

# **HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

**COMMITTEE**

**ON**

**HUMAN RESOURCES**

**Tuesday, June 28, 2022**

**Committee Room**

**Strategies to Prevent Workplace Injuries  
&  
Appointments to Agencies, Boards and Commissions**

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## **HUMAN RESOURCES COMMITTEE**

Nolan Young (Chair)  
Larry Harrison (Vice Chair)  
Dave Ritcey  
John A. MacDonald  
Melissa Sheehy-Richard  
Braedon Clark  
Ali Duale  
Kendra Coombes  
Suzy Hansen

[Ali Duale was replaced by Rafah DiCostanzo.]  
[Suzy Hansen was replaced by Susan Leblanc.]

In Attendance:

Judy Kavanagh  
Legislative Committee Clerk

Karen Kinley  
Legislative Counsel

## **WITNESSES**

### **Department of Labour, Skills and Immigration**

Ava Czapalay  
Deputy Minister

Gary O'Toole  
Senior Executive Director, Safety

### **Workers' Compensation Board**

Robert Patzelt  
Deputy Chair

Stuart MacLean  
Chief Executive Officer



**HALIFAX, TUESDAY, JUNE 28, 2022**

**STANDING COMMITTEE ON HUMAN RESOURCES**

**10:00 A.M.**

CHAIR  
Nolan Young

Vice Chair  
Larry Harrison

THE CHAIR: Order. I call this meeting to order. Before we begin, I'd like to acknowledge the loss of two of our colleagues, former cabinet ministers, honourable John Leefe and honourable Chuck MacNeil. They both died recently. We pay tribute to their memory and their years of service with the people of Nova Scotia.

This is the Standing Committee on Human Resources. I'm Nolan Young, the MLA for Shelburne, and I'm also the Chair of this committee. Today, in addition to reviewing appointments to agencies, boards, and commissions, we'll hear from the Department of Labour, Skills and Immigration and the Workers' Compensation Board of Nova Scotia regarding strategies to prevent workplace injuries.

Just to remind everyone if they could put their phones on silent. I'll ask the committee members to introduce themselves for the record, starting to my left with Mr. Harrison.

[The committee members introduced themselves.]

THE CHAIR: For the purposes of Hansard, I recognize the presence of Legislative Counsel Karen Kinley and Legislative Committee Clerk Judy Kavanagh.

Before we begin, just to ensure that we have enough time, I'd like to do our appointments first, if that's okay with everybody. Seeing nods. We'll ask for a separate motion for each of the boards. MLA MacDonald.

JOHN A. MACDONALD: For the Department of Advanced Education, Acadia University Foundation, I move that Nancy Handrigan be appointed Member 5(1)(b) and Chair of the Acadia University Foundation.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

JOHN A. MACDONALD: For the Department of Fisheries and Aquaculture, I move that Robert Verge be appointed Vice Chair and member, that Matthew Tapper, Fanel Vasile, and Donna Upham be appointed members of the Nova Scotia Fisheries and Aquaculture Loan Board.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

MLA Sheehy-Richard.

MELISSA SHEEHY-RICHARD: For the Department of Health and Wellness, I move that David Acker be appointed member of the Council of the College of Dental Hygienists of Nova Scotia.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

MELISSA SHEEHY-RICHARD: For the Department of Health and Wellness, I move that Paulette Anderson be appointed public representative of the Midwifery Regulatory Council of Nova Scotia.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

MELISSA SHEEHY-RICHARD: For the Department of Health and Wellness, I move that Paulette Anderson, Anne-Marie DeLorey, and Eric Poon be appointed public representatives of the Board of the Nova Scotia College of Nursing.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

MELISSA SHEEHY-RICHARD: For the Department of Health and Wellness, I move that (Edgar) Lawrence “Larry” Clement and Beverley Patterson be appointed members of the Board of the Nova Scotia College of Optometrists.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

MELISSA SHEEHY-RICHARD: For the Department of Health and Wellness, I move that Donna Denney be appointed public representative on the Council of the College of Paramedics of Nova Scotia.

THE CHAIR: Is there any discussion on the motion? Seeing none.

All those in favour? Contrary minded? Thank you.

The motion is carried.

MELISSA SHEEHY-RICHARD: For the Department of Justice, I move the following appointments to the Police (RCMP) Advisory Boards (30): Anne Soucie, as Member for the District of Clare; Dale Kelly, as Member for the District of Lunenburg; Gabriele Braun, as Member for the Municipality of the County of Victoria; Jane Davis, as Member for the Municipality of West Hants; and Katherine McCarron, as Member for the Town of Mahone Bay.

THE CHAIR: Any discussion?

All those in favour? Contrary minded? Thank you.

The motion is carried.

MELISSA SHEEHY-RICHARD: For the Department of Municipal Affairs and Housing, I move the following appointments to the Nova Scotia Municipal Finance Corporation: Geoff Gatien as Member, Civil Servant; and Kenzie McNeil as Member, AMA.

THE CHAIR: Any discussion?

All those in favour? Contrary minded? Thank you.

The motion is carried.

Is there any other business that we'd have for the committee meeting today? I don't think there was anything else. Okay.

The topic today is Strategies to Prevent Workplace Injuries, and I'd like to welcome the witnesses and ask them to introduce themselves.

[The witnesses introduced themselves.]

THE CHAIR: Deputy Minister Czapalay.

AVA CZAPALAY: Good morning and thank you for the opportunity to be here today.

The Safety Branch and Workers' Compensation Board work together under a Memorandum of Understanding that helps formalize our roles and responsibilities. Both organizations are comprised of professionals who care deeply about their work. They want Nova Scotians to come home safe from work.

For the Department of Labour, Skills and Immigration's part, the Safety Branch oversees the delivery of effective and efficient legislative and regulatory programming to ensure and enhance worker and public safety. The approach recognizes the importance of education and outreach to ensure laws are understood and applied in specific sector contexts. We follow through with inspection activities to monitor compliance, issue permits, licences, and registrations that demonstrate safety requirements are met.

Importantly, our programming follows through with enforcement in instances where compliance has not been achieved and where risks to safety exist. This includes issuance of administrative penalties, tickets, and charges under the Occupational Health and Safety Act where appropriate to ensure risks to safety are addressed when educational and promotion efforts have not yielded results.

The Safety Branch at Labour, Skills and Immigration employs professionals with a wide range of expertise who ensure safety is sharply in focus for our department and for

Nova Scotians. These colleagues include occupational hygienists, engineers, safety officers and advisors, investigators, policy and research analysts, information specialists, and education officers.

The department's safety priorities are guided by a strategic road map that will help guide our work over the next five years and is represented in everything we do. Our vision is that health and safety is valued, prioritized, and lived in Nova Scotia. We want our work to have impact and mitigate any harms to people and property. Importantly, we want to see a decrease in illnesses, injuries, and fatalities. In 2021, we did see the number of acute fatalities decrease in Nova Scotia, but we must always maintain a focus on prevention.

We need to make sure that employers and employees are aware of and have easy access to clear health and safety rules and information. Safety should be the easiest choice, and safety is good for business. A lot of work is happening across jurisdictions in Canada to make sure that that is the case. For example, we recently announced changes to workplace first aid requirements to harmonize rules with other jurisdictions in Canada. Having a consistent approach across jurisdictions can help save lives when an accident or illness happens in the workplace.

Additionally, as our population continues to grow, we have taken steps to provide workers with information in a variety of languages so that they fully understand safety requirements and responsibilities. Our team also has access to translation services to ensure every moment we have with workers is leveraged and safety is understood. Again, safety needs to be the easiest choice.

The strategic plan for the Safety Branch notes the importance of making sure that there are opportunities to provide input and feedback around the services provided by the Safety Branch, because one of our goals is to strengthen workplace safety through service delivery excellence. We have found that when we do this, we benefit by making informed decisions that take into account expert advice and the needs of Nova Scotians.

A great example of this is happening now. We are looking to science and research to better understand the impacts of psychological health and wellness in the workplace and how it can be improved. It is time that mental stressors at work are recognized the same way as physical stressors.

Another impact we want to have through our strategic road map is continuously improving health and safety outcomes. One example of this was Nova Scotia's recent announcement to expand presumptive coverage for firefighters across the province. We are so proud of this work to better protect first responders. We know workplace compensation is only one part of it. The firefighting community is also looking to work with us on preventing exposure risks that they face on the job, and we are excited by our work in many sectors that focuses on prevention.

To achieve safety in Nova Scotia workplaces, the Department of Labour, Skills and Immigration follows four pathways to compliance. First, we promote compliance to ensure that everyone understands Nova Scotia's legislation, codes, and standards. Second, we set the requirements after consulting and considering the impact new rules will have. Next, we verify for compliance to ensure everyone is following safety rules. Finally, we enforce the requirements.

The COVID-19 pandemic shone a bright light on the work of the Safety Branch. To help keep workplaces safe, the Safety Branch developed more than 100 business-specific prevention plans and more than 40 sector-reopening plans. We worked with Public Health to set new rules for masking and distancing in workplaces. Our officers verified compliance and completed over 4,000 inspections to ensure compliance with Public Health orders. We responded to over 7,600 inquiries from Nova Scotians calling our 1-800-9Labour line.

The collective impact of this work contributed significantly to Nova Scotia's significant and successful navigation of pandemic controls, economic recovery, and overall safety. I should note that this work was carried out in addition to all other workplace safety monitoring, education, and enforcement activities.

As deputy minister for the department, I am incredibly proud of the work of the Safety Branch and the partnerships we have with the Workers' Compensation Board, sector associations, employers, and employees throughout Nova Scotia. Our work with our partners is innovative, thoughtful, research-based, and collaborative, and it highlights the importance of the shared responsibility that we all have for safety in the workplace. We all have a role to play in keeping our workplaces safe.

I appreciate the time this committee is dedicating to this important topic and for the time to discuss our efforts and best practices to help make workplaces safer.

THE CHAIR: Mr. Patzelt, did you have some opening remarks?

ROBERT PATZELT: Yes, I do. Thank you, Mr. Chair.

Good morning. I am very pleased to be here today along with our CEO, Stuart MacLean. Stuart and I are representing our Chair, Saeed El-Darahali, who is out of the country at this time. He sends his regrets.

In partnership with our colleagues at the Department of Labour, Skills and Immigration, the WCB helps lead workplace injury prevention. We work collaboratively as close partners, and also with many leaders across industry sectors, to do all we can to make workplaces safer. We thank you for the opportunity to share some of the progress we've seen over time, and the opportunities we see for the future.



Under Stuart's leadership, and guided by our strategic plan and a commitment to innovation, the WCB strives to create better outcomes in more than 20,000 workplaces across this great province, protecting some 325,000 workers.

Time-loss injury has consistently been decreasing for years. More recently, some of our biggest sectors like construction, fishing, and manufacturing have improved as safety cultures have emerged.

[10:15 a.m.]

In our proud fishing sector, for example, time-loss injuries are half what they were 10 years ago. Since 2015, the industry's assessment rate has declined by nearly 60 per cent, saving our fishermen more than \$60 million compared to 2015 rates.

In these industries and others, more Nova Scotians are going home safe because of our work together. While that is encouraging, we don't see these as numbers to celebrate. We know that behind every single injury, there is impact on people, families, and communities.

There is also financial impact to workplace injury. In the early 90s, the system was just 27 per cent funded. I'll say that again. We were only 27 per cent funded. Near the end of 2021, it was 103 per cent. It takes many years of sacrifice to do this, both by workers and employers to get here. Employers have paid higher rates, and as just one example, worker benefits have only been indexed at 50 per cent of the Consumer Price Index.

As we're now more sustainably funded, conversation can turn to possible system enhancements under sustainable parameters. As Stuart often says, to achieve positive change, you need to go from just knowing workplace safety to really caring about it. I couldn't agree more.

You cannot see from where you're sitting, but I am wearing dual hearing aids - the result of my work in farming and construction. I am partly deaf, but I am one of the lucky ones, because I still can hug a family member and partake in most of life's activities. We know that for too many Nova Scotians, that is not the case. Last year, 20 people died at work or due to work done in the past. Our thoughts go out to each and every one of those families. We must be driven to prevent these tragedies.

We have the Internal Responsibility System. That is, we are each other's keeper. Every mom, dad, son, daughter, sibling, friend, and neighbour should leave work and go home whole. By that, I mean with not only your eyesight, your fingers, and your toes, but mentally whole as well. That's the basic principle underlying our injury prevention efforts.

These efforts have achieved good results. Nova Scotia's workplace injury rate has improved over time. In the early 2000s, our injury rate, which is a measure of the rate of

injury per 100 workers, was over 3.0. Back then, there were 9,298 time-loss injuries. In 2021, that number was 5,391. That's a 42 per cent reduction.

We are driven to have that progress continue. Some industries like fishing have strong safety cultures now. In others, safety of workers doesn't always get the attention it should. That's why, for example, we continue work with our government partners to care for those who care for others through safer workplaces in our health care sector. That work is ongoing, and we commend government's investment in a safer future for our invaluable health care workers.

Injuries today are not only physical. Workplace mental health has never been more important. Since government made changes to coverage for PTSD as a presumptive benefit for workers in front line emergency service occupations, we've seen a significant increase in psychological injury claims. That's why we're evolving our service and adding new tools and resources for workplaces, and to better support first responders. Like all we do in injury prevention, it's happening side by side and in partnership with LSI.

Achieving safe and timely return to work remains a key challenge. There has been progress, and days lost to injury were down by almost 100,000 days in 2021, but workplace injury still takes far too great a toll. That's why we're also focusing on improving return-to-work outcomes. Just a few years ago, the Auditor General conducted a two-part review of our governance and service delivery. The AG found that the WCB is well governed, on the path to financial sustainability, and that overall, the WCB is effectively managing claims.

We are pleased to serve the workplaces we do, but at the same time, as Nova Scotians welcome more people into the future, we are concerned about the roughly 50,000 Nova Scotians who have no workplace injury insurance coverage at all. If something happens at work, they are not protected. We believe in a better, safer future for those workers.

In closing, the world has changed a lot. Workplaces have changed a lot, especially over the past three years, and as we look forward, helping Nova Scotians embrace a new and safer future is a priority for government and one that we share. We are each other's keeper - the pandemic has taught us that.

Together with our partners at LSI, we look forward to continued progress. It's our goal to keep the people of our province - those who live here now and those who will come here soon - safe and secure from the impact of workplace injury.

THE CHAIR: Thank you, Mr. Patzelt. Before we begin the question-and-answer period, just raise your hands or make eye contact with me. I'll keep a list of who wants to ask questions. There should be plenty of time - if you need a brief follow-up, there'll be

time for that as well. Just a reminder that I'll recognize you, for your microphone to turn on before we start speaking.

I think Ms. DiCostanzo made eye contact with me before to start asking her first question. (Laughter) MLA DiCostanzo.

RAFAH DICOSTANZO: Good morning to all. Just listening to the information, I'm wondering what are the major industries that are having the most injuries, and what are the type of injuries that we're seeing? Some kind of statistics of which industries are having the highest and what kind of injuries we are looking at?

ROBERT PATZELT: I'll start with health care as being number one, in the sense that 31.4 per cent of time-loss claims come out of the health care sector - especially in long-term care. With your permission, Mr. Chair, I will turn this over to our CEO Stuart because he can speak to it more accurately than I can.

THE CHAIR: Mr. MacLean.

STUART MACLEAN: As Robert has said, a little bit over 30 per cent of time loss injuries with about 20 per cent of the payroll. We see the highest rate of injury in this province in nursing homes and in home care. It's kind of a surprising statistic because you would think, perhaps, construction or forestry or fishing.

As was mentioned in Robert's introductory comments, we're seeing such great progress there, that they've all improved, but we're seeing the trend somewhat go in the opposite direction in health care - in nursing homes and home care. We're doing a lot.

You asked what type of injuries we see, and I think there's a lot. If you sort of put them into buckets - safe lift and transfer of patients is really important, slips and falls is really important, violence in the workplace is really important, and mental health has been an emerging thing that we've seen. I mean, they're trying so hard to make their way through the pandemic, but I think it really puts an exclamation mark on the importance of keeping all of our workers safe. When you think about the numbers of people that are home on time-loss injury instead of being able to actually do their job and look after other people, it's really a difficult challenge.

The last piece of that one would be return to work, and I think return to work is a key. Instead of thinking when someone's injured, thinking about what they can't do, we need to actually turn that over and say, what can they do and what's possible. You might have a nurse that can do something - she can't do her nursing job, but perhaps there's some other way that she can contribute. That orientation toward the work, understanding that work is healthy, is going to be an important paradigm for health as they go forward.

As Mr. Patzelt said, the government is currently investing in strategy. There's a really comprehensive number of things that are going to be done that they're working on - return to work being one of them. There's some investment that's being made in this current budget, so we're quite excited about working with them in partnership to try to improve outcomes. They have a safety association which is also important - which is called AWARE-NS - that's involved in training. We're looking at opportunities to expand some of the scope in that area of the ways that they can service that industry, similar to what's been done in sectors like construction.

I'll use construction as, really, a success story. They had over 1,500 time-loss injuries at one point, and they are under 500 time-loss injuries now. Really, you think about an emerging safety culture - you would never see the hard hat or the vest. Now you go to a construction site, everyone has personal protective equipment as an example. Things have changed there, and it's about having an orientation and a best practice approach. They've taken a best practice approach in construction, and now what's incumbent on us, MLA DiCostanzo, is to have a best practice approach in health care when it comes to safety, and really get all of those best practice learnings and then roll them out in that sector and work with the Department of Health and Wellness in that regard, and all the different employers in nursing homes and home care, in particular.

RAFAH DICOSTANZO: I'm also thinking about the newcomers and always asking about that to see how much they know about safety and how well they are trained when they start their jobs. Are you seeing a large number of your injured - what is the percentage of newcomers who are reporting injuries?

STUART MACLEAN: We wouldn't have a statistic on newcomers versus regular citizens of Nova Scotia. We don't differentiate that in our systems. When someone comes and presents as an injured worker, we treat every injured worker the same. We would look at the evidence and basically process that claim that comes forward.

I do know anecdotally that we've had discussions with LSI. We want to create the conditions for success for people as they join this province. I know that at the YMCA there's a whole infrastructure to make sure that immigrants can land here and find people they can connect with and get over the language barriers, but anecdotally, you hear that there are challenges.

For example, if someone doesn't speak English yet and you want them to be safe - I think of one conversation I had with a building contractor last week. He uses Google Translate, as an example, because he needs to say, "I need you to do this" and "you need to wear your hardhat" or "stop taking off your personal protective equipment." He can put it into Google Translate and it will say it to them. That's the way that they've been overcoming that barrier.

There's no question that if we're going to grow the population from a million to two million, we all understand that's going to be a major challenge for us as we take a whole melting pot of different cultures and try to figure out how we do things - maintain the good, but also learn from people who come to our province who have a lot to offer and different ways of doing things. That's important to all of us.

I'm not sure if anyone - Mr. Chair, if it would be okay, LSI probably has Immigration, so . . .

THE CHAIR: Deputy Minister Czapalay?

AVA CZAPALAY: As you know, I love talking about immigration and population growth. I'm very pleased, Mr. MacLean, that you mentioned that newcomers also bring new ideas and new ways of doing things and can contribute to safe workplaces. But also, we're very cognizant of the fact that people do come from different cultures and different safety experiences. Recent work with Mr. O'Toole's branch - we've translated materials into - I think it's eight different languages, and also work with translators to ensure that people understand safety requirements.

I'll just ask if Mr. O'Toole can embellish on what I said. I think it is an important thing to keep in mind when we focus on safe and welcoming workplaces for newcomers.

THE CHAIR: Mr. O'Toole.

GARY O'TOOLE: Certainly. Thank you, deputy minister. Indeed, we have work under way to ensure that materials and key resources that explain safety rules and regulations are translated into the most common languages that are spoken - particularly in the metro area, but that would be true province-wide. That work is expanding and ongoing.

We also, in the last several months, have implemented access to translation services for our field staff who may find themselves in situations in a small business or a nursing home or any number of small settings where English is not the first language, and translation services would help workers understand what the safety rules are.

We also know that many settlers in our province don't necessarily come from places where the authority is recognized, or the authority is a safe place to go. We know that our Pathways to Compliance approach will be really important in these settings to, first, educate where it's appropriate to do so, and then move through that spectrum of activities in terms of verification, and then enforcement being the last and more serious option.

But really, our officers are trained to spend time educating wherever possible so that there is an understanding of what the safety rules are before we move to that more strict enforcement regime.

THE CHAIR: MLA Leblanc.

SUSAN LEBLANC: Thanks for your comments. I have a lot of questions, so I'm just going to keep looking at you all the time.

I wanted to just start with a question about the presumptive coverage for people with PTSD. For people who fall under one of the front-line worker categories and have a PTSD diagnosis, what are some of the reasons that they might be denied coverage after the diagnosis?

[10:30 a.m.]

STUART MACLEAN: The way PTSD presumption works in practice is if you have a diagnosis from a psychologist or a psychiatrist who says you have PTSD, the first responder doesn't have to go through the reliving of it with the case worker. PTSD has always been covered, first of all. We've always covered PTSD, but what we found was that we had about 47 claims up until 2017 in the history of our organization. We've had about 500 since that time, so about 150 new ones a year. If they have that diagnosis and they're a first responder, then they will be approved benefits.

SUSAN LEBLANC: I guess then I want to know, what is the process of accepting a diagnosis? I'm asking because I know of somebody who has a diagnosis of PTSD but can't get WCB to cover them. I'm wondering, number one, is there a per cent of applicants who apply for PTSD coverage who are denied, and/or will you take a diagnosis of PTSD from any psychologist or psychiatrist, or do they have to be WCB-approved, as it were?

STUART MACLEAN: I can't speak to any individual case, obviously. I think if you ask the question, is the person a first responder, are they defined as a first responder in the legislation, that's number one. Because by definition, presumption is going to cover people who work, for example, in police services, firefighters, paramedics, nurses - are included in that legislation. There's a definition of what it takes to be in that presumptive space.

After that, to my knowledge, obviously there's a profession. We turn to the professions, whether you're dealing with cancer as an example here, or whether we're dealing with occupational disease, or whether you're dealing with orthopaedics, or whether you're dealing with anything else that might take place, the case worker has to deal with a lot of different sources of information when they make decisions on claims.

The case worker is the sole decision-maker on the claim. What the government has done by introducing the PTSD legislation is smooth this pent-up demand, because first responders didn't want to talk about what was going on with them - this whole Let's Talk and that metaphorical - it's difficult, because you have to relive. That's what they're trying to do, is basically smooth the pathway to benefits and support.

I know it's not a direct response to your question, but one of the things that we know is that we need to provide better service in that regard. We need to build muscle for it. We need to learn. For example, our case workers - we didn't have deep understanding of PTSD, so we've developed a traumatic psychological injury program at WCB, as an example, and we believe it's the best practice approach.

We need to help people build resilience. We're talking, in many different respects, to a lot of different people to advance the conversation about how a first responder gets trained and how they have resilience, so this doesn't actually become a problem for them, rather than thinking about how you pay. Paying comes at the end, after somebody is already hurt. We need to get upstream from that.

The most important thing is to get upstream from that so we can create successful patterns for people. If we're going to put them back to something that's going to trigger them again, we've got to make sure they're going to be okay before we put them in that circumstance. Maybe it's even a different career. We've got to think about things differently as we learn, and we build a muscle around responding to claims in this space. We've got a lot of them already. They're serious circumstances, obviously, because this is where psychological injury is taking place, and it's at the end of the continuum where it's hardest for our injured workers to try to recover.

I can't speak to the individual specifics of an individual circumstance. I can tell you that we respect the profession, we respect psychologists or psychiatrists, is what the policy says. If we have a diagnosis, and our case worker gets that diagnosis, they work for one of the first responders, they're going to get approval on their claim.

THE CHAIR: MLA MacDonald

JOHN A. MACDONALD: Mr. MacLean had mentioned about 31 per cent for long-term care – and this question is really for the deputy minister, I believe. There's been an announcement of \$900,000 to help out with workplace safety and the Department of Seniors and Long-term Care. Can you tell us how that's going to get that number down? I know people who work in long-term care and they're out a lot for injuries. If you could explain how that's going to help decrease, that would be great.

AVA CZAPALAY: I'll start and maybe my colleague can help out with the answer. First of all, I just want to endorse what Mr. MacLean said. We do need to look at how we first of all prevent injury in the workplace and then how we support people while they're injured and off work in terms of returning to the workplace sooner.

We've collaborated with the Workers' Compensation Board on a return-to-work process in order to ensure that people feel supported along their continuum. Maybe they can return to a different type of work while they're healing. That would be an important piece in that continuum. I'll ask Mr. O'Toole if he'd like to add to that.

GARY O'TOOLE: I'm familiar somewhat with recent investments in long-term care and home care agencies to support them in their technologies for lifts, for example, that prevent injuries, as well as occupational health and safety training and safety tracking in facilities.

We are on the periphery of that work. Our safety officers are working quite closely with AWARE-NS - which Mr. MacLean mentioned earlier - and with WCB to actually do proactive work in long-term care settings and with home care agencies to assess their facilities. Also, to work with their staff directly to identify what the safety risks are in their facilities and then to address them proactively so that injuries are prevented. That is an ongoing piece of work that we hope to expand over the course of the next year or two.

THE CHAIR: MLA Clark.

BRAEDON CLARK: Mr. Patzelt, in your opening comments, you talked about the fact that there are 50,000 workers in Nova Scotia who have no workplace coverage at all. I don't want to speak for you, but I'm sure you'd like to see that number go down as much as possible - as close to zero as possible. I'm just curious about what that represents as a percentage of the overall workforce. Also - if you have the numbers - how does that compare to other provinces across the country?

ROBERT PATZELT: So 74 per cent of the working population is covered by workers' compensation - that leaves about 100,000 workers who don't have workers' compensation. About half of those would have some form of private coverage - short-term, long-term disability, something there. But there are 50,000 who have nothing at all. Roughly speaking, you're looking at a quarter of the population, and half of that would be about 12 per cent. That's a significant number of people when a mother and father go off to work and someone thinks that their family is covered and they're not.

How does it compare to other jurisdictions? We are amongst the lowest in the country in the sense that we have excluded - we have a very complex sort of formula as to who's in and who's out for coverage, and in some cases you can voluntarily come in. We are not in any way harmonized with the rest of the country. As a matter of fact, we're not very well harmonized with the Atlantic Canadian provinces.

Expanding coverage to those areas would do two very important things. For one, our citizens are the people whom we live with and take care of each other, and they would feel better covered knowing that they have coverage, so more people would be protected. The other thing is, it would also affect our average rate, because we have industries that are not in our calculations. So lower risk industries - and I'll take financial institutions like banks and insurance companies that are not in the system. Of course, they would have a lower rate, but it affects our average rate as well, which I think you all know as well is one of the highest in the country and it doesn't look good in terms of economic development.



Averages are very dangerous, obviously. As I mentioned earlier, in fishing, construction and forestry, we're among the lowest in the country. If you're looking to relocate here as an employee or as a company, and you see that average rate, it distorts the reality.

I'd love to see expanded coverage to protect more people. Insurance is the law of large numbers - it would spread that risk amongst a greater number of employers.

BRAEDON CLARK: Between WCB and the Department of Labour, Skills and Immigration, how do you actually go about expanding that coverage? What work is under way or might be under way? How do you actually get that number down from 12 per cent - chipping away and getting more people covered? I'll start with Mr. Patzelt and then if anybody else wants to chime in.

ROBERT PATZELT: As I mentioned earlier in my remarks, we're now in a position where our financial stability is such that we can now entertain new opportunities, new ways of thinking. Before we were restricted. Essentially, we had a really big mortgage on our house and we were trying to pay down that mortgage. Yes, the mortgage is paid off, but now is the time to maybe fix that roof and put in new windows and a little bit of energy efficiency.

Those discussions have begun, and they've been on the table for a long time. They go back to the Dorsey report. In fact, we call it the last kilometre of the Dorsey report, because in that report, it talks about things like the number of entities that are not covered by workers' compensation.

AVA CZAPALAY: I would like to publicly congratulate the Workers' Compensation Board on paying off their mortgage. I know the diligence and the expertise and the focus that that must have taken to achieve the great result that they have.

Of course, expanding coverage is definitely something that's on our radar as well, and expanding benefits as well. The members around this table will recall the announcement, I think maybe it was in February, of the expanded firefighters' coverage and the impact that that had on the firefighters community. We went from - maybe I'll say one of the worst-funded programs for firefighters in the country to one of the best, if not the best. Looking at expanded benefits is important, too.

Of course, there are other things that we'd like to see. We work closely with the Workers' Compensation Board. We have a great relationship, and I think our to-do lists are probably fairly aligned. In fact, we have a meeting coming up where we're going to compare our lists and have a chat about what we want to move forward and when.

THE CHAIR: MLA Sheehy-Richard.

MELISSA SHEEHY-RICHARD: I just wanted to touch a little bit on prevention. You were talking about that and how we're going to move forward with increasing that role. Can you tell me a bit about the relationships that the department does foster now with business owners to ensure that they are supported and adhering to the health and safety guidelines? I have a little follow-up too.

AVA CZAPALAY: You'll be aware that our minister has general oversight of the Occupational Health and Safety Act. The foundation of that Act is the Internal Responsibility System - Mr. MacLean referenced it, and I think also Mr. Patzelt in his opening remarks. Really, that Internal Responsibility System speaks to the principle that both employers and employees have responsibility for the health and safety of persons at work. It includes a framework for participation, sharing information, and also refusal of unsafe work.

[10:45 a.m.]

The role of our Occupational Health and Safety Division at Labour, Skills and Immigration is not to assume responsibility for safe workplaces, but rather to establish and clarify the responsibilities of the parties under the law and to support them in carrying out their responsibilities. We do this in a proactive way. I think it was Mr. Patzelt who spoke to the culture. We can enforce regulations all the time, but we really want people to embrace the culture of safety and want a safe workplace - both on the employer side and the employee side. We know that's best for Nova Scotians.

I'll just ask Mr. O'Toole if he'd like to add to that.

GARY O'TOOLE: Certainly, I would add that as an inspector, this would be common of any inspector. You're only there really at a point in time. You're only observing behaviours at a specific time and place, so we're not everywhere all the time. Really embedding and promoting that safety culture in an organization is so critically important, and so when we are present, we really try to promote that.

There are several examples of work that we have ongoing. Actually, over the last number of months, we've hired a number of safety advisors whose job it is to really work more closely with businesses and in concert with staff at WCB to help businesses and various sectors understand what the rules are. How do I apply the occupational health and safety laws in my particular setting or in my specific context to develop plans, walk through those plans and understand those plans? That's the role of our safety advisors. They, of course, work closely with our officers who enforce the law and who also spend time with businesses.

We have examples from continuing care which I shared earlier - our work in long-term care facilities and with home care agencies. We have examples from the fishing sector, from the hotel sector, from any number of sectors where we're present and trying to help

people to understand and really establish that safety culture in their organization so that when we're not present, safety is still lived and valued.

MELISSA SHEEHY-RICHARD: When these businesses determine that they do need the support, what resources are available and how do they request the support when they do need it?

GARY O'TOOLE: We have a 1-800-9LABOUR telephone number, so anytime businesses have a question about how to apply the safety laws or what the rules are, they can reach out to us. We have information specialists who staff those phones and take calls every day, and help explain those requirements. Where more in-depth information may be required or a site visit may be required, that is certainly an option for businesses to request that.

Again, we have the safety advisors who can be deployed to have an in-depth conversation with businesses, but we also have safety officers placed geographically across the province who can take phone calls or do site visits with business owners to help them understand what the laws are.

THE CHAIR: Mr. Patzelt, did you have something to add?

ROBERT PATZELT: I just wanted to add that probably the most recent and most significant success demonstrated by the department is all the work they did under COVID-19 in getting us back to work and our economies moving. That one wasn't industry specific - that was the entire province. You saw them generate all sorts of documentation. They did all sorts of consultation. They worked with us on that. We had things from the other jurisdictions as well - best practices that we shared. I think that's just a fantastic example of how departments and organizations can work together on something that, quite honestly, was new to everybody.

RAFAH DICOSTANZO: Just to go back to your safety advisors. When an injury happens and somebody makes a claim, how do you track those claims? Do you go back, for example, to make sure that this happened before somebody else in that business - that it doesn't happen again? What is the process that you're using? I actually have a follow-up after that as well.

STUART MACLEAN: I would just preface the answer to say we also have resources as well - coming back to MLA Sheehy-Richard. We have workplace consultants; we've got relationship managers who are working directly with the employer to have a best-practice approach. I always like to say it's leadership. If you get the senior leaders on side, you get the focus on the best practice, and you actually do it, that's when we see the biggest number of changes come.

We've recently implemented new systems at Workers' Compensation. We modernized. We went out on our strategic plan - our stakeholders told us it was time to modernize. We modernized over the last five years and made a significant investment in all of our systems because prior to that time, we were dealing with microfiche. You have to be really old to know what microfiche is. Microfiche, paper, fax machines were our primary tools, and now we have a best-in-class foundational program that's in place that's in the Cloud. It's not perfect yet, but we're continuing to work on that, and it will provide us with data analytics. It will help us provide information to companies to say this is the type of thing that is happening in your industry. We do very much have relationships with all of the industries, and that includes our partners at LSI, whether you're talking construction or fishing. We go and we look at a macro level.

I mentioned five different areas in response to your first question: safe lifts and transfers, slips and falls for health care is an example - violence in the workplace. We know those are the drivers, the things that predominantly we'll see in nursing homes and in home care. Whereas if you went to construction, you're likely to see confined space training, you're going to see WHMIS - so it's about safe hazardous materials and mostly falls from height. So we want fall restraint.

We work directly with the department for companies - for the types of hazards in their industries to have organizational conversations, to have educational conversations with them as well, to make sure that we spread the word. We produce materials.

One of the biggest challenges for us at this end of the room is that we actually don't have line of sight. I think Mr. O'Toole spoke about it earlier. We're only there for a moment. So what happens all day when people are working? That's what their culture is. Do you do something or do you actually not do it? Raising awareness and having the conversation is what's really important.

It comes right from leadership in these companies. The biggest thing that we see is if the organizational leadership says this is important and we care about people, we need people to return home safely to their families at the end of the day, it's not okay - every injury is preventable. You have to believe that. We can't have fatalities. We can't have serious injury. If you can get that ingrained in the culture of the organization, of only doing something if you can do it safely - that's the phrase for me that epitomizes the Internal Responsibility System.

It says permission, right? It's permission to the worker: Only do something if you can do it safely. If you can get that ingrained, then they're going to say, well, should I try to lift that 300-pound person off the floor or should I get some help? I've got to get some help. What do I do right now to actually solve that problem?

Oftentimes, we have to challenge industry norms and have people think about things differently. The data are much better, so we do understand what's happening in

different sectors and we'll continue to build that out and invest in our daily analytics, so we have predictive analytics. You get upstream from what's likely to happen if you're in metal fabrication, or if you're in a plumbing company - what are the things that are likely to happen to you - so that you get customized marketing.

We're going to be working, as an example, with our communications people to have more targeted rather than - I know you've probably all seen ads on TV of severed hands and eyeballs over the years. There have been many different advertisements that we would put online, on TV, and on the radio to try to raise awareness. Well, we're going to take that program to get a lot more tactical now. We're going to work with companies and with industries for things that are more specific about what they're likely to face.

To your point, how do you actually get the right information to people so that they're aware of what's likely to happen and that they understand what best practice looks like to prevent that? If you have a best practice approach - we already know if we're down 42 per cent since 2004, we know that we can get better. We used to be the worst in the country in injury prevention, and now we've gotten a lot better. As Mr. Patzelt said, all injuries are preventable, and we won't rest until there are none. We're just going to continue to try to raise awareness, get leadership, have a best practice approach, and ensure people do it. We need to do it in partnership with our colleagues across the end of the table here - all work together.

RAFAH DICOSTANZO: As you modernize, actually - I had a conversation about a month ago with this young guy from Halifax who has invented software that Saskatchewan is using. It literally tracks on your iPhones - so the business owner or whoever can follow the person who's lifting to make sure, and that software will tell you the steps of the injury. They're doing a pilot in Saskatchewan and this young guy who developed it is from here. I believe it's called Vergo. I'm not sure if you've heard of it. Vergo. I believe that's V-E-R-G-O. It's an artificial intelligence thing that follows this as a preventive item, and it was invented and they're applying it in Saskatchewan. That's all I know.

STUART MACLEAN: Interesting.

RAFAH DICOSTANZO: Yes.

STUART MACLEAN: I will be looking into Vergo when we leave this room. I do want to just highlight - you've put your finger on an important issue, which is innovation. If you always do things the way you used to do them, then we're going to get the same result. We've had to really be specific.

I'll give you a couple of examples: 3 per cent of the companies in Nova Scotia have about 60 per cent of the injury and the costs. That's a very small number, but if you think about who those companies are, there are a lot of big companies, and then you've got a

whole bunch of small business - restaurants, residential construction, a lot of smaller companies as well. We've been really targeted on how we communicate with some of those.

I'll give you another practical example, because you asked the question about health care earlier. There's a company called Paraglide that has a wheelchair. In a wheelchair, what happens is people - they have problems in the sector, because people slip and they slide down the wheelchair. This is a new wheelchair that allows the person to self-straighten or basically pulls them back up in the chair without having to use your back to do it.

It's good for the worker. AWARE-NS, at their annual meeting, they had a demonstration of this. It's a young couple who are the owners of Paraglide and they're now looking at how they do that for beds. If you think about it, we go, let's put the lift above the bed. Is that the best solution, or is it having a bed that can turn someone over and the sheet can move in an automated fashion?

I'm really excited about innovation and what innovation can bring. That's just one example of a Nova Scotian company doing something that I think has got potential to have a worldwide impact on health and safety, especially in that sector, and helping to keep people safe.

I will check into Vergo. Thank you for that.

THE CHAIR: Mr. MacLean, I'm so happy you mentioned the cultural shift to all work incidents - or that you can go without getting hurt at work - that they're all preventable. When I first started work out west, we used to bid into the bid how many people may die on this project? Then it shifted totally to every injury is preventable.

I just had to get that in. MLA Leblanc. (Interruption)

SUSAN LEBLANC: Go team, exactly. Thanks, Mr. Chair. On that, I wanted to talk a little bit about psychological health again. We are the only jurisdiction in Canada that doesn't have psychological health and safety protections enshrined in law. It's great to have policies, it's great to have programs, it's great to have support and education, but the fact remains that without the protection enshrined in law, employers aren't required to guard against the injury and employees are not entitled to protection should an injury occur at their workplace.

I guess my first question is to Deputy Minister Czapalay. Is the government going to make changes to our Occupational Health and Safety legislation to include psychological injury, and when?

AVA CZAPALAY: Thank you for highlighting a very important component of workplace safety. Definitely, it's an important aspect of the workplace health and safety work that we're doing. We're also looking at the types of injury and stress that reflect themselves in absenteeism, lost and productive income, in pressures on Workers' Compensation, and also in personal suffering. We definitely recognize that the Act has traditionally focused on physical stress, and components of mental stress have always been related to physical stress. Looking at chronic stress is something we've been doing a lot of research on, looking at what other jurisdictions are doing and what the potential is for Nova Scotia to follow suit.

I'll see if my colleague wants to add anything more to that.

[11:00 a.m.]

GARY O'TOOLE: Certainly. A large part of our work currently that's ongoing is looking at what is happening in other jurisdictions and what are the lessons from those jurisdictions, given that the traditional emphasis in occupational health and safety legislation has been on physical, chemical, and biological hazards. But what are the psychological hazards that need to be embedded in legislation, and what is the programming that's associated with those? What are the expectations on the employer, on the employee, from a legislative perspective, and what examples are there out there to model?

SUSAN LEBLANC: Exactly. We know that there are a lot of jurisdictions in Canada that are protecting against these injuries. We also know - and we've had a lot of examples over the last seven years in Nova Scotia of some of that psychological harm being related to systemic racism, or bullying, and discrimination in the workplace. It's really important that this is being looked at imminently, now.

I guess my follow-up question is to the Workers Compensation Board. What is your experience with the impact on workers in Nova Scotia? Sorry, let me rephrase. The fact that we don't have psychological injury in the OHS Act - what is the impact on the workers that you're seeing at WCB? Workplaces are not required under the Act to provide compensation. So I'm just wondering if you can talk about the impact on workers from your perspective. What support is currently available to people who are psychologically injured at work?

STUART MACLEAN: When you look at psychological injury generally, every workers' compensation jurisdiction in Canada is struggling with - how do we actually respond? How do we respond and how do we create the conditions for success for someone?

I think the good news here is that we didn't understand, pre-pandemic, the level of impact that - we'll call it on the continuum of mental health. Everything from depression

right to PTSD, we didn't really understand just the pent-up demand. I think the pandemic has caused us all to re-evaluate, and we've seen it very acutely.

We see everything from what we would call a psychological overlay on claims - in other words, somebody hurts their arm, but it's not the pain to their arm that's causing them having a hard time getting back to work. It's got to do with other factors that have gotten into the adjudication and the case management process right through to the acute level of PTSD. I'll tell you this. One of the biggest problems we have in Nova Scotia is people are off work for a long time when they get hurt. We've got a litigious appeal system. There are a bunch of different things happening there. With PTSD claims, as an example, they're taking four to five times longer to get back to work than a regular claim.

First of all, MLA Leblanc, if it's out of the course of employment, and there's a connection to the workplace and the work that they're doing, we do cover that. There is - it's a little bit stressed. There is something called chronic stress, which is something that is a little bit different. That's the - you sort of get it over time. We cover acute reaction to a traumatic event. It would be a covered circumstance. For example, you see something happen at your workplace. Somebody dies or something terrible happens and now you can't function. We're going to be able to compensate in those circumstances.

Again, the new presumptive legislation around PTSD has opened the door for us to support workers in a very different way. A lot of them - the cancers were mentioned. There have been some new legislative pieces that we've been able to step up to support our first responders in a different way, but if it's out of the course of the employment, it is compensable if we can make that connection.

JOHN A. MACDONALD: There was some discussion, I think, by all parties regarding the new cancers that have been added for the fire departments which, obviously - as a previous volunteer firefighter - we actually work completely in the opposite. We try to be safe, but we walk in where everybody else is going out. I'm just wondering, how were the additional cancers decided upon? I assume that would be to the deputy minister or the senior or whoever knows why.

GARY O'TOOLE: Certainly. That was very intensive work over a relatively short period of time to look at - what does the science say? What does the literature say about cancer coverage, and what is considered best practice in other jurisdictions? Both of those things were assessed by staff in the department to ultimately make recommendations about what cancers would be covered.

JOHN A. MACDONALD: What work is under way to prevent cancers among our firefighter community? I will just point out, I'm some glad I don't go to as many fundraisers for ones that are fighting cancer that I had to attend 15 years ago. What else are we doing for them?



GARY O'TOOLE: As I mentioned earlier, we do have safety advisors who are new positions in the department, as well as our safety officers who we look forward to actually working more closely with our firefighting community. Through the work of the presumptive cancers, we established some really good connections with folks across the province, and which we look forward to taking advantage of to work more closely with.

Certainly, any time the firefighting community wants to reach out to us and have a conversation about safety, we're more than happy to do that. That can happen anywhere in the province, based on our geographical distribution of staff.

THE CHAIR: MLA Harrison.

LARRY HARRISON: When folks connect with us as MLAs, they're usually having a difficult time navigating the system. Are there improvements in how the workers can navigate the process?

STUART MACLEAN: The system has a number of supports. Someone gets injured, they've obviously got a case worker, and they've got full-time employees who work on that. There are also a couple of different programs that we fund. For example, the Workers' Advisers Program - they're actually independent from the WCB, so they would report to LSI, an independent body, and that's what they are, they're navigators. It's complex. Sometimes legislation is complex. You get an injured worker - I'm in a brand new environment, I want to make sure that I'm doing everything properly, and I'm going to get what I'm entitled to. The Workers' Advisers Program can provide support.

Interestingly, there's also something in the Office of the Worker Counsellor, which is also funded by the WCB, which has navigators as well. It's a little bit of a different program. I would say the Workers' Advisers' Program is more legal in dealing with preparing for decisions. The counsellor program is more about what do I need to do and how do I make my way through the process.

There's also injured worker groups, both in Cape Breton and in Pictou County, and they're funded through the system as well. There are actually a lot of layers of support for an injured worker if an injured worker needs help understanding what's going on.

The last piece of it - for MLAs I think one of the most important - is we have a client relations officer. I know it was Tim McInnis, and many of you knew who Tim McInnis was. He was a bit of a legend in WCB from our perspective. He's been replaced by Deanna Harnish. Deanna's relatively new, but Deanna will reach out. If you have a complaint, she will investigate the complaint independently and get back to you. LSI would use it. If they get a complaint about something that's happening with us, she's the one who investigates.

I'll point this out too. She reports directly to the board. She doesn't report to me. She reports to the board, so she can go in, she can ask any case worker, any manager, any of those types of things. She's really there to help MLAs do their job and help constituents directly in that manner if they've got a complaint of something specific that's happening in our organization. We're very proud of the work and the relationships we have there.

LARRY HARRISON: We really appreciated Tim McInnis. I've been an MLA for nine years now, and whenever we had a question, we could always go to Tim, and he would try to do his very best. I haven't had a chance to meet her yet, but . . . (Interruption) Perfect.

Just a follow-up. Are there any plans in the works now for future changes for process?

STUART MACLEAN: I think ongoing, we always have process changes. Whether you're talking about processing a claim or you're talking about processing assessments, we're always looking at how we can improve things. Things that we're contemplating - we're contemplating having incentives associated with going through a safety audit in health care as an example. Because it will encourage people to have a policy, to have accident investigations, to have a Joint Occupational Health and Safety Committee to make sure that's minuted, so it gives them a road map, if you will, and we'll be able to put incentives associated with their premiums. That's an example of the process change.

On the injured workers' side, we're always looking at - we have to gear up, obviously, with the expansion from 6 to 16, I think, firefighter cancers. I might not have that second number on me. It used to be six and now it's the most in Canada. We've got to find ways to make sure that we understand what's happening there. To MLA MacDonald's question, we need to understand cancers and what is happening. We can't be the experts in everything, which means we need relationships with the medical community. We expedite surgeries, as an example. That's a process change that has been good for workers, because we operate outside the Canada Health Act. Our money comes from employers. It doesn't come from the tax base. If we can get extra surgeries done and get people back to work, that's good for the economy and that's good for the worker. It also shortens the queue in the health care system.

There are many, many things that are going on at any given point in time. Perhaps the most important that was spoken to is about the reform. Today in Nova Scotia, as an example, the 50,000 workers are often vulnerable workers. When you're working in a daycare or you're working in a hair salon, when something happens to them, they have nowhere to go but Community Services. That's what I think is one of the biggest changes that I know our board would like to see, but it's obviously - that's something that has to be worked on in partnership with government.

BRAEDON CLARK: I just want to start by congratulating WCB on the financial transformation that you talked about earlier. That's an amazing thing. I think what it also does is give you flexibility in choices.

I'm just wondering if there's a tension, or did you have to make a choice between expanding coverage, as we've talked about already - the 50,000 folks who are outside the system - or for those who are in the system currently, you could make adjustments? For example, lowering rates - which we know are pretty high, comparatively speaking - raising benefits - we talked about 50 per cent of the Consumer Price Index.

Do you have to make a choice between those two things - between expanding coverage or improving the system for those who are already in? Or are you in a position where you can kind of do both?

STUART MACLEAN: The way you put that is really great. There are always trade-offs, right? Everything costs money. Where our money comes from is from the premiums. We have investment revenue. Then we obviously need to improve.

We needed three big things to happen back in the 1990s, because we were functionally bankrupt, as Mr. Patzelt told you. We were 27 per cent funded. If we had closed our doors, we had 27 per cent of the money we needed to make the promises that had already been made. So that's basically about 30 years ago now.

Since that time, getting back to being in a position of financial sustainability required our investment portfolio to perform. The economy needed to grow. We needed to have fewer injuries.

All three of those things happened. We had a bull market run. It was unparalleled since 2008. You combine that with growth in the economy, since when that plan was about \$4.6 billion in the economy, now we have an economy that we cover of about \$12 billion. That growth in the economy, more premiums, more investment revenue, fewer injuries - you put all that in the mix and now we get ourselves back so that we actually have financial strength. If we're going to reduce premiums, ideally you want to have a buffer in there, because 100 per cent, and then you have a stock market correction and now you're at 90 per cent. Those things can happen very quickly.

We do recognize that there's pent-up demand for reductions in rates. There are pent-up demands to get some of our benefits back to a national - the one that Mr. Patzelt mentioned is important to the board. I think it's important to our injured workers community. When you're getting compensated at 50 per cent CPI and growth over time, that has an impact.

Those kinds of things have to be looked at. Our board believes they can be done in balance as we continue to make progress on our financial plan. I think it is time to see rates

come down. It is time to see benefits - sacrifices were made by the injured worker back in 1990s when they cut the CPI back, and sacrifices were made by employers when we had to put the premiums up to get back to financial solvency. It's been, again, a 30-year albatross around our neck. Now we're back to a good position and our board is having conversations about how we improve the rate situation and how we improve the benefit situation and how we improve the coverage situation in this province.

MELISSA SHEEHY-RICHARD: You piqued my interest when we were talking about the ads on TV and radio. I do recall seeing those. I'm just wondering if you could tell us about any public education campaigns that might be ongoing right now for prevention of workplace injuries.

THE CHAIR: Mr. MacLean. It's all good.

STUART MACLEAN: I'm going to have PTSD before this is over. (Laughter)  
Understood.

[11:15 a.m.]

We have a lot of things. I'm going to give you a couple of practical examples. Mr. Patzelt spoke about the pandemic, and I would agree with him, that I think LSI did an incredible job of helping our employers figure out what it is they need to do. In fact, there's a parallel. You think about safety, you're aware about it, you've got a best-practice approach, you're preventive. Sounds familiar, right? That's exactly what we do with physical injury. That's exactly what we need to do with mental injury. It's exactly what we did in the pandemic.

When the pandemic hit, as an example, we put safety material online. We had millions of impressions there. We saw hundreds of paper posters, kits distributed, direct-to-workplace print distribution. We sent things out so people could have something to show to their employees - what it is your expectation is.

This is a complete digression, but I remember going to a wharf one time and saying to the fishermen, you should be wearing PFDs, and they said, you should make it a law. We said, it is the law, and they went - then the PFDs went on. It just seems sometimes you just have to connect the dots. That's what I'm speaking about when I talk about being more practical and being connected.

A poster is very different from an ad on television. Some of us don't watch much television, but if you're going to the workplace and you look on the wall, and it says only do something if you can do it safely and we care, and the CEO or the general manager's walking on the floor saying, if anybody sees something unsafe, let's change that, we've got to have people understand the role that they can play in cultural change.

I'll give you a couple of examples in fishing. In fishing, we did man overboard demonstrations. Fishing, we re-engineered the PFD so it didn't have the tag. It kept getting hooked into the net. We built it into the PFD instead. We worked with LSI. We worked with the Department of Fisheries and Aquaculture, with DFO. I'm talking about Environment and Climate Change Canada bringing everyone who can possibly make a difference into the conversation and making sure we turn over all of those things to try to create a safety culture. That is supported by marketing, because you're now giving them their calendar or your posters that have a PFD on them.

It's just the law. Put it on the wharf. They go, wait a second, it's the law. That's just a really practical and tangible example, and that's just - I love fishing safety. There are a lot of different areas. Construction does the same thing. We're doing the same thing in manufacturing, ergonomics. It's an incredibly complex business when you look at all the different hazards that people face, and we've talked about some important ones. MLA Leblanc was focusing on mental health.

The world is changing quickly, and we need to be adaptive, and marketing is one area where perhaps - I will say this. We have a partnership with Atlantic Canada on social marketing. The ads that you hear on the radio or on TV are created in partnership - so we share the cost of making the ad. That way we have more money to put the ad in market. We have more money to actually spend on getting out with our people and making sure those messages are strong, and that we get those messages across of where there is opportunity to improve. We're trying to be really tactical. I hope that's helpful in some way.

GARY O'TOOLE: As Mr. MacLean suggested, there is a lot of cooperation in this area in creating awareness. We work quite closely with our colleagues at WCB around creating awareness campaigns that are general, yes, but also specific and targeted to the appropriate sectors, where we're seeing maybe events unfold or a significant number of injuries.

We work with them on those awareness campaigns. Some of them recently you would be aware of. We certainly participated in the Day of Mourning activities in support of that event through its design and implementation, but also the Westray 30<sup>th</sup> anniversary event - certainly, an opportunity there to create awareness around occupational health and safety, and memorialize those who were taken from us.

There is a significant effort to recognize those large events through the year, but also events that you wouldn't necessarily see publicized in major ways. Posters, yes, and TV and ad campaigns, yes, but also very specific awareness and outreach campaigns to specific sectors. I mentioned some of those earlier, for example, with the fishing sector that Mr. MacLean also mentioned. Dock Talks is an example of us showing up with safety officers and WCB partners - Fish Safe NS on a dock to talk to fishermen on the morning before they deploy their vessels. That's quite a common activity across the province.

We're working quite closely with the hotel sector - I mentioned earlier - on an awareness campaign for them to be aware of specific workplace hazards in that sector. Continuing care, I mentioned.

We're also doing work specific to small business, and so I'm really glad that Mr. Patzelt mentioned COVID-19 earlier. I am almost trying to block that from my memory at this point, but it is still very much a reality. Certainly, our team did a lot of work around COVID-19 compliance activities, but also very specific awareness and outreach campaigns that really helped get the economy going and open businesses that had been shuttered for some time or significantly impacted by COVID-19 events.

One of our main activities coming at this point in COVID-19 and through the last probably seven or eight months is the development of an employer's guide to COVID-19, and specific advice and information for employers to consider as they reopen and as they continue to function despite COVID-19 still being present in our communities. Having an employer guide that provides very specific technical information to businesses so they can continue to operate.

I would consider that maybe not your traditional social marketing campaign or ad campaign, but certainly a very significant awareness and outreach for our team with respect to making sure that businesses have information that they need to make sure safety is a priority.

ROBERT PATZELT: If I may add, not only have we learned from COVID-19 and Stuart's experiences in fisheries, one of the most moving things in the fishery side - a lot of fishermen now embroider the names of their family members on their life jacket. That's to remind them as to why they wear a life jacket.

From those lessons, we realize that we have to connect with people. You can lecture all you want, and you can put all the posters up, but we've now created campaigns not specific to an industry, but specific to a population. In this case, I'm talking about youth. We're getting into the high schools, we're getting into the student Summer employment areas and saying, you have the right to refuse work, right?

Mr. Chair, you alluded to a time back when you were out west and how you factored in deaths. I remember my days in construction, putting myself through university. We just arrived on the job site, and we just took the abuse from the older ones and that. There was no training. We needed the money, and we followed their rules - those social constructs.

Now, we're changing that conversation and saying this is important to you because - and I go back to my opening remarks - we all want everyone to come home. It's hitting those youth early. Again, we don't know what sector they're go into, but we can go into

the O2 program in the schools, we can go into the community colleges as well, and say this is important because, quite honestly, your life depends on it.

THE CHAIR: As a former community college instructor, too, it is cultural. It starts from there. Ms. Leblanc - oh, Ms. DiCostanzo. (Interruption)

SUSAN LEBLANC: Directly related.

RAFAH DICOSTANZO: Mine is related as well. I asked earlier if you track or do you know how many newcomers or people who are new to the country, and you said: we don't track. I really had a hard time with that.

As a medical interpreter in Canada, the system is about keeping your privacy. It used to stun me, especially the newcomers. They don't understand this privacy issue that we have in Canada where one department, whether it was the IWK, and another department working together on the same file, but they would not communicate with each other until the patient - because there is a privacy issue. It used to drive the patient - like, of course they are allowed because they're helping my child.

The newcomers don't understand our privacy issue. For me, you're not tracking the newcomers and what they're doing, and you are trying to help them - that's where we're going wrong with the newcomers. It is important that you know they've only been here two years. Maybe on their application as they get the job, there should be something saying how long they have been in Canada so that their employer can target to educate them. What you just told me about their right to refuse, they don't know any of that and we need to educate them. They're terrified to lose their job. You think they're going to say no to somebody going on a ladder that's three storeys high? No - they don't know that.

How do you help the employers who are employing these newcomers to make them aware - Canadian kids grow up knowing these things, but the newcomers don't have that. Is there a system maybe with the schools - I'm glad to hear that - or even ISANS. We need to educate the newcomers of what their rights are. It's not about language. This is about rights.

GARY O'TOOLE: It's a really important question. Just to follow up on what Mr. Patzelt said earlier, we also spend time in schools and community colleges whenever we can. Our safety officers visit locations to provide educational and awareness activities for classrooms and high school students. We intentionally focus on high school students because we know they're entering the workforce. They have Summer jobs where they may not know their rights and they may not know what the safety requirements are. We want them to be sure that they know they have rights when they're entering the workforce.

It's the same with newcomers. We're working with settlement organizations. It's a piece of ongoing work that we're really just venturing into the last number of months to

work closely with them to help newcomers understand what their rights are, what the safety requirements are, but also working with employers to ensure that they have resources that are available in a variety of languages.

Of course they can call us. I welcome calls from any employers who are employing newcomers who may need information or additional support around education and creating awareness in the workforce, to call our 1-800 telephone number and reach out to a safety officer who's close to them so that we can make sure that we forge that connection.

RAFAH DICOSTANZO: I think it's important that we track. You don't know how many are newcomers, how many of your injuries, if you don't collect that data. We're afraid to track things but it's very important to know, especially if we're doubling up the immigration.

Our economy is depending on the immigrants. It's an amazing thing, but if we're not tracking and knowing as a preventative for them - I have one of the Syrian refugees who arrived here. He's a surveyor, and of course took a job. They had to take them to the farms. He ended up a year with back injuries, with operations.

He did not know that he had the right to say no. Not only just to say no, but with a minor injury, you can say - they can't. They're afraid to lose the money, to lose the job, and then they go back to the same and make the injury twice as bad. To me that's a huge preventive thing in educating them what their rights are. That wasn't a question.

SUSAN LEBLANC: Just this discussion about the right to refuse work and who has agency on a worksite to refuse work and who doesn't goes back to my comments earlier about systemic racism and discrimination in the workplace. If one is not a white guy on a construction site - it could be a white woman, but could be a person of colour, guy or girl, whatever - they are going to have less agency in certain workplaces.

I just want to keep at this question of psychological harm and including racism and discrimination. Our office received an FOI that contained a briefing note from January of this year to the Minister of Labour, Skills and Immigration about psychological health and safety. The note explains that the International Labour Organization Convention 190 - and Canada is a party to that - recognizes the right of everyone to work free from violence and harassment. Much of the note is redacted, but it appears to suggest that Nova Scotia's lack of a workplace psychological safety policy is inconsistent with Canada's work to ratify the convention and may be even hindering the work.

I'm just wondering if either the deputy minister or Mr. O'Toole can respond to the concern that our federal government is attempting to align with international work on workplace mental health and safety, but meanwhile Nova Scotia is lagging behind. That's my first question.



[11:30 a.m.]

AVA CZAPALAY: I think this will be a co-operative approach to a response. Certainly we have flagged psychological health and the important role that it plays in the overall health and safety of the workplace to our minister through the briefing note that you referenced. We've also indicated to the federal government that we do support that charter that you referenced just now, Convention 190.

Through Mr. O'Toole's branch, we are looking very sharply at the role that mental health plays in the workplace. I was really pleased to hear you reference harassment and bullying in your question earlier. When you have vulnerable workers and particularly newcomers, perhaps, and underrepresented groups in trades and other workplaces, there is potential for that. We have a very sharp lens on what we feel we would want to do to improve the recognition of mental health as a potential injury in the workplace beyond physical injuries.

I'm just going to check with Mr. O'Toole to see if I left anything out.

GARY O'TOOLE: What I would add to that is, we certainly recognize the complexity of these issues and the interconnectedness of the issues. That's why through our work we're making sure that we connect not only with WCB, but also with the Office of Equity and Anti-Racism Initiatives and the Office of Addictions and Mental Health, because we know that there is overlap on these issues and we want to be well-connected and organized around our approaches here.

We know that we supported Canada's ratification of Convention 190 and we also know that our legislation in Nova Scotia does not specifically mention harassment, and that violence is mentioned in regulation but has limited application. We know this and that knowledge is really informing our approach going forward. We're considering the harassment elements of what's missing, maybe, in our legislation as being part of our broader psychological health work. We've prioritized that as the same package going forward, and understanding that there are many connections and lots of issues where there is overlap and we need to be really working in concert with our colleagues in other departments and agencies.

SUSAN LEBLANC: I hope that that results in amendments to the legislation coming forward in the Fall. It feels like that is a step that would really enshrine all of the things that you're talking about. Why not just change the legislation? And when I say "just," I know it's a big deal and I know it's a lot of work, but that's what we're here for, right, folks?

I just wanted to talk for a minute about the workers who aren't covered by WCB. I used to run a theatre company and there's this really weird thing where when someone was an employee of the theatre company sitting in the office pushing paper and writing cheques,

and they had to be covered. But if someone was on stage jumping around, making shows, they couldn't be covered, because it was an exempted industry.

STUART MACLEAN: An exempt occupation.

SUSAN LEBLANC: Yes. So then you think, okay, well, that's fine, because we're union actors and so our union will cover us for when we're on stage and we have insurance in that way. But lots of performers aren't union performers, and lots of work sites aren't union work sites in the performing arts: dance, theatre, film and television.

I'm wondering if you can comment on that and also wondering, given that information, when you do make TV ads, do you use unionized workforces? That's the only way to protect workers in that world.

STUART MACLEAN: I think it's probably an LSI legislation issue, but I'm just going to put some colour around some of the commentary you have there, because I think it's an important element.

No one would design our coverage requirements. If we were doing it from scratch, you would not do it the way it is. It's something that's happened incrementally over time as the legislation developed since 1915, when they started to actually contemplate, and there was a union element at that time that was pushing for coverage for workers.

Today we have exclusions, a number of them that are problematic. One is the occupational exclusion. In some circumstances, it makes a lot of sense. A surgeon, for example, might be excluded - a list of surgeons - because a surgeon makes, let's say, a lot of money, and then you have a small benefit, it might not be that practical. But it also excludes things like performers, and it also excludes professional athletes, as an example. If one of the Mooseheads gets injured, they're not going to be covered, but the staff at the office of the Mooseheads would perhaps be covered, similar to your circumstance.

Then you have industrial exclusions. It's by number of workers. You can be a small company. You could be out because you have fewer than three workers and that's problematic, because you could work in construction and not have to cover your workers. That's something that we are concerned about, and then you have, obviously, industrial exclusions.

Coming back to temporary foreign workers and MLA DiCostanzo's issue, you could have farms, as an example. Farming is non-mandatory. We have a lot of farms that are covered because they come forward voluntarily. But they use temporary foreign workers, and those workers don't know. If they get hurt, what happens to them? It's complicated, and no one would design it that way. I could go on about this for a long time at my peril, which I'm not going to do. But I just want to put the flavour on it that there's no question that simplification - I will say lastly if you were in P.E.I., New Brunswick, or

Newfoundland, most of them have universal coverage, which means most people are covered, right? We're an outlier to that to some degree when it comes to that.

SUSAN LEBLANC: One more? Just a tiny little question, please, Mr. Chair? Please?

THE CHAIR: Go ahead.

SUSAN LEBLANC: So what do we do about it? Does it require a legislation change to make universal coverage in Nova Scotia?

STUART MACLEAN: It would.

SUSAN LEBLANC: Thanks. See? It was that small.

THE CHAIR: MLA MacDonald, please.

JOHN A. MACDONALD: I told you I'd defer to you. I didn't say no to him, did I?

We've - I just find it eerie. We keep talking about 30 years. Thirty years ago, WCB basically was on the brink of bankruptcy, right? Thirty years ago was Westray. It's weird that that number is all discussed today, so the big question is: What have we learned from Westray, because, to your point, we're changing all the time and we have to change how we're thinking, but based on 30 years ago to now, what have we learned to be better? I leave that to whoever wants to tackle that huge question, because it's not a quick answer. I want to have a follow-up, though.

AVA CZAPALAY: Maybe I could start, and I just want to make a point about universal coverage, because I saw how excited you were by the answer. I just want to mention that universal coverage means that you can't do other things in terms of expanding benefits and that sort of thing. It's always about considering the approach, and what we want to do, and how we want to use the limited resources that are available to us. We tend to talk about expanded coverage, because there are some sectors like teachers and civil servants that are covered under other means. I just wanted to distinguish between universal coverage and expanded coverage.

On Westray: I was honoured to participate in the Westray anniversary. It was my first time to visit the memorial. As you know, my grandfather was a coal miner. It meant a lot to be able to be there. It was a very touching ceremony to see 30- and 40-year-olds laying wreaths on behalf of parents whom they didn't know. All sides of government were well-represented at the memorial, showing respect for that incident, and, also, I think for the very sharp lens that it shone on safety and the necessity to have a culture of safety here in Nova Scotia, and to not sacrifice safety for jobs.

We're very aware of the Westray bill, Bill C-45, that was officially added as law to the Canadian Criminal Code as a result of Westray, and established legal duties for workplace health and safety. That law did impose serious penalties for violations that result in injuries and death at work. I'll just see if my colleague would like to add to my commentary about the Westray law and the impact that it's had going forward.

GARY O'TOOLE: I'm pleased to say that I really loved MLA Harrison's question earlier about process improvement. I didn't get to respond directly, but that's something that we take very seriously. That ongoing commitment to make occupational health and safety programs better is in sharp focus for my team at the department.

We talked a lot earlier about how we do awareness and outreach activities with high school students and a wide range of other folks. That's really great for us to convey to those folks what the rules are, what the safety requirements are, but we also take information from those engagements. We learn a lot too as officers who show up and provide education to students or any number of other people. That officer takes learning away from that activity. I like to think that we are a well-oiled-enough branch to be able to incorporate that into process improvements for our own work. That's an ongoing commitment that we have to quality.

What I would say about the Westray law - and there's been lots publicized about the Westray law, certainly, and rightfully so - I would say it's always in focus for us to make sure that safety laws are applied. We talk sometimes about our pathways to compliance, and the spectrum of activities that show up on that framework that we have and the focus that we have on education and promotion, all the way through to verification and ultimately to enforcement if it's needed.

The promotion and education aren't always the starting point. Sometimes you have to start with enforcement because the serious nature of the conditions that an officer might find in a workplace warrants a really strict approach right out of the gate. It's a straight path to a ticket or a charge under the Act or a stop-work order or any number of activities or penalties that might be issued under the Act. I'd say that is an ongoing piece of work for us to be constantly calibrating - where do we show up on that spectrum of activities at any given time and is it appropriate for the situation? - and always reflecting on that.

I would say what has come out of Westray is really more intentional focus in that regard to make sure that we're using whatever spot on that pathway to compliance is an appropriate starting point, given the context of the situation that officers might be confronted with.

STUART MACLEAN: I think there's a lot in response to your question. If you went back 30 years ago, you mentioned a couple of things. We were functionally bankrupt, had the most injuries in Canada, we had companies like Westray that were ignoring coal dust and explosion warnings and disabling - all the different things that are part of the

folklore of the Westray disaster. You look forward today, we've got education in the school system in Grade 9. Maybe we could do more there. We had, as an example, at the Westray event, there was a webinar that went out into the school system. There were speeches where they had panels and they talked to people like the labour unions, and they talked to people who were engaged there.

We had first responders meeting with students. They were in the trades, so they could learn directly the stories, and they could hear what it was like to put on the equipment. They actually had people trying on the equipment and doing things like that.

The worst financing, the most claims, and it was really a bad situation. We have a lot fewer people and we've got a line of sight to a great strategy, we've got financial strength, and we're in a position where we can improve things. We have some flexibility to finally bring rates down and become more competitive in this province and contribute positively to the economy.

I will say there are other programs in place like, for example, Experience Rating, which says to an employer you'll pay more if you have an unsafe workplace. That's made a big difference. Surcharge programs, where if you're really worse, then you're going to get even additional surcharges until you fix that, and you get people's attention. All of those things are multifactorial when it comes to trying to change the way that people behave, because you're talking about behaviour modification here. It's culture. How do you change the way people think about things? How do you change what they do? Do they invest money in it? Is it worth it to do that?

Ultimately it needs to be worth it to protect people, but it also needs to be worth it - people need to connect the dots. A strong economy and a strong company is a safe company. You can't take shortcuts and you can't do that. I think honestly it wasn't like that 30 years ago, and a safety culture has emerged in this province. It's not where it needs to be. As Mr. Patzelt and the deputy minister said earlier, we've got a long way to go. But I'm so optimistic just because all these different - we have a best-practice approach that's informed by all other jurisdictions across Canada, both in occupational health and safety and in workers' compensation, so we know we have a best practice approach.

We know we need to get leaders engaged. We've got CEO charters now. There are over 150 CEOs who come together as a charter. They have hundreds of thousands of employees. They're talking about psychological safety. They're talking about incentives. They're talking about how do we actually retain people in this province and how do we keep our workers safe and how do we keep them working? Those conversations are happening at forums. They weren't happening back then.

I think on every objective measure - fewer injuries, better financial position, better conversations - we've got social marketing, and we care about it. We've got a government

that's actually investing in safety and health care. These are all reasons to become optimistic about our future.

[11:45 a.m.]

ROBERT PATZELT: Mr. MacDonald, a lot has changed in 30 years. Right at the C-suite and above, I can tell you right now, 30 years ago, safety, health, and quality weren't on the agenda of boards of directors. They are now on every agenda.

Even at Workers' Comp, we get the reports of our 450 employees. We have our own JOHS committee. We walk the walk. To be a director at the Workers' Compensation Board, you have to take a defensive driving course and you have to take first aid. We believe in safety. It's part of our core culture and we have to walk the walk. I hope I never have to use the first aid training that I've got.

I think a lot has changed in 30 years, from the bottom up and from the top down. Like Stuart and like my colleagues at LSI, a lot of optimism. It's going to make us a place where people want to come and live.

The test for me isn't how I did in my corporate career or whatever. The test for me is with my four children: Do they want to live in Nova Scotia, and can they live in Nova Scotia and have a job? That includes being paid properly but also being safe.

I know that we all share that goal. What we're doing here today and what you're doing every day in public service is trying to accomplish all of that.

THE CHAIR: Mr. O'Toole, I believe I see your hand too.

GARY O'TOOLE: Just to add a supplementary comment from my earlier remarks - and it's been articulated so well by Mr. MacLean and Mr. Patzelt - is what is the goal of the program and what's the measure? We're often asked this question in the department about how many inspections or how many charges or how many tickets were issued. Those are really important questions, but they're really a surrogate measure. The goal of the program is to have better safety outcomes and healthy people at the end of the day going home from work, not to have more charges under an Act or more tickets or more administrative penalties - recognizing that those are important measures, but they're not the measure of a program or a safety approach or having a good safety culture in Nova Scotia.

THE CHAIR: We probably have enough time for a quick follow-up. MLA MacDonald.

JOHN A. MACDONALD: I would say the measurement would be more visits, less tickets. That's probably a good measurement, I would say. That's my comment.

THE CHAIR: That was informative. That was really good. Thank you. I still have a bit of a list here. We won't be able to make it through today, but I will offer some time for some closing remarks. Deputy Minister Czapalay.

AVA CZAPALAY: I just want to thank the committee for their insightful questions. I feel like the importance of workplace safety and the measures we take to educate on, work with, and prevent workplace injuries is well understood by this group. I really thank you for your questions.

I particularly welcomed the question on newcomers. As we grow our population and diversify our population, we definitely will be having a mix of languages and cultures in our workplaces that hopefully will enhance the innovation and the work that we do and drive our economy forward. But we also need our newcomers to feel welcome and safe, and that covers off the mental health - the ability to work free from harassment and bullying and also to understand what safety mechanisms are in place in the workplaces.

I particularly want to thank Mr. O'Toole for his leadership of the Safety Branch and the hard work that he and our colleagues are doing within the branch to ensure that safety is in everything that we do, and that we lead with that first and foremost in all of our work - actually, regardless of the branch. So thank you very much.

Also, to our partners at WCB. We meet regularly. We talk all the time, our teams talk all the time, and we work in close alignment. Their partnership is very much appreciated.

THE CHAIR: Mr. Patzelt, did you have anything? Mr. MacLean?

ROBERT PATZELT: I couldn't add anything to that. I mean, I think it covers it off. I'll leave it at that, Mr. Chair.

THE CHAIR: Once again, I thank you for coming here. It really - no? MLA Leblanc, did you have something?

SUSAN LEBLANC: I just want to go back to my question about the use of unionized performers for advertising for WCB. I didn't get an answer to that question, and I'm wondering if I could ask in a friendly way to have the answer, or could I make a motion that the committee ask for that information at a later date from the Workers' Compensation Board?

STUART MACLEAN: We're happy to follow up. I'll contact you directly, and we'll find out the answer to that, okay?

THE CHAIR: All right. Our next meeting is on Tuesday, July 26, 2022, from 10:00 a.m. to 11:00 a.m., and it's Appointments to Agencies, Boards, and Commissions only.

This meeting has adjourned.

[The committee adjourned at 11:51 a.m.]