

S. Furstenu: Exactly 30 years ago I made the decision to pack up my Toyota Tercel and head west to start a new life in Victoria. I never imagined I would end up in this building, although my early roots were planted very close to here. My first apartment was on Michigan Street, my first job was at the French Connection restaurant, where the Bent Mast is today, and my first friend had also recently relocated here but from Mozambique, much further away than Edmonton.

Fatima Da Silva was the lunch chef at the French Connection. I loved her laugh, her humour, her warmth, and I was grateful to have a friend who always made me smile.

Our paths diverged, and I was beyond delighted ten years later to go for lunch at Zanatta vineyard and find Fatima cooking the most delicious meal I'd had since 1990.

Fatima has spent her life feeding people who have kept close track of her restaurants, but starting in 2016, along with Anita Carroll and Dina Holbrook, Fatima turned her attention and extraordinary skills to feeding the children and families of Cowichan.

Nourish Cowichan started as a way for these women to address the pressing issue that the impact of hunger was having on too many children in Cowichan coming to school. They started with a pilot project that provided breakfast in one school, and the results were so impressive that requests came in from several more schools.

In February 2019, Fatima opened a kitchen at Mount Prevost school dedicated to feeding children and families, and as of January 2020, she and the many Nourish volunteers were providing meals and snacks to 13 schools, three daycares, the maternity clinic at Cowichan District and giving cooking classes.

[2:00 p.m.]

When COVID-19 hit, Nourish hit the ground running, working with SD 79 to ensure that the children who had been relying on healthy food at schools were getting that healthy food delivered to their homes. Over 5,000 food hampers have been delivered since March, 800 families are getting food each week, and 200 more are on the wait-list.

Child poverty and hunger deserves our attention, and we need to put our efforts to solving it.

Fatima is not waiting for us. I'm so proud, so amazed and so grateful for my dear friend Fatima, who embodies everything that all of us should strive to be in our lives.

Oral Questions

GOVERNMENT PURCHASE OF HOTELS FOR SUPPORTIVE HOUSING AND IMPACT ON BUSINESSES

A. Wilkinson: Yesterday I visited the neighbourhood north of the Save-On arena here in Victoria. It's a neighbourhood the Premier drives through every day on his way to work, and it's a neighbourhood that's in a very, very bad state these days.

Three motels have been converted to supportive housing, but it's hardly supportive. There are no clinical supports for these people. The neighbourhood is being turned upside down by damage to property, by crime, by threats. We talked to a number of businesses, from Dodd's Furniture to Paul's Diner to Java Jo's coffee shop, and they all shared the same concern.

They want to see these vulnerable people properly cared for, but they are not being cared for in any significant way. They are roaming the streets. Java Jo's has seen their business turned upside down since the Comfort Inn was

converted to supportive housing that is not supportive — extensive property damage, threats to customers, violent threats to Jolanda herself, threats to her staff, people defecating in front of her shop. This is a business that struggled through COVID to even stay open, and this is happening now every day at her shop.

To quote Jolanda, who owns Java Jo's: "None of us were told in advance or prepared for this. Because of COVID, we can barely afford to pay our rent or to pay our staff, and this is just tipping the situation over the edge."

To any member of this government who is prepared to answer in a meaningful way, rather than with slogans or dismissive remarks or generalities.... Can someone please answer the question put forward by these business operators? Hard-working people like this are barely staying solvent, and now they're expected to absorb this government's plan for unsupportive housing. What is this government's plan to provide proper supports?

Hon. S. Robinson: I do understand that businesses are being impacted by this change that we've had to make as a result of COVID. Remember, we were dealing with a very challenging problem at a number of sites here in Victoria, and B.C. Housing is on the ground, working directly with these businesses to address these impacts.

Again, we need to remember that we inherited a problem, a significant problem, because the previous government, frankly, ignored homelessness. They did not do what needed to be done. So when we came into government, we were really clear that we were going to deliver on supportive housing for people around this province, people who had been neglected. In just over two years, we have housed — I just double-checked with our team — more than 2,500 people, who now have a roof over their head.

Remember, they used to be in ravines. They used to be in parks. They used to be on streets, the Whalley strip and other places. We have moved, over the last number of years, thousands of people into housing. We have 1,100 more of these homes that are under construction around the province. We have, absolutely, more to do. No one is saying that we don't have more to do. We absolutely have more to do, and we're committed to working together with the businesses to address the current challenges as we make this transition.

Mr. Speaker: The Leader of the Official Opposition on a supplemental.

A. Wilkinson: Sadly, the minister has said two things, in the last three minutes, which are simply not true. We visited seven businesses yesterday. One of them made the effort to go and talk to the B.C. Housing representative at Paul's Motor Inn and was told that, well, they'll pass it up the line and see what happens.

[2:05 p.m.]

The other six have had no contact whatsoever from

B.C. Housing. There is no attempt whatsoever to work with the businesses, as the minister just said. She did not tell us the truth.

Let's talk about what Marlen had to say, the owner of a motorcar dealership in the area: a massive increase in vandalism to cars he's trying to sell; property crime; drug use on, around and between the cars in the dealership during the day while he's trying to introduce them to customers. Marlen says:

"It's not right that my employees and customers have to worry about their personal safety while at work or shopping for vehicles. The spike in crime at my business has been a direct result of the government's purchase of Paul's Motor Inn. Businesses in the area should have been consulted or, at the very least, advised of the government's intentions before this decision was made, but so far we've been told absolutely nothing."

Marlen is looking for some contact, some guidance, some input, some kind of response from this government for having created a nightmare in the north end of Victoria. It's not getting better.

So what is this government going to do to make it possible for Marlen and these vulnerable people to carry on, when they're living in a completely unsupported collection of motels that are laying waste to a neighbourhood?

Hon. S. Robinson: I have to say what a delight it is to finally hear from the opposition leader that he actually does care about homeless people and making sure that they have supports. It's about time.

I have to say that one of the things that I find absolutely frustrating is that he knows full well and his party knows full well.... I think all the members of the House know full well how important it is that we work together, that we bring people together to address a significant problem. And we are working with the folks on the ground. B.C. Housing is reaching out to businesses to address these concerns.

But you don't have to take my word for it. I do think that there are some others who have to say exactly what we have been doing around the province to deliver on supportive housing and the value that it brings. I want to acknowledge and thank a number of the members in the House who have spoken out and recognize the value it brings. We've heard, certainly, from the member for Penticton, who has sort of acknowledged the value that supportive housing has brought to his community. We have heard from the member for Cowichan Valley.

I want to point out that the member for Richmond South Centre took the time to write a letter to her editor around the value that supportive housing has brought to her community in Richmond. I want all the members to recall there was some concern about the challenges that come with having supportive housing in communities.

This is what the member for Richmond South Centre had to say. She said: "Homelessness is not something any of us would wish upon our friends and neighbours." She

was pointing out that "we have an opportunity to deliver homes to people in need in Richmond. We all need a place to lay our heads at night, which is safe, dry and sustainable. Poverty is not a crime. Mental illness is not a crime. Escaping domestic violence is not a crime. We can offer a hand up to people who struggle every day."

She went on to say: "We have a glorious opportunity to build housing that matters." And she said: "I believe the heart of a city is measured by how we treat those most vulnerable. I believe we can make a concrete difference. My thanks to all who make transitional housing a reality in Richmond."

I want to take a moment to thank those MLAs on all sides of the House who have been advocates for making sure that we continue to do this work. We'll continue to reach out to businesses that have been impacted to address the impacts, to resolve some of the challenges. And we will continue to move ahead to deliver on this critical housing that makes a difference in people's lives.

I would invite all of the members of the House to work with us, to bring community together, so that these people can have the supports, can have recognition and dignity and can have some piece of mind, while we continue to address how to [audio interrupted] for everybody who is struggling around this pandemic as well.

Mr. Speaker: The Leader of the Official Opposition on a second supplemental.

A. Wilkinson: I think all of us need to reflect on the need to solve problems in this House. Hearing the minister claim a monopoly on compassion is, frankly, a sad thing. It would be easy to say it's offensive, or it's inappropriate.

[2:10 p.m.]

I was in the clinic at St. Paul's 36 years ago treating homeless people, so there's no monopoly on compassion in this room. What we have to do, as legislators, is try to address this problem.

Let me tell you the story that happened at a mechanics shop across the street from Paul's Motor Inn. Last week, one of the mechanics discovered a man hidden underneath one of the cars. He asked him to leave. The man came out with a two-foot-long machete, threatened his life and chased him down the street. This, by any standard, is unacceptable.

I'm turning to this minister and this government and saying: "If we really are going to solve this problem together, let's have a little less condescension from the minister and a little more talk about those supports that do not exist at these three motels in northern Victoria." Where are the supports for the supported housing?

Hon. S. Robinson: I agree with the Leader of the Opposition. That behaviour is unacceptable. That is a criminal act, and I would imagine that the police would be called.

What I find really disingenuous and really frustrating

and disheartening — I have to say how disheartening it is — is when the opposition suggests that there are no supports when, in fact, there are. That, to me, is really problematic. It really creates a wedge in communities and uses it on the backs of the most vulnerable in our communities. That's what I find more than irritating. I find it disrespectful and really troubling.

Let me provide an example, if the Leader of the Opposition can't recall, when his member from Kamloops was, certainly, parading around the suggestion that somehow there weren't any supports. In order to demonstrate that really was not the case, Alfred Achoba, manager of operations from CMHA, one of the providers in Kamloops....

The member from Kamloops was saying that there aren't enough wraparound services. There aren't any wrap-around services.

The manager of operations went on the radio, and this is what he had to say. He said: "No. I think I would have to respectfully disagree. We have support staff on site doing wellness checks, having life skills training with the residents. There's employment assistance. We have referrals, community services, support groups. We have access to enriched support from street nurses to the community team to Interior Health. They have pharmacies that deliver meds. There's intensive case management. There's home support. They have a lot of wraparound services."

I beg to differ with the Leader of the Opposition around who is being disingenuous right now.

J. Thornthwaite: I, too, spent the day meeting with local Victoria businesses who are suffering because of this government's decision to warehouse at-risk people without adequate, on-site supports. This government has totally let down the most vulnerable in our communities and people who need our help plus the small businesses who provide the jobs and security for the people who make their livings there.

Byron Loucks of West Coast Appliance said: "There was zero communication at the beginning, and there still is no plan. The only support we've received is from the B.C. Liberals. I have emailed our MLA. Nothing."

This is Victoria, the riding of the Premier, the riding of the Minister of Finance, the riding of the Minister of Education, the riding of the Minister of Agriculture. They are doing nothing to help these vulnerable people in our community as well as the small businesses.

My question is to the Premier. Will he finally step up and give those with mental health and addictions the supports that they need?

Hon. S. Robinson: Again, what we're hearing from the opposition, suggesting that nothing is happening.... Really? Really? Really, after 16 years of their nothing?

Twenty-five hundred people now have homes. They're getting meals. They're getting access to services. And 1,100 more are coming on stream.

We have mayors all around this province who are working together with us to deliver, from Kamloops and Kelowna. We have a mayor here in Victoria who is looking for more opportunities to deliver on that kind of housing. We have in Abbotsford. We have in Chilliwack. We have all of these programs — in Richmond.

[2:15 p.m.]

We have been going full steam ahead to deliver for people who have been ignored by the other side.

I have to tell you, Mr. Speaker. If the other side had done the bare minimum, we wouldn't be where we are right now. This is about us playing catch-up, and we're going to keep doing what we're doing.

Mr. Speaker: North Vancouver–Seymour on a supplemental.

J. Thornthwaite: I think it's time that the minister actually went and visited some of these areas all across British Columbia.

The situation is so bad that these businesses are losing customers because they no longer feel safe shopping there. Many businesses spend an hour before opening each day cleaning up garbage, discarded needles, human feces and urine.

At one small business we visited yesterday was a young man, going through the garbage. Then there was another one that we saw right in front of us, running across the street. He almost got run over.

I looked at that young man — and I did look at that young man; I did not look away — and he was creeping away when we approached. He could've been my son. He could've been your son. He is somebody else's son.

This government has been a complete failure for people like this young man, left to scrounge around in garbage bins. This is in the middle of the day.

The Premier acknowledged, the other day, his failures. "It's not just Victoria and Vancouver where the challenges with homelessness occur. It's Nanaimo, Smithers, Kamloops, Kelowna, right across the province." That's why we have a Ministry of Mental Health and Addictions working hard to resolve these issues.

Resolved? Nothing has been resolved. In fact, we know it's getting worse, and there are no options for recovery. These people are simply being housed in hotels and wander the streets at all hours of the day and night with no supports at all.

Again will the Premier, will the Minister of Finance, who holds the budget in this House, get up and finally admit that this ministry and this government have failed these people, as well as the businesses that live around them?

Hon. S. Robinson: I find it fascinating that here we are, and the opposition finally decided to take a look at what

their inactivity has done and how it's impacted people — finally.

I can tell the members opposite, and all the members of the House, that when I first became minister, the very first thing I did was look at the tent city that grew under their watch at Sugar Mountain. I went to the Whalley strip that grew under their watch. The first thing we did as government was put programs in place, bring housing online. We moved 170 people off the Whalley strip over three days. We moved them, and we gave them supports. Their lives are changed.

We did the same thing in parts of Vancouver. We've done it in Kelowna. We've done it in Abbotsford. We've done it in Chilliwack. We've done it — I'm trying to think; there are so many — in Vancouver. We've done it here on the Island.

We have so much more to do. No one is denying that we have fixed everything. You can't fix 16 years of bad in three. Do we have more to do? We absolutely do. No one is denying that. I look forward to keeping doing the things that we've been doing, because we're making a difference in people's lives.

We need to be working together in communities, and there are so many that are happy to work with us. If the members opposite aren't that interested, fair enough. But we have mayors, and we have business improvement associations. We have the North Shore Business Improvement Association in Kamloops. We have student groups that are eager to work with us. We have church groups that are eager to work with us. We know that there are people in communities right around the province that want to work in partnership with us to deliver for people.

It's hard to do. It's hard work. We're bringing everything we have to build community for those who are most vulnerable. I'm excited to keep doing the work. It is hard work. I know that with the non-profit sector, with all of the partner groups, we're going to keep delivering and making a difference for these people's lives.

ACCESS TO MENTAL HEALTH SERVICES AND PILOT PROJECT PROPOSAL

S. Furstenau: Current data ranks anxiety and depression as the sixth-leading reason people visit their primary care providers, and that was before COVID-19. As we discussed on Monday, a mental health shadow pandemic looms.

[2:20 p.m.]

With heavy workloads and rapid patient turnover, GPs cannot be expected to carry the burden of the mental health crisis alone. To get additional psychological care, as the minister noted yesterday, people often have to pay out of pocket, and even then, mental health treatment is poorly integrated into our universal health care system, leading to worse outcomes and higher costs.

We can't wait for the federal government to solve our

problems when there are solutions available to us in province. Because every dollar spent on mental health care saves our medical system at least double that, one solution is to better integrate primary care psychologists into primary care clinics. Despite their mental health expertise, psychologists are currently ineligible to provide their services through MSP.

My question is to the Minister of Mental Health and Addictions. Will the minister work with her colleagues in Health and Finance to create a 12-month pilot project that would allow psychologists to work alongside primary care physicians and be eligible providers through a government-funded billing system for consultation and psychotherapy?

Hon. J. Darcy: Thank you to the member for her questions, and thank you for the opportunity to talk about our government's work in this area, both to support people through COVID-19 but also to build a system where access to mental health care and addictions care does not depend on the size of your bank account, which is very much the legacy that we have been left.

We're not waiting for the federal government. We believe they need to step up to the plate, but we're not waiting for them. That's why we were very excited to partner with Dr. Lutes and the B.C. Psychological Association early on in the pandemic, where they stood up 250 psychologists to support people who are struggling with mental health issues. We also partnered with the Canadian Mental Health Association B.C., with Foundry B.C. and with 49 community agencies across the province to whom we've provided funding to be able to provide no-cost or low-cost counselling to thousands of British Columbians.

We know how important this is, because all of the surveys and the polling indicate that the pandemic has had a significant impact on people's mental health, and it will continue to. That's why I spoke about an echo pandemic earlier in the week. Nearly half of British Columbians report that their mental health is worsening, so that means that we have focused programs to support people who are working on the front lines of health care. It's especially having an impact, also, on young people and on seniors.

We're working right now in our ministry on what further supports we need to provide for people who are struggling with mental health issues. We're hearing from many of our partners, including the B.C. Psychological Association, and we look forward to further discussions in order to make decisions about what we need to do going forward to support people through this pandemic and beyond.

Mr. Speaker: House Leader, Third Party, on a supplemental.

S. Furstenau: I appreciate the minister's response. However, a patchwork of programs and services is different from integrating mental health care right into our uni-

versal health care system, which is what we're advocating for. As Dr. Lesley Lutes, professor of psychology at UBC Okanagan and executive with the B.C. Psychological Association, has advised, funding this pilot project would truly begin to change the way that we treat mental health in our province.

The project itself is not entirely untested in Ontario. A group of psychologists and family physicians secured funding that established a practice model based on collaboration between family physicians and psychologists, and over a 12-month period, the data collected showed impressive results.

We all hope to build back better after the threat of COVID-19 has passed. To do that, we must prioritize everyone's mental resilience.

My question, again, is to the Minister of Mental Health and Addictions. Given our concurrent physical and mental health pandemics, can we expect this government to review this 12-month pilot project proposal, which, in addition to greatly helping patients, could also help us transform our health care system into one that encompasses both physical and mental well-being?

Hon. J. Darcy: Thank you again to the member. The House Leader for the Third Party knows very well my commitment and this government's commitment to get to a place where we have equity between physical health and mental health.

[2:25 p.m.]

We certainly welcome the proposal from the B.C. Psychological Association, and we will be engaging with them further, as we will be engaging with a number of our partners who also have proposals. Absolutely, we need to go beyond the kind of system that we inherited that is very much a patchwork system. That's why we intervened very quickly as a government when the pandemic hit.

Within two weeks, we stood up programs, worked with the B.C. Psychological Association but also worked, very importantly, with Foundry B.C., which we're expanding to 19 locations across the province. Thousands of people have accessed those services. The Canadian Mental Health Association — we've significantly expanded support to them over the past few years and supported them to stand up virtually, and they have reached thousands more people than they reached before.

We have a new 24-7 advanced student help line for students in post-secondary education that never existed before in the province. Programs like Confident Parents, Thriving Kids, delivered by CMHA, are reaching more people than they ever have before. We have a really, really solid project happening with SafeCare B.C., CMHA and front-line health care workers and their unions to ensure that people on the front lines, who have been bearing a lot of the brunt of this, including the mental health impacts, get the support that they need. Just this week we opened the Royal Columbian Hospital Mental Health and Sub-

stance Use Wellness Centre, a significant addition to the continuum of care for mental health and substance use.

We've got more announcements to come in the coming days that I know that both the opposition and the Third Party will welcome, I'm sure. We look forward to hearing a positive response to those upcoming announcements.

Mr. Speaker: Next it's the member for Oak Bay–Gordon Head. And don't worry about the time, because I'll be allowing your supplemental.

FACE MASKS AND COVID-19

A. Weaver: Well, thank you, hon. Speaker. I must say I've been here seven years, almost eight years, and this has set a new record. We've just finished three questions, and there are only four minutes left in question period. I'm not so sure this is the way this place is supposed to function, and I'm a little disappointed in my colleagues for taking that up and shoving me to the last couple of minutes of question period here. It's unfortunate. The answers were not targeted, and the questions were rambling, in my view.

Anyway, as more and more evidence about the role that masks can play in reducing the spread of COVID-19 has emerged, growing numbers of jurisdictions have adopted laws making face masks mandatory in all scenarios where it will be difficult for people to remain physically distant.

Just last week France introduced measures mandating masks in all enclosed public spaces. Across the pond, the U.K. began implementing a law that makes masks mandatory in grocery stores, shopping malls, post offices, banks and other busy establishments. Here in Canada, Quebec has made masks mandatory in indoor public spaces, while Toronto has established similar rules. And masks will be mandatory in indoor spaces in Nova Scotia, starting this Friday.

A recent poll from Angus Reid has found that there is broad provincial support for rules that would make masks mandatory in public spaces, with over 70 percent of British Columbians in favour of the changes. And although not all members of the public would be able to adhere to these rules, due to underlying physical or mental health conditions, the vast majority of the public would be able to follow them with relatively few personal costs.

My question is to the Minister of Health. Given the evidence in favour of universal wearing of masks and the broad public support for such a measure, will this government implement a law or public health order that makes masks mandatory in all indoor and crowded spaces, outside of people's homes, and if not, why not?

Hon. A. Dix: I want to start by expressing my appreciation to the member for Oak Bay–Gordon Head for his consistent and thoughtful support for public health measures during this pandemic. It is much appreciated, and I thank him for his questions. He will know that Dr. Henry

has answered this specific question a number of times in the past few weeks. Let's see how I do, hon. Speaker.

You'll know that, in July, we understand right now quite a bit about community transmission of COVID-19. That's why we've taken specific public health measures — for example, public health measures to deal with houseboats, to deal with temporary accommodations, to deal with rental accommodations and resorts, to deal indeed with bars and with nightclubs and even with strip joints, and specific steps to deal with what is a significant issue in the agricultural industry.

[2:30 p.m.]

Dr. Henry doesn't believe, and I don't believe at this time, that community transmission in B.C. justifies a mandatory mask mandate — not at this time. We think that it would not be justified in light of the significant challenges in both putting it into place and the very significant exemptions, which I know the member would understand, that would be required to do so.

He also knows — I know we have a little bit of time, he and I, for these questions, so I'll just give him a little bit more information — that masks are, well, very important in terms of the hierarchy of measures we can take. It's less effective than physical distancing and barriers and administrative measures. That said, Dr. Henry recommends, and I recommend, wearing a non-medical mask in circumstances where physical distancing cannot be maintained.

I wear a mask in stores. I wear a mask in grocery stores. I wear a mask on public transit. I think, in these times — in particular, in these times — wearing a mask is a reflection of good COVID sense but also a reflection of community respect. Many businesses, in fact, which have small spaces are mandating masks within their businesses, within their COVID-19 plan.

I want to assure the member that this is our view for the moment, that we consistently have adapted based on the evidence, and we will continue to do so. The efforts of Dr. Henry, of public health, of the government and, indeed, of all the people of B.C. will continue to be founded on evidence and on science, and I know he appreciates that fact.

Mr. Speaker: The member for Oak Bay–Gordon Head on a supplemental.

A. Weaver: I do note that the member opposite said my question was one minute and 30 seconds long. I just will say that, indeed, it was, and that we should have been able to have 20 such questions in this period, but we're not getting to it.

I'd like to thank the minister for his response. I do appreciate government's reservations about imposing a law that would make masks compulsory, and government should be commended for the job done so far in limiting the spread of COVID-19. But lurking in the background of discussions about masks and COVID-19 are concerns around the potential for government overreach. I under-

stand that there's a slow pace. However, we're sitting in a once-in-a-century pandemic. Measures will need to be taken that will temporarily restrict some of our normal freedoms in order to preserve our collective safety.

One study, for example, that I referred to earlier in statements today, shows that even with a 50 percent efficiency, instead of a 95 percent type efficiency of most masks, you still get a lower R-rate number than you would without wearing masks. Since enforcing regulations around mandatory masks is frankly impossible for any government to handle by itself, many jurisdictions have appealed to the private sector to help with these rules, like in Quebec, for example, where periodic inspections have been in place. And in instances where individuals or businesses are caught, authorities have typically been empowered to apply fines.

My question is once more to the Minister of Health. If government does so choose to take this public mandate to require masks, how do they plan to implement and enforce said rules in the province of British Columbia?

Hon. A. Dix: As noted — and this is the strong view of public health, with Dr. Henry, and it's my strong view — at the moment, a mandatory mandate for masks is not required, is not desirable in British Columbia, for some of the reasons that we have discussed at length and I'm happy to continue to discuss, because I think it's an issue of public interest and debate. I applaud people who take the steps, because I think it's an act of respect to wear non-medical masks, especially in areas where physical distancing can't be maintained. That is of vital importance, and it is part of our collective response to COVID-19.

What we're going to continue to do in B.C. is follow the science and follow the evidence in our pandemic. Yes, what happens in Quebec and what happens in France and what happens in Alberta is important, but one of the reasons we have been successful in B.C. is a determination also to follow our own B.C. course to deal with our own B.C. pandemic. That led to our response and our single-site order in long-term care. It led to our action, different from other jurisdictions, in dealing with temporary foreign workers in agriculture. I think these sorts of steps, which demonstrate a commitment to public health and to breaking the chains of transmission have been what have made us successful.

But I want to say this. I appreciate the comments of the hon. member, and I want to take this opportunity to thank all of the members of the House, as people have consistently made positive suggestions, been supportive.

[2:35 p.m.]

This has been our response, our collective response to the COVID-19 pandemic, and it has been successful so far, I think, with extraordinary challenges and with some considerable losses. But we need to continue to do this together. There are weeks and months and maybe years to

come, and that will require generosity and a positive spirit together to continue to do that.

I encourage people to make suggestions, to engage in public debate on these issues, but mostly to be respectful of one another and for all of us to take our responsibility — as the government is, as we as a Legislature are — in breaking the chains of transmission of COVID-19 in B.C.

[End of question period.]

Petitions

S. Bond: I would like to present a petition today on behalf of over 200 residents of Alpine Village in Prince George. These residents, many of whom are single parents and on low and fixed incomes, are facing “potentially bankrupting increases of 300 percent in strata insurance costs.” These residents are facing undue hardship and are calling on the government to limit strata insurance increases and place a moratorium on future uncontrolled rate increases.

I will forward the petition to the Office of the Clerk on behalf of these residents.

Hon. M. Farnworth: A couple of items before I call the bill. One, by leave, motions that have been circulated to the opposition caucus and the Third Party caucus.

Motions Without Notice

COMMITTEE OF SUPPLY, SECTION C, NOT TO MEET JULY 31, 2020

Hon. M. Farnworth: By leave, I move:

[That, notwithstanding the provisions of the Sessional Order establishing special procedures respecting the regulation of the conduct of proceedings of the Committee of Supply in exceptional circumstances (COVID-19 pandemic) adopted on June 22, 2020, the Committee of Supply, Section C, not meet on July 31, 2020.]

Leave granted.

Motion approved.

COMMITTEE OF THE WHOLE TO DEBATE BILL 23 ON JULY 31, 2020

Hon. M. Farnworth: In the interests of time, I will not read the entire motion that’s following.

By leave, I move:

[That, notwithstanding the usual practices of the House, a Committee of the Whole be struck and authorized to meet on July 31, 2020, and that Bill (No. 23), *Workers Compensation Amendment Act, 2020*, be committed to the said Committee; And further, that:

1. For greater certainty, the Committee be authorized to sit during a period in which the House is adjourned.

2. The Committee be authorized to conduct its proceedings by way of Zoom videoconferencing technology.

3. Members participating in the proceedings of the Committee by the approved videoconferencing technology must have the audio and video functions enabled with their face clearly visible in order to be counted towards quorum, to participate in debate, and to vote.

4. The Committee have two distinct meetings: 9:30 a.m. to 12 noon, and 1:30 p.m. to 6:30 p.m., unless otherwise determined by the Committee.

5. The Deputy Chair of the Committee of the Whole, or their designate, shall preside in the Committee.

6. The Deputy Chair of the Committee of the Whole be empowered to exercise discretion in the interpretation of any provision of the Standing Orders or Sessional Orders that may require leniency or alteration in order to allow all Members to be able to fully exercise their duties and rights in the proceedings of the Committee.

7. The Committee consist of 17 Members, not including the Chair, being eight Members of the Government Caucus, eight Members of the Official Opposition Caucus, and one Member of the Third Party Caucus.

8. The Members of the Committee be: the Minister in charge of Bill (No. 23) and *Garry Begg, Bob D’Eith, Mike Farnworth, Rob Fleming, Carole James, Bowinn Ma, Bruce Ralston, Dan Ashton, Donna Barnett, Coralee Oakes, Tom Shypitka, Jordan Sturdy, Ralph Sultan, Steve Thomson, John Yap, and Adam Olsen.*

9. Substitutions for Members of the Committee be permitted. Advance notice of substitutions shall be transmitted to the Office of the Clerk by the respective Whip at least one hour prior to the scheduled meeting time.

10. At the discretion of the Chair, all Members of the Legislative Assembly be permitted to speak to any clause of Bill (No. 23) under consideration by the Committee and to propose amendments and subamendments.

11. The provisions of Standing Order 45A, Schedule 6, setting out the time limits on speeches, apply to the proceedings of the Committee.

12. Consistent with Standing Order 6, the presence of at least ten Members, including the Chair, shall be necessary to constitute a proceeding of the Committee for the exercise of its powers.

13. For greater certainty, Standing Orders 61, 62, 63, 64 and 84, and any other Standing Orders regulating the proceedings of a Committee of the Whole, continue to apply to the proceedings of the Committee.

14. Only the Members of the Committee or duly authorized substitutions shall vote in a division.

15. When a division is requested in the Committee, the Chair shall announce that a division has been called. No longer than 15 minutes thereafter, unless the Committee unanimously agrees otherwise, the Chair shall again state the question. No Member shall connect to or disconnect from the approved videoconferencing technology after the final statement of the question until the division has been fully taken, and every Member of the Committee or duly authorized substitution present shall vote.

16. During a meeting of the Committee, if a division is underway, the Committee shall sit beyond the time of adjournment set in section 4 of this order until the division has concluded and any consequential business has been disposed of.

17. The Chair shall report to the House at the next sitting day of the House.]

Leave granted.

Motion approved.

Orders of the Day

Hon. M. Farnworth: I call third reading of Bill 18, Economic Stabilization Act.

Third Reading of Bills

BILL 18 — ECONOMIC STABILIZATION (COVID-19) ACT

Bill 18, Economic Stabilization (COVID-19) Act, read a third time and passed.

Hon. M. Farnworth: I call committee stage Bill 23, Workers Compensation Amendment Act, 2020.

[2:40 p.m.]

Committee of the Whole House

BILL 23 — WORKERS COMPENSATION AMENDMENT ACT, 2020 (continued)

The House in Committee of the Whole (Section B) on Bill 23; S. Gibson in the chair.

The committee met at 2:42 p.m.

On section 11 (continued).

M. Lee: I wanted to continue with the discussion we had at committee stage with my colleague the member from Chilliwack as well as myself in terms of section 11.

If we can just turn back to the existing section 123 of the act, the minister had referred in some of his responses to the fact that WorkSafe already has the authority to correct administrative errors such as clerical, typographical or computational errors in agreed statements of fact at any time and makes these types of corrections when necessary.

To clarify again, under the current section 123 of the act, the board has the full authority to deal with, on its own initiative, any of those reconsiderations of any decision or order made under a compensation provision by the board or an officer or employee of the board. Is that correct?

[2:45 p.m.]

Hon. H. Bains: I think we canvassed this question a number of times. The member knows that the WCB can do a review on their own initiative, but within 75 days. Not after 75 days.

M. Lee: Just clarifying. When the minister responded to our questions yesterday, he paid particular attention to these types of administrative errors. But we will certainly come back to that point.

What is the board policy that might be in place in con-

nection with the utilization of the discretion and authority, under section 123, of the board?

Hon. H. Bains: The policy is rooted in the statute the board uses, but that is within 75 days. That's for the obvious errors that they may acknowledge, or the omissions.

What we are trying to do here is.... The Ombudsperson and many others who have been dealing with WorkSafeBC, for a number of years — for almost a decade — have been asking WorkSafeBC and the ministry to review and revisit this policy, because it does not make sense that you acknowledge on the 76th day that there's an obvious error and omission, but you can't change that because 75 days have gone by. It just puts the whole system in gear to go through the review system again, and then you need resources, you need time. And the cost.

I think we are trying to avoid.... Everyone, including the Ombudsperson, has recognized — and the stakeholders have recognized — that this system needed to be revisited. That's the whole purpose of what we're doing. We're trying to cut red tape, trying to cut the extra work that is required now. We're only talking about the obvious omissions or errors that they recognize that exist. Just because of one day over 75 days, they cannot do that.

[2:50 p.m.]

I think this is a commonsense thing. It is something to alleviate so much red tape, so much cost and resources for all parties concerned. If there is acknowledgment that there are obvious errors made in calculating someone's wages or placed them in a wrong category, I think it just makes sense. That's the whole purpose of what we're trying to do here.

M. Lee: The minister just referred back to two of the three examples he referred to when talking about what an obvious error or omission might well be under section 11. We'll come back to those two specific examples.

Also, he included another example relating to policy, which opens a line of consideration as to the nature of this section. Before going there, I'd still like to fully explore with the minister the current legislative framework that the minister refers to as red tape.

This act has time periods which are clear — 75 days for the exercise of broad discretion by the board to reconsider its decision under section 123. Fifteen days later, under section 270 of the act, there is the opportunity for a party to apply and request a review of that decision or a decision that hasn't been reconsidered by the board under section 123. Under that review, it runs for, typically, another 150 days.

There are specific time frames that are set out under the act for the benefit of all parties, including the board. The clear parameters enable what would expect to be a clear, certain understanding of how all parties are to work with WorkSafeBC to ensure a correct decision.

Yesterday in committee, the minister talked about of

course understanding the quality of the decision of the board in the first place. If there is an error of any nature discovered or raised with the board by any party — including internally by any staff member, employee, officer of the board — the board has the opportunity to reconsider its decision under section 123. That's what is set out in the act.

The minister referred yesterday that, under section 11, there would be over to the board to determine a policy as to how they would exercise new section 11, which would be the amendment to section 123, where there is a decision or order that contains an obvious error or omission. I didn't hear from the minister just now that there's a clear answer about a policy currently under section 123.

What is the obligation of the board, after it makes its decision in the first instance, to do or conduct some sort of internal review within that 75-day period to ensure that the decision that's been made in the first instance is correct and, if not correct, to address the error? What is that obligation?

[2:55 p.m.]

Hon. H. Bains: Member, you asked me a question earlier on: "Where is the board policy? What kind of a board policy is there to deal with section 123 now?" There is a policy that exists, and I think you could go online and check that. It's about five pages long, I'm told, and the last time they updated it was April 6. If this section is passed, then they will update that policy. That policy is for them to review errors and omissions within 75 days, but once there's a 76th day, then they can't do that.

I think this will give them the opportunity to update that policy that already exists. It will save so many people — so many clients, the stakeholders who are dealing with WorkSafeBC — time, money and resources.

M. Lee: Thank you to the minister for that clarification. With respect to that policy, it clearly sets out the parameters and the policy guidelines under which the board would exercise its discretion to reconsider a decision. So there is a process under which the board applies and utilizes section 123. I appreciate, as has been raised, that there have been instances where workers have gone to the Ombudsperson and have been somewhat challenged in dealing with WorkSafeBC.

What progress, if any, or alternatives have WorkSafeBC considered over the last ten-year period, as the minister states — where there have been issues with WorkSafeBC's handling of certain cases or decisions, from a worker's point of view or an employer's point of view — to ensure that all parties are aware of and understand their rights, their obligations, their timing parameters and how this particular set of processes work, if they have an issue or do identify an error with a decision, so that the board can exercise its authority, under section 123, for that 75-day period?

[3:00 p.m.]

Hon. H. Bains: As I said before, the policy gets updated on a regular basis. As I have suggested, they updated that policy April 6 this year. But still, something gets missed, and they've been updating that policy over and over. That's why people continue to go to the Ombudsperson and continue to come to the ministry, saying: "Look. There are certain cases that still get missed."

It does not make sense to put people through the rigour of the review system again, come up with the money, come up with the resources and time when you know that all parties acknowledge there was an obvious error made. Why not fix it, rather than putting the whole system in gear? It's costly and time-consuming, and I think it needs fixing.

The Ombudsperson was very clear — we've been working on this for the last ten years — and very happy now that we're dealing with it.

M. Lee: I know that in our discussion yesterday at committee level, the minister indicated that we're talking, likely, about a handful of cases here — instances where this issue arises.

All I'm suggesting, of course, is that when we focus on the existing framework, there are clear timing parameters, certainty for everyone involved and finality. There should be obligations on the board, their office's employees, to ensure that they do an internal review of their decisions to determine within the 75 days if they need to address any error — they can do that under section 123 — and that all parties are fully informed of their rights, with the expectation that if a party has identified any error, that party should raise it.

If that party does — which I expect that they do, for those who are knowledgeable and aware — the board will address that under section 123. But if I come back to the three examples the minister provided yesterday, two of which he just referred to again here, the first relates to some question about the classification: "assigning an employer to an incorrect classification group, which could require the employer to pay a higher premium than they should be paying."

Isn't that kind of error already dealt with under the act on an annual basis, under subsection 244(2)?

[3:05 p.m.]

Hon. H. Bains: I'm advised that section 244 gives the board the authority to put an employer in a classification. Once they are placed in that classification, they are there. Also, I think what we are talking about here, in section 11, is.... Perhaps through a review or some case, the board decides that they should be in a certain classification. In that situation, if the 75 days have passed, then you'd have to go through the review process again.

I think it's a different thing. Section 244 gives them dif-

ferent authority under different circumstances. What we are doing here.... If the board decides, through some procedure, that they be placed in a certain classification, then on that decision — unless it's acknowledged within 75 days — you'd have to go through the review, come up with the resources and ask for the extension of 90 days. So I think it is kind of a win-win situation for everybody.

As the Ombudsman has said, this system does not make sense. In order to deal with obvious errors and omissions that have been acknowledged, why tie anybody's hand, to go through the procedure of the review process again? Why not fix it, as they're able to do, within 75 days?

M. Lee: Well, we can come back to timing and the legislative framework, as I already indicated my view of that to the minister. We will continue to come back to that, in terms of the nature of what's being proposed under section 11. I am only attempting to work through the three examples that the minister provided in this House for clarity to understand the scope of the term "obvious error or omission" under the proposed amendment.

Still dealing with this first example, my reading of subsection 244(2)(e) suggests that the board may "withdraw any of the following from a class and transfer it to another class or subclass or form it into a separate class or subclass" and that "the following" includes "an employer, independent operator or industry." Other subdivisions of subsection 244(2) would appear — on the surface, on a reading of the act — to provide for the same opportunity to effectively reclassify, change classification, transfer classification, of an employer — dealing with the same concern the minister raised.

Here we have an example that the minister has provided to this House and that is already dealt with in the act. Is that not correct?

[3:10 p.m.]

Hon. H. Bains: Member, I think the example I used, 244, does give the board the authority to place an employer at a certain classification or to change classifications.

Once that is done.... Say, for example, the employer appeals that. Then the board will make a decision. That decision, that there was an obvious error made.... That particular time, the 75 days, is the rule that we are trying to fix here. You could fix it within 75 days but not past 75 days.

Generally speaking, yes, 244 gives them the right and the authority to place them in a different classification or to change classifications. Once you go through the appeal process, for example, there's initiative taken by the board, as a result of that action, and then the decision is made. Then they realize and acknowledge that there was an obvious error, an omission, made in that decision. Then the 75 days kicks in.

You must deal with it within 75 days. If they didn't

notice it past the 75 days, then you have to go through the appeal process again.

M. Lee: Just to belabour this one last point here on this particular example. The minister is responding about timing within timing. Again, the 75-day period, which is clearly there under section 123....

When does the board exercise its authority, under section 244(2)? How often does the board consider these classifications to ensure that employers are in the correct classification, whether they need to withdraw or transfer a particular employer from a particular class?

[3:15 p.m.]

Hon. H. Bains: It is a process in place based on.... Sometimes the employer could request. Sometimes WCB, on their own initiative, could do that. I think it depends on different circumstances at different times. Forestry did it on their own. There are other employers who would be in that group, or an individual employer may suggest that that employer should not be in that particular group.

I think this is where the issue is. Once they go through that process and then the WCB makes a decision, then we're saying that if you didn't acknowledge that within 75 days, it shouldn't matter whether it's the 76th day or 77 days. Once they acknowledge that there's an obvious error or omission, they should be able to fix it.

M. Lee: I appreciate the response from the minister. I would suggest that that exchange demonstrates the nature of the importance of timelines and certainty and that there is flexibility under this act for the particular issue that the minister identified as an example for the reason why section 11 is required here. I would differ with the minister on that in the sense that, clearly, all parties need to have the certainty and the process and understand the rules.

What's being presented here is section 11, which is not defined, open-ended, without timelines. The board can, at any time beyond the initial 75-day period that's currently under section 123, on its own initiative, reconsider a decision or order if that decision or order contains an obvious error or omission. But the first example the minister provided is clearly already dealt with within the act.

In the minister's last response to me, it certainly indicates that the board or the employers can utilize, with the board's agreement, this provision to reclassify, to get the correct classification. As to whether a party wants to challenge the decision of the board to classify, reclassify or not reclassify, sure, that's the application of section 123. That's what the minister is indicating.

How long does the board need to get it right? It's no wonder when the minister talks about red tape. This provision is just creating increased uncertainty. No timelines, no definition. How are employers and workers supposed to operate with that when they don't know, and they can't rely on the WCB to get it right in the first place or to get

it right in the second place over 75 days? Well, we'll give them a third opportunity, which is open-ended.

Let me come back to the second example, which is that a.... Another example: using an incorrect wage rate for a workers compensation benefit which could result in a lower benefit for the worker than they should be receiving. Is that not an example of an administrative error?

[3:20 p.m.]

Hon. H. Bains: I think we're spending a lot of time.... I'm prepared to continue on with this, but again, I think I said yesterday — the member acknowledged that as well — that there is only a handful of cases that we are talking about here. I don't think it's a good policy to allow even a handful of those, and put them through the rigour of a review system, when it can be easily fixed.

Maybe, Member, this could help. I'm going to read what the Ombudsperson has said:

"Generally, if WorkSafeBC makes a decision on a claim file, WorkSafeBC has a 75-day period to reconsider the decision. At the same time, the worker or employer has a 90-day time limit to appeal the decision to the review division. What happens, however, if a WorkSafeBC decision is incorrect but the error is not clear to anyone until after 90 days?

"Under these circumstances, it seemed that WorkSafeBC was unable to correct its own error after the 75-day reconsideration period was over. If the worker or employer didn't appeal the decision to the review division within the 90-day period because he or she didn't know that the decision was incorrect, then there seemed to be no remedy to correct the error. We ask WorkSafeBC to explore how an acknowledged error on the part of WorkSafeBC could be corrected."

I think this is what we are trying to do here.

You're using the second example. The worker could have presented all kinds of data about their wages to the appeal division. They come back with a decision, and the worker may have felt that, yes, they considered all of that. But then 75 days have passed or 90 days have passed for his appeal. They realize, reviewing this case themselves, the board themselves.... "We didn't consider all of that information."

That's not an administrative error. That is something that got neglected. They made a mistake, although the information got passed on to them. I think it only makes sense to fix it, rather than going through the appeal system all over again.

M. Lee: Certainly, thank you to the minister, again, for restating, from his perspective, from the ministry's perspective, that it is a handful of cases that are being addressed here.

I want to clarify, though. Is this not an example, though, of an administrative error?

Hon. H. Bains: I think, Member, it could be more than an administrative error. The example that I used....

[3:25 p.m.]

There are people who are working different jobs. They

have different rates. The worker could present to the appeal board all of that information, but they failed to pick up one piece, which could be the key piece, to calculate the wages for the person. Then they realize: "Yes, we have this information available, but we failed to acknowledge that. We failed to calculate that."

That's not administrative. They made a mistake by not considering, not just in calculating. They did not consider. I think that's one of the examples where this kind of change would allow the board to fix that, rather than going through the appeal process again.

M. Lee: Just to go to the third example, which is also connected, in some sorts, with another statement the minister provided on several occasions in responses to my colleague the member from Chilliwack on his questions on this particular section.

The third example the minister provided is where WorkSafe, the board, is relying on a policy that is not applicable to a case. Then, secondly, what's coupled with that is the intent to permit WorkSafeBC to correct an obvious error that is not supported by the law, policy or facts. That does introduce consideration around something beyond administrative error as to the appropriate use of this section 123 beyond the 75 days.

Within 175 days, the board, for any reason, on its own initiative, may reconsider its decision. That has been viewed to be the certain time frame under this act. What is being presented in section 11 is to extend the application of that provision for a decision or order that contains an obvious error or omission. The minister has indicated that that is something more than an administrative error. I'd like to get some better definition with the minister about what that might be.

First of all, is there any time frame under which the board must utilize its discretion under section 11 of this bill?

[3:30 p.m.]

[R. Chouhan in the chair.]

Hon. H. Bains: I think the member can.... Obviously, I can draw his attention to 123(3), what we are proposing here: "The Board may, on its own initiative, reconsider a decision or order after the 75 days referred to in subsection (2) (a) have elapsed, if the decision or order contains an obvious error or omission." There's no upper limit. I mean, we have said this before: the board strives to make decisions that are correct and factual in the first place. But errors are made; it does happen.

Hopefully, most of those errors and omissions are caught within 75 days, but if there are a few that go over 75 days, the person has an appeal process that is within 90 days past. Then if they realized — both sides, and the board has acknowledged — that there's been an error

made, then this will give them the authority to catch those few that go past 75.

My hope is that a case isn't lingering on for five years or ten years and that it will be caught on to before that, much closer to 75 days, but this one will give them the authority to look beyond 75 days.

M. Lee: Thank you to the minister for that response. When I look at the nature of the request for review, under part 6 of the act, it sets out the matters, under that division, that can be requested of a review officer to review, in a following case. Could I ask...? There is, certainly, review of decisions made, including relating to compensation. How is this provision different from what might be reviewed under part 6?

Hon. H. Bains: The review, Member, as you full well know, is when one party or the other does not agree with a decision. Then they would ask for a review. But this is not what we are talking about there. We're talking about an obvious error or omission made. It's acknowledged by WorkSafeBC that there's an obvious error or an omission and that they could fix it.

M. Lee: The nature of the obvious error or omission, as the minister has indicated, can include a decision that is a decision that is not supported by law, policy or facts or on a policy that is not applicable to a case.

[3:35 p.m.]

Given the fact there is no end to when this board can exercise this authority under section 123, that would mean, of course, that beyond the initial 75 days that the board can reconsider its decision, the 90 days by which a party can file a request for review of a decision made by the board and beyond 150 days after that, 240 days, a board can continue to revisit its decision on its own initiative.

There is no end to that process. There is no certainty in that process to the parties, to those that might be relying on the decision of the board.

That does raise a question as you work through that timeline. Is it correct that given there is no end point to this authority, that even after there has been a review requested by a party, as the minister just described, and that review has been completed, and even after that has been further appealed, that the WCAT, the board, could come back and still reconsider its decision under section 123 as amended by section 11 of this bill? Is that correct?

Hon. H. Bains: I think I made this clear yesterday in a question from the member, whether it was the member from Chilliwack or the member questioning today. Let me read that again. The existing restriction that WorkSafeBC cannot reconsider a decision once a former review has been requested or a notice of appeal filed will continue. As such, WorkSafeBC will not be correcting obvious errors if a decision is already in the review or the appeal process. In

this situation, errors will continue to be addressed through the review and appeal procedures.

M. Lee: Thank you to the minister for that response. In the event that there is no review requested by a party, and even if there's no subsequent appeal to WCAT, the board, though, can still exercise its authority under section 123 to revisit its decision. So that can go out far beyond the time frames that are available, including, of course, the 90 days to actually request the review under section 270. This would mean, of course, that the board could end up revisiting its decision a year after the decision itself or a year after the expiry of the 75 days. Is that correct?

[3:40 p.m.]

Hon. H. Bains: I think I answered that question before. The board strives to make decisions that are factual, decisions that are quality. But there are a handful of those that could slip through the time limits. Then they could actually come back and reconsider obvious error or omission is acknowledged.

My expectation is that most of them are caught within 75 days or 90 days. If one or two or a few slip by, and no one noticed, then yes, I think you're correct that it could be picked up even a year from the day the decision was made.

M. Lee: Recognizing that the minister continues to convey to this House that it's a handful — one, two, three — in any period of time, could I ask: could he give an example of where this has occurred, where WorkSafeBC needed to correct an obvious error within 75 days, where that error was not supported by the law?

Hon. H. Bains: I think the member knows. I read it. There are examples that the Ombudsperson has brought forth saying that we received several individual complaints about the apparent inability of the Workers Compensation Board — WorkSafeBC — to correct its own errors after a 75-day considered period. I also have suggested to the member that the board has a policy right now, five pages long. That policy determines how and what they actually need to do, what processes are needed, to deal with obvious errors within 75 days.

What would happen is if this section passed and they would expand that policy to include obvious errors and omissions that are caught after 75 days, then they would include that, and that would be a policy. Hopefully, there are not that many that would go to the Ombudsperson or go through the appeal process or reach out to the ministry.

I think this is something that is a commonsense thing to do. The Ombudsperson recognized that. That's why this, in my view, makes sense.

M. Lee: Let's try this question a different way, then. When we look forward as to how this wording would be applied, would there be any grounds under which the

board would exercise its discretion, under this new section, where there's been a change in the law — that is, there's been a legislative change?

Hon. H. Bains: The answer is no, because that would not be an obvious error.

[3:45 p.m.]

M. Lee: When we look at decisions of the board that might make an assessment where a worker is, for example, putting to the board that his or her lung damage or difficulties is caused by a pneumatic drill, and the dust that came out of that drill was causing long-term lung disease; and the medical evidence at the time the board was reviewing that worker's situation determined there was no causal link between what that worker was suffering from — meaning the workplace, using that drill at a mine-site — and that individual's lung disease; and at the time of review, there was no medical evidence to demonstrate that but then subsequently, some time later, the evidence showed there was a causal link.

Is that an example of where the board, given there is no limitation on time here, would revisit its decision under this section? Is that an example of obvious error or omission?

Hon. H. Bains: The answer is no. That is a normal way the claims are processed. Claims are filed. Sometimes the medical evidence is all there. Sometimes it's not all there. So the decision was made accordingly. Then when you have new medical evidence that is available, then they go through the reopening of the claim and review of the claim. That's a normal process. That's not what we're talking about here.

M. Lee: It's really an attempt here in this exchange to understand, of course, what this new term will mean, and how it is intended by government to provide this board additional discretion. So if we go back to the point that was made before by the minister that it would also be an opportunity for WorkSafe to correct an obvious error that is not supported by policy.... Can the minister please provide us with an example of the use of this section in that instance?

Hon. H. Bains: I think one thing is clear here. The board already has a policy to deal with exactly what we are talking about, but within 75 days. We're not giving them any extra, broader powers. All we're doing is that now they can apply the same policy if the error is acknowledged after 75 days. That's all.

[3:50 p.m.]

The member is talking about.... Again, if they made a decision, rely on a wrong policy that is not applicable to that certain case, that particular case, yeah, that would be an obvious error. But within 75 days — they do that work

now. All we are doing is expanding that past the 75 days. They could apply the same policy, obvious errors and mistakes and omissions. What happens before 75 days.... Now they can do it past 75 days.

Like I said, they strive to come up with quality decisions. If they make an error or a mistake and it's caught within 75 days, no issue. But there are a few that may go beyond 75 days. It's just a few cases we are talking about. Rather than putting the employer and the worker through that review process again and bringing the whole WCB system into action.... It's costly, and I think it does not make sense.

The Ombudsperson has been asking for this change for a long time.

M. Lee: I would, at this point, like to table an amendment to section 11.

[Section 11 by deleting the text shown as struck out and adding the underlined text as shown:

11 Section 123 is amended

(a) in subsection (2) by striking out "The Board may not" **and substituting** "Subject to subsection (3), the Board may not", **and**
(b) by adding the following subsection:

(3) The Board may, on its own initiative, reconsider a decision or order after the 75 days referred to in subsection (2) (a) have elapsed, if the decision or order contains ~~an obvious error or omission.~~ **any of the following:**

(i) a clerical or typographical error;

(ii) an accidental or inadvertent error, omission or other similar mistake;

(iii) an arithmetical error made in a computation.]

The Chair: The House will be in a short recess while we are distributing the proposed amendment to all participating members.

The committee recessed from 3:53 p.m. to 3:59 p.m.

[R. Chouhan in the chair.]

On the amendment.

The Chair: On the proposed amendment, Member, any comments?

[4:00 p.m.]

M. Lee: Yes, if I may. I appreciate the opportunity to speak to this amendment, which the member from Chilliwack and myself are tabling here.

This is an amendment to, effectively, clarify specifically the terms that are being utilized here, recognizing that we've had — the minister and myself and the member from Chilliwack — some meaningful exchanges around the use of this provision, section 123, the fact that it's not limited at all for the 75 days and that, in our view, the responsibility should lie on the board and its officers, employees to ensure that their decisions, as the minister has indicated several times, are quality decisions and that

no decision is made with an error of the nature that the minister is describing — but even if it is, that that error is addressed within the 75-day period as currently set out in the act.

It should be the responsibility of WorkSafeBC, as well, to ensure that all parties understand the time frames that are available to them so that they can raise any issues, any concerns they may have about a decision so that the board can then exercise its discretion, on its own initiative, to reconsider a decision or order within the 75 days currently contemplated under section 123.

Having said that, I do acknowledge that there may be some decisions that may be of a nature that is administrative. Certainly, the minister provided at least one example of that, and we had some discussion about that here. I've indicated that in response to some of his other examples, we've discussed how other provisions of the act would apply to enable the board to deal with classification.

I appreciate that there may be other examples that the minister and the ministry are looking at, but having said that, we're just trying to define in a more clear way this further discretion that is being provided to the board. In our view, this would be an appropriate amendment to make.

This amendment would effectively bring over, of course, the language that is there under section 307 of the act for WCAT. That's something to consider here as we look at this amendment, because the WCAT language is specific. It specifically defines the kind of error that might be addressed. Here, for the board, it's not defined for 75 days. That is the period of time that we're discussing that the board has that responsibility under its policy to deal with the kind of error that the minister is describing.

But the kind of error that the minister is describing is also open-ended. It's open-ended in terms of time, in terms of when the board can reconsider its decision under section 11, and in terms of the nature. There is no clear understanding as to the nature of this obvious error or omission.

When the minister talks about an error that is not supported by law, policy or facts or relying on a policy that is not applicable to a case, that is a decisional order, a decision that should be addressed within the first 75 days. If we are to expand section 123, it should be with clarity and certainty. That's why the proposed language that we've tabled is to address that.

[4:05 p.m.]

Hon. H. Bains: I want to thank the member for at least trying to understand the issue and trying to fix the issue. Let me say this. The language that the member is proposing exists in section 307. That permits WCAT to amend a final decision of theirs — to amend their final decision.

The section 307 change to what we are proposing under 123 has different purposes. Section 307 is for the purpose of WCAT, as I said, amending an appeal decision to correct the specified errors. The purpose of this amendment to

123, on the other hand, is to correct an obvious error in an original WCB or WorkSafeBC decision or order. This type of error would be more than a clerical error — such as a typo, as is being proposed — that such addressing the error could technically be considered a reconsideration.

Currently if the 75-day limit has passed, the only option to fix such an error is the formal process of first applying for an extension and then form a review. Again, this is all for fixing an error that WorkSafeBC fully acknowledges.

WorkSafeBC already corrects administrative errors such as clerical, typographical or computational errors or errors in agreed statements of facts at any time. It can do this because such a correction is not considered a reconsideration of the original decision. So correcting a clerical, typographical or computational error is not a reconsideration, because such corrections do not change the intent of the decision or order. Therefore, putting language similar to 307, as the member is suggesting, for administrative corrections, does not properly belong in section 123, which deals with reconsiderations.

If language similar to 307 was added for the purpose of a WorkSafeBC decision, it would not address the problem that the government, through this bill, is proposing to change — through Bill 23, is intending to address. Obvious substantive errors could still not be corrected after 75 days because of the 75-day limit for reconsideration decisions. So for those reasons, I'm speaking against this amendment. I think WorkSafeBC already has a policy to deal with such issues within 75 days. They have a policy to deal with them.

All we're doing is extending their powers to look at those types of errors or omissions past 75 days. Again, like I said, decisions are made that are very thoughtful, but there are a few where mistakes are made. And then again, they're caught within 75 days, but there are a few that slip and pass 90 days — the appeal process. I think that this would deal with that issue, rather than going through the process all over again — the review, the resources, the money. I think that's why we would be rejecting, and I will be rejecting, this amendment that the member is proposing.

M. Lee: I appreciate that we've had many rounds on this provision at this point, this section, including in the last exchange. It's clear that the view that we're taking is that there should be complete certainty under this act and that when the government, with this minister, is proposing changes to the act that introduce greater uncertainty, lack of definition — when we're talking about no time frames on the exercise of this discretion — that undermines the important certainty that workers and employers need to have under this act.

It's clearly the intention of this amendment to be clear about what authority the board can extend beyond the initial 75 days. When the minister talks about correcting clerical, administrative, accidental or computational errors,

that is alongside of any other error of any nature that the board has the ability to reconsider or deal with to rectify under section 123 of the act.

[4:10 p.m.]

There is no debate about that. The question is timing. The question is certainty. This is one of the primary examples of this bill that undermines that certainty and finality. There are review and appeal processes already built into the act. We've had that discussion. If there is any need, at least with one of the examples that the minister has provided, for administrative error, that's what this amendment provides in a clear, certain way.

I certainly urge members of this House to consider this amendment and support it.

Amendment negated on division.

Sections 11 to 13 inclusive approved.

J. Martin: Chair, I had my hand up starting on section 12.

The Chair: Oh, I didn't....

J. Martin: It's been up there for three sections.

The Chair: We didn't see that hand up, Member. But we'll go back to section 12, by agreement.

J. Martin: I appreciate that.

On section 12.

J. Martin: On section 12, compensation for mental disorders. In the Parr report, employer representatives noted "more complex claims, including mental health claims and dramatically rising health care costs, are expected to add about \$200 million annually to claims costs."

Has the minister had an opportunity to calculate the costs of these to WorkSafeBC's finances?

Hon. H. Bains: Thank you, Member. I think this section actually is to clarify what already exists.

[4:15 p.m.]

It provides greater clarity and certainty on the compensation payable for a mental disorder by explicitly providing that the compensation is payable for a work-related mental disorder, as if the mental disorder were a work-related injury. I think there are different languages. As we experience mental health injuries, illnesses more and more, we're learning more. This section just clarifies what actually is happening within our current policy and how to handle those claims.

J. Martin: Can the minister share the anticipated number of mental disorder claims?

Hon. H. Bains: Currently section 135 provides that workers are entitled to compensation for work-related mental disorders, but it does not explicitly set out that compensation is payable as if the mental disorder were an injury. It just clarifies the language. This section, on its own, we expect not to add any more mental disorder claims. We already have mental health disorder claims accepted by WorkSafeBC today, but this just clarifies, as I just mentioned, section 135.

Section 12 approved.

On section 13.

J. Martin: On section 13, can the minister please explain the purpose for removing the requirement to report a worker's death to the board's local representative?

Hon. H. Bains: The term "local representative" is outdated, and it is not used elsewhere in the act. It's believed that it's sufficient for the employer to report a worker's death to WorkSafeBC as per current practice. It's something that is not being practised. They advise the board, and the board will take care of it from there.

Section 13 approved.

On section 14.

J. Martin: This is section 14 on setting a one-year time limit on mental health disorder claims.

[4:20 p.m.]

In the Parr report, employer representatives say, "The one-year time limit should commence on the date of diagnosis or date of disablement, whichever is sooner," while labour representatives say: "The one-year limitation period should not commence on the date of the traumatic event or significant stressor."

Can the minister provide clarity as to when the one-year time limit starts for mental disorder claims, please?

Hon. H. Bains: I think we all understand that when you are talking about physical injury, you're talking about someone breaking their leg or arm. You know exactly what that date is. But mental health is an accumulation of a number of traumatic incidents that the worker may be involved in.

I think, Member, you're talking about the same thing that Parr has recommended. What this section will do, listening to the conversation that you are reading from, the employer rep and the others.... The Jeff Parr review recommended that we should amend the act to allow WorkSafe B.C. to establish policy on the date of mental disorder for the purpose of the one-year application time limit, which is what the proposed amendment does. I think that's what will be considered. The board will be

looking at exactly the type of example that the member has suggested, and then they'll come up with a policy on how a one-year time limit would apply in mental health claims.

Section 14 approved.

On section 15.

J. Martin: For the purposes of the bill, can the minister share how many claims are accepted by WorkSafe B.C. versus the number of claims that are not?

Hon. H. Bains: I'm advised that about 90 to 95 percent of claims are accepted.

J. Martin: So 95 percent of claims are accepted — we'll go with that — the remaining 5 percent being rejected. What's the cost of covering the additional 5 percent that are eventually rejected?

[4:25 p.m.]

Hon. H. Bains: I think, if we are talking about section 15.... Section 15 talks about WorkSafeBC's ability to provide health care, preventative and prophylactic treatment or other services on an expedited basis, where medical evidence indicates that the worker's health is "at risk of a significant deterioration" without such services.

I think there are claims.... If the member was talking about overall claims, I gave you that number: 90 to 95 percent. But when we are talking about, for example, our first responders.... If someone is pricked with a needle — now for them to wait for their claim to be accepted, sometimes it takes weeks — they need that treatment now, because it could deteriorate the person's health. It could make it worse. Those are the types of circumstances where the board already accepts some of those claims.

We are basically giving them legal authority to continue to do that so that the board can provide them with the health care and other supports that the worker may need, rather than having them wait until the claim is accepted, when the situation could deteriorate to a point. For example, with a mental disorder — again, that's another example I could use — there may be someone who is suicidal, and you don't want to wait until the claim is accepted to provide that person with support.

I think this is what this bill section is intended to do — to provide, in those types of circumstances, health care or psychological care that the worker may need at that particular time, as soon as possible, so that the condition isn't deteriorated, when it would become more costly to the system as well. In the meantime, I think it could be a life-or-death situation. That's what the purpose of this section is.

J. Martin: Can the minister please share the costs related to covering supplies and services — for claims that

are eventually rejected — for more complex conditions with lower acceptance rates, like mental health?

[4:30 p.m.]

[S. Gibson in the chair.]

The Chair: Minister of Labour.

Hon. H. Bains: Thank you, hon. Chair, and welcome to the chair.

I think if I go back to what I have stated, Member, WorkSafeBC already has a policy to pay for medical support and psychological support in certain situations. This will give them what they already have — an authority to continue to pay.

Terry Bogyo, who was hired by the board to look at how to deal with this situation, tried to figure out how much extra cost there might be. They couldn't figure out how much extra cost, because they don't know. There might not be any, because the board, in certain circumstances, already has a policy to pay, as a preventative measure, to save themselves money in the long run.

I think it could save money rather than cost money. That's one argument. It is more to deal with workers who may be suicidal, to provide them psychological support that they need in a timely fashion, and also for exposure to HIV infection, to provide them support in a timely fashion. This will avoid a future cost. I think it could save money to the system rather than costing money.

J. Martin: Has the minister taken the opportunity to consider alternatives, such as government and our health care system assuming the cost for early treatment and then billing WorkSafeBC after a claim is accepted?

[4:35 p.m.]

Hon. H. Bains: WorkSafeBC already has, I'm advised, an agreement with the health care. Claims are filed all the time. It could be a car accident, which could be a question of whether it is work-related or ICBC. So for WorkSafeBC, there are times when they pay for some of the costs. But when it's determined that it's not work-related, then they have an agreement with the health care that they would pass the bill over to the health care.

M. Lee: In response to a question from my colleague the member for Chilliwack, I'm just coming back to this point. When we're asking about the costs that will be incurred by virtue of this section 15, the minister replied in a couple of different ways. One way he replied was in respect of the current policy of the board to cover some of these preventative costs prior to the determination, by the board, of a worker's entitlement to compensation. Given that that is the case, what is the accounting by WCB, in terms of the costs of that reimbursement?

Hon. H. Bains: Member, I think the board has looked at this policy over the years, and it is believed that it could actually save them money.

[4:40 p.m.]

The amendment clarifies and enhances existing WorkSafeBC practices where, in limited situations, it has been deemed appropriate to provide immediate treatment to individuals who have claims in the system, because the treatment will prevent a significant deterioration in the worker's health. WorkSafeBC's efforts to give immediate treatment in these cases can save the system money by reducing the long-term impact of injuries.

There's no expectation that this amendment will lead to any scenario where the workers compensation system is routinely funding treatment costs for injuries or disorders not occurring in the workplace. However, the proposed subsection 156(1.1) will provide clear assurance to a hesitant worker that with WorkSafeBC direction, they should seek important and necessary treatment prior to the acceptance of their claim in order to minimize the long-term effect.

M. Lee: I appreciate the response. Just reflecting through the language that the minister has used, it's a belief by the board that there will be savings. Certainly, I understand the point about clarification in terms of putting it in the act. That's the purpose of this amendment.

But I'm still not hearing an exact answer as to what the cost of this will be. The answer I'm receiving is a belief that there will be savings. What is the amount of the savings?

Hon. H. Bains: We must appreciate, Member.... Let's take a scenario. It's difficult to put a real cost on, or savings, because there could be a case where WorkSafeBC spent \$1,000 in preventative treatment. If you didn't pay that \$1,000 up front, it could have cost you \$100,000 later if the situation deteriorated to a point that now it's out of hand and it costs a lot more medically, and a lot more time lost. It's hard to put a cost on it, but it is a practice that the board already has in those types of situations.

How do you put a cost on saving somebody from suicidal tendencies? How do you put a number on how much money you have saved by providing help to that person who has suicidal tendencies up front and the person now is a productive member to go back to his or her family and go back to work?

[4:45 p.m.]

I think it's difficult to put a cost on. I think the board and Mr. Bolger tried to put a cost on, and it's difficult to put it, given the circumstance that I'm giving you.

It is, actually, a commonsense approach. They believe it could cost them money, and probably will save them money over the long run, when you provide someone, in those types of situations, with early treatment and early support.

HIV infection, for example, could be very, very serious

if not treated in a timely fashion. You provide them the support. It costs you maybe \$500 to \$2,000. It could save you, possibly, hundreds of thousands of dollars later. I think that's why it's very difficult to put a cost on it.

It's something that the board already does. They are already providing that support. All we are doing, through this change, is clarifying what their authority already is.

S. Furstenau: I have a few questions on this section as well.

Thanks to the member opposite for working this out. Always a pleasure to do work....

To help me understand, starting with prophylactic treatments. This section allows the board to order payment for treatment before a claim is approved or if they are satisfied that the medical evidence indicates that, without immediate treatment, the worker is at risk of a significant deterioration in health.

Could the minister clarify in which cases prophylactic treatment is already covered by WorkSafe's policy and what additional prophylactic treatments will be covered in this amendment?

Hon. H. Bains: The examples are a post-exposure prophylaxis following occupational exposure to an infectious disease, such as anti-retrovirals medication after a potential exposure to HIV. In the context of mental disorder claims, preventative measures may include counselling services following a worker's exposure to a traumatic event before the worker meets the diagnostic criteria and/or receives a formal diagnosis.

S. Furstenau: Can the minister then confirm...? This amendment bills WorkSafe for these types of prophylactic treatments in the cases that he has just outlined. What happens if a claim is rejected? If it's found later not to be work-related, does it still end up being billed to WorkSafeBC, or is there another mechanism at that point?

[4:50 p.m.]

Hon. H. Bains: Member, I think I tried to explain that earlier on. WorkSafeBC already has arrangements with health care. In certain circumstances, they do bill the health care system.

The worker is the one.... It is preventative for a worker to seek help in the event that they know that they have to pay out of pocket. The board pays for these types of services and the support for the workers now. In the event that they determine the claim is not work-related.... In certain circumstances, they do have arrangements with health care to bill them.

S. Furstenau: As we know well, employers are very concerned about this section, particularly as it relates to mental health. I will just say, in their words....

They've said: "Given the complexity of psychological ill-

ness and the much lower acceptance rate of these claims, employers will be funding a large percentage of psychological injury care and treatment with no relation to the workplace.... A more meaningful approach would be for government to assume responsibility for early treatment and then bill WorkSafeBC for reimbursement when work causation is clearly shown.”

My question for the minister is: why did government not choose to go this route? WorkSafeBC is billed when the injury is clearly work-related. Otherwise, government pays for treatment.

Hon. H. Bains: Member, one of the things that we need to understand.... That policy already is there. WorkSafeBC already practises what I have suggested.

What we are doing is clarifying and giving the legal authority, under the act, that they could continue to do that. It's not an additional cost that we are adding on to the system or to the WCB. WorkSafeBC already, as I have said.... It's hard to put a number on how much savings they have under this policy or what additional costs could be if they didn't have this policy.

I will use a couple of examples. HIV infection. If you are exposed, timely treatment could save you hundreds of thousands of dollars, which they may have. Our front-line workers are faced with that all the time. Someone who is suicidal, mental health injuries suffered at the workplace.... Again, the first responders are the nurses and the emergency nurses.

I think it's a policy that already exists. It's not additional. No one could put a number on it — whether there are going to be a lot more claims. It is something they already do. It just clarifies they will be allowed to continue to do this under the act now.

S. Furstenu: I think we're in agreement on the idea of the need for access to mental health care. Indeed, we've been canvassing this all week in question period and recognizing that, ultimately, every citizen in B.C. should have access to health care, and that health care should include mental health care.

[4:55 p.m.]

I think the struggle is that this is an avenue for access to mental health care through WorkSafeBC, as opposed to recognizing that mental health care really should be part of our wider health care system. It shouldn't be through WorkSafeBC as a means for people to get help with psychological issues or mental health issues that may or may not be work-related.

I guess my question.... I recognize this minister's focus is on labour in this specific bill. But does the minister see that there should be more time and thought given to the mental health issues generally and that this is, perhaps, too narrow of an avenue to be talking about when we should be talking about mental health care and access as part of our wider health care system?

Hon. H. Bains: I think, Member, I wouldn't disagree with, overall, generally speaking, what your approach is. But we are talking about work-related injuries. People don't run to WorkSafeBC when they get hurt in a plane or car accident or other injuries that they incur at home, generally speaking.

I'm talking here about our first responders, our essential workers, when we talk about mental health. It is recognized now as a workplace disease. Many people, our paramedics, the police, fire.... Many of them are subjected to, over their life, many very, very traumatic incidents on a daily basis. That is a part of their job.

Imagine a firefighter going into a burning building and bringing a small child. It impacts them. There have been cases of suicide by firefighters, by police officers. They couldn't handle the mental disorder that that caused them over time.

That's what we are talking about here. It's work-related. They go to WorkSafe and file a claim. When the medical evidence is such that the worker's health is at risk, that's the time that WorkSafe will, as they do now, continue to provide them the support for mental health or for the other types of different conditions that I mentioned. It did, they believe, prevent injuries or illnesses from deteriorating, which could cost them a lot more later.

There may be a few cases where they have paid, but they determined later that it wasn't work-related. It happens. They also have some arrangements with health care, like I suggest. They could make some arrangements with the health care system. They have that agreement.

Generally speaking, what we're talking about are work-related mental health injuries. That's the area that we are talking about. Other times we're talking about people subjected to HIV or those types of illnesses — body fluids from one to another when they are giving treatment.

I think it's when WorkSafe, through medical evidence, determines that there is a condition. It happened at work, and the claim should be processed. The help is needed today, and weeks later it's determined that the claim is accepted. In the meantime, that situation could deteriorate to a point that it could cost them hundreds of thousands of dollars later, and it could end up with someone losing their life.

I think that's the whole purpose. They're already doing it. All we're doing is clarifying and saying, through the act, that they can continue to do that.

M. Lee: Thank you to the House Leader for the Third Party for raising those very important considerations. I actually did, also, want to ask some questions related to that to the minister, relating to mental health, but I'll circle back to that in a moment.

[5:00 p.m.]

I wanted to come back to the minister to talk further.... I think we all recognize, of course, the importance of ensuring that workers or others get immediate health care

to address, and not delay. But we are talking here, of course, as the minister has indicated, about putting into the act what has been policy by the board.

What is the expectation by the board and the ministry in terms of the increase of the utilization where workers will be looking for reimbursement from the board of services and supplies prior to the determination by the board itself? Again, given that there's an existing policy with this coming into the act, what is the expectation of increased usage of this policy now, this provision?

Hon. H. Bains: Member, we're not talking about reimbursing the worker in this situation. We're talking about providing them care, support that they need in those circumstances, which the board already does. That's the board policy. By having this in the act now, where the policy already exists, I believe there will be little or no additional utilization.

M. Lee: So in terms of the actual cost then, what is the average cost of care through the provision of services that applies, in the way it's described under this section, prior to a claim being accepted or rejected by the board?

[5:05 p.m.]

Hon. H. Bains: I think what we are talking about is once that claim.... Once you provide them the support and the care that they need and the claim is accepted, then it's just a general utilization of the claims system. It becomes part of the claims for WorkSafeBC, overall claim utilization.

It's the part where a few of them who... It may be determined later on that it's not work-related, but WorkSafeBC has already paid. But then, like I suggested earlier, WorkSafe already has an agreement with the health care. In certain circumstances, they can bill the health care.

M. Lee: Just in terms of the nature of the types of services and supplies that would be provided in the area of mental health.... Earlier my colleague the member for Chilliwack had asked questions relating to increased costs that the board is facing. This may be another area where, with the greater considerations of the challenges for many to get the necessary supports for their mental health and otherwise, there will be, one might expect, an increase in necessary services and supplies for those individuals, which may or may not be subsequently determined to be workplace-related.

What is the expectation, again, by the board in terms of the impact of increasing claims by workers for the kinds of pre-entitlement decisions by the board for services and supplies related to mental health?

Hon. H. Bains: I think I tried to answer this question in three or four different ways, and maybe I'll try one more time. The board already has a policy. In certain circumstances where the medical evidence indicates that the

worker's health is at risk of significant deterioration without such services — that policy already exists. The change that we are proposing is to verify what the board is already doing.

[5:10 p.m.]

I think I have said, also, that it may have saved lives. It may have saved a lot of money as well. Yes, there maybe are some cases which they have already provided services or health care for that they determine later on were not work-related. But then again, in some of those cases, they have arrangements with the health care.

I think the cost is minimal, even if you look at the surface. Savings could be hundreds of thousands of dollars. I think that this is something that already exists and that it is beneficial in those types of circumstances where the board already considered that that is a necessary thing to do. It's in place for years. It's not something new that we are trying to introduce here.

M. Lee: I appreciate the response from the minister. Under the current policy, where the board does not make that determination that there's a risk of significant deterioration in health, if that's the way it's expressed in the policy as well, and the board were not to cover the costs of the services and supplies prior to the determination of a worker's entitlement to compensation, where would that cost be borne — by the individual or by the health care system?

Hon. H. Bains: In different circumstances, it could apply to different situations here. For example, if the claim is rejected at the end of the day, the worker may have an extended health care system. He or she may try to collect it from them, or WorkSafeBC may work it out with the health care. But the worker will not pay out of his own pocket.

M. Lee: The minister indicated earlier that there is a similar agreement with both ICBC and WorkSafe in terms of coverage for health care costs which are determined by the board, in this instance, not to be workplace related — that the health care system, in effect, will cover and be responsible for those costs. Of course, we know that employers are already contributing to the health care system, vis-à-vis employees, through the employer health tax. So we're talking about costs that are incurred in either case.

I wanted to ask the minister.... There is a concern, of course, within the employer community, as they stated in their July 20, 2020, letter, that the net effect of this provision will be that employers will be paying for non-compensable health care costs. Has the minister received more input regarding the costs on employers during the current fragile economic times?

[5:15 p.m.]

Hon. H. Bains: Actually, as I've said many times before,

WorkSafeBC believes that it saves them money, or potentially saves them money, because if the situation deteriorates to a point, that would cost a lot more later to the whole system. The employer will lose out as well, because the worker now is off longer than if the help was available earlier on and the worker was healthy and got back to work early. I think it's a situation where WorkSafe potentially saves money, and the employer also has the worker back to work in a shorter time than if the help was not available and the worker could be off for a long period of time.

It's something that the board has looked at over the years, even before our time. They've been practising this practice, and it has been working. They haven't figured out that this was a problem, but, in fact, they felt this was the right thing to do.

J. Martin: I have a quote here for the minister. It says: "The total cost of what they have estimated is about 1.4 cents per \$100 of payroll, and WorkSafeBC projected that what the employer is looking for is the stability in their premiums." This was from July 14, just a couple weeks ago. Now, the minister has just told us recently that the costs of this specific section cannot be estimated, yet he has previously stated the costs of this entire package, back on the 14th.

Can the minister share whether or not the costs of this section were included in this calculation?

Hon. H. Bains: The board did put a cost to the whole package of Bill 23, and they came up with the number that the member has mentioned — 1.4 cents per \$100 payroll. This particular section is considered to be cost-neutral, and that's how they came up with it.

J. Martin: Okay, thank you for that, Minister.

Have the minister and his staff looked at alternative sources to pay for some of these measures and then billing WorkSafeBC upon an accepted claim?

Hon. H. Bains: I think the board commissioned a couple of reports — one was Mr. Petrie; another one was Bogyo — and they looked at the whole system and how we deal with situations like this. I think the recommendations came that this is the practice the board already has and that this is the way it should continue to be on.

The member, I think, said that the accepted claims, any alternative.... When the claim is accepted, it is the board's responsibility. But I think maybe the member wanted to say the claims that are rejected....

Again, either the worker may go to the extended health to collect some of the costs, or WorkSafeBC can work it out with the health care and determine who should be paying.

J. Martin: Can the minister tell us how this is all going to affect employer premiums in the first two years?

[5:20 p.m.]

Hon. H. Bains: As I said earlier, this section, particularly section 15, is considered to be cost-neutral. So the employer premium will not be impacted as a result of this section.

J. Martin: Will that continue to be the case after the first two years?

Hon. H. Bains: As a result of this particular section, the answer is yes.

J. Martin: Between 2018 and 2019, the worker injury rate increased slightly. What are the anticipated costs to the system without these measures versus with these measures?

Hon. H. Bains: Let me say that the cost to the employer in premiums that they pay.... I can go back. In 2016, they were paying \$1.70 per \$100 payroll. Today they are paying \$1.55 per \$100 payroll. So the cost to the employer has come down in the last three years. That's a 15-cent reduction. The cost of claims today is \$1.67, but the employer is paying \$1.55 per \$100 payroll.

I think the expectation is that this particular section that we are talking about is considered to be cost-neutral. It is not going to impact the premium today or the next two years.

Section 15 approved.

Hon. H. Bains: Noting the hour, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:23 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Hon. M. Farnworth moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until August 10 at 10 a.m.

The House adjourned at 5:24 p.m.

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