

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Darlene Compton

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[Hon. D. Compton in the chair]

Matters of Privilege and Recognition of
Guests

Speaker: The hon. Premier.

Hon. D. King: Thank you very much, Madam Speaker.

Good afternoon and welcome back to my colleagues for another day of debate in the provincial Legislature.

I'd like to welcome a very full public gallery today filled with students from the Holland College journalism program, I understand. Welcome. It's exciting. Their instructor, Sally Pitt, who most of you would know for her career at CBC; I knew her, of course, as a fellow alum of the *Eastern Graphic* from a lifetime ago, it seems. I can say you're in good hands. You're learning from one of the very best. All the best to all of our colleagues here today.

I want to say also a special thank you to Credit Union of Prince Edward Island for their very generous gift of \$250,000 to the Holland College Thrive Campaign. It's a \$2.5 million fundraising effort to establish a centre for student wellness and resilience. It's a success at Holland College and I know many Islanders and Island companies have been helping out. I want to thank the Credit Union for stepping up in a very big and generous way and for doing so.

It's also Smile Cookie time at Tim Hortons. Until November 19th, all proceeds go to local charities and community groups. As if we need any more excuse for a run through the drive-through in the morning, this is another good reason to do so.

[1:05 p.m.]

I've also had the pleasure to get to know personally, over the course of the last number of years, Mr. Peter MacDonald; car dealer, of course, an auto dealer from the D. Alex MacDonald family who's taken over with his family that dealership. He's also the vice chair of Health PEI. I know him as a curler and a golfer and a genuine good

person. Just really pleased to see that he is receiving the national Laureate award, presented annually to one dealer out of 3,400 across the country. On behalf of all Islanders, I want to thank Peter for his great service, and continued good luck.

As we move into the holiday season, for those – I hate to say it, it still seems early, but I suppose it's upon us now – seeking gift ideas, I have noticed that the ECMAs, which are being held in Charlottetown next year, have their early bird passes on sale. A good idea for those who might want a stocking stuffer or something, to take in a tremendous event that will be held here in PEI early next year.

I also just want to say congratulations to the Colonel Gray Senior AAA Men's Volleyball team for taking home a championship banner, defeating Bluefield on the weekend, of course. But Bluefield was not to be deterred. In the women's competition, they defeated Charlottetown Rural to win.

I was talking with my son Cal on the way to Bluefield School today that a lot of banners are being hoisted in Bluefield School this year. They've had a great PEI School Athletic Association run at Bluefield. So, I just want to say to Darryl Boudreau and all the crew at Bluefield, and to Phil Bridges with the PEI School Athletic Association, keep up the great work. It's great to see our kids and students active.

I wish all of my colleagues in here today a good day of debate, Madam Speaker.

Thank you.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

It's a pleasure to rise today and welcome all those who are watching online and those who are in the gallery today, especially the Holland College journalism students along with their instructor, Sally Pitt. Welcome.

With that, Madam Speaker, I'm going to get to work.

Thank you.

Speaker: The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

I'd like to welcome back my colleagues and say hi to everyone tuning in from Charlottetown-Victoria Park and all around the Island. Welcome to everyone in our gallery today. It's really nice to see you all. Welcome.

I'd like to take a second just to congratulate Sally Pitt on her new role on *Compass* with the political panel. It was really nice to see a woman on there for a change.

Last night I attended the Credit Union event, which was a lovely event, and just caught the tail end of the *Island Digital Voices* at Upstreet. Unfortunately, I missed most of it, but I was having some chats while I was there and said I would watch it when I got home. So, I immediately went home, and of course the very first one I watched was Leo Cheverie's, and had a good cry, and then actually watched all of them. My son wanted to watch a show before bed and I said, "We are watching a show before bed. Just stay with me here."

This evening there is a fundraiser for Gender Affirming Care PEI, PEI Transgender Network, and Lacuna Events. It's happening at the Trailside Music Hall this evening at eight, and as I mentioned, 100 percent of these proceeds will be going towards PEI's transgender and gender-diverse community.

The event, which is being held during Transgender Awareness Week, features performances from Alicia Toner, Brandon Howard Roy, Catherine MacLellan, Craig Fair, Dylan Menzie, Inn Echo, Irish Mythen, Logan Richard, Meaghan Blanchard, Noah Malcom, and the Burning Hell. It starts off with a songwriters' circle in the beginning, and then ends with some special guests performing in the band. My husband Ryan and I will be going to that this evening and we're really looking forward to it.

And today we all had the opportunity – if we were interested or if we hadn't got already – to get our flu shots, so I went and got my booster. Just an easy way to protect ourselves and our loved ones and those

around us. So, if you haven't done that yet, just please make sure to get your flu shot.

Thank you, Madam Speaker.

Speaker: The hon. Minister of Workforce, Advanced Learning and Population.

Hon. J. Redmond: Thank you, Madam Speaker.

Good afternoon to all my colleagues. Welcome to the journalism students from Holland College and Sally Pitt, and to those tuning in from beautiful District 5 Mermaid-Stratford.

Today, I'm rising to bring some recognition as November is Diabetes Awareness Month. Diabetes takes work and our family knows this all too well. Almost three years ago, our daughter, now 12, was diagnosed with Type 1. Every day, we work hard to keep her healthy and safe while trying to make sure she has a normal as possible life.

[1:10 p.m.]

This Diabetes Awareness Month, I encourage everyone to spend some time learning about the reality of living with diabetes and advocating for a better future for everyone. Additionally, to recognize this month, the lights at the Shaw Building will be shining in beautiful blue this evening and my home is lit in blue for the entire month. Thank you to all of my colleagues today who are wearing beautiful blue to help bring awareness to diabetes.

Thank you.

Some Hon. Members: Hear, hear!

Speaker: The hon. Member from Souris-Elmira.

R. Croucher: Good afternoon, Madam Speaker, good afternoon to everyone in beautiful District 1, and good afternoon to all of you here in the gallery today.

I was leaving home this morning to come into the office, and I had a few minutes, so I decided to stop at the Souris Hospital and visit an old friend, Boyd Leard. Many of you in the House will recognize Boyd's name as being the Green Party candidate in the

previous two elections, but Boyd is much more than that. Boyd is a business owner, a town councillor, and a friend to many.

I consider it an honour to have my name beside his on the ballot this past April. Although we don't wear the same political stripe, I can safely say that we share the same common goals and aspirations, and that is to make the lives of the people of Prince Edward Island and District 1 just a little bit better in whatever capacity we can.

Boyd has spent many years serving the needs of Eastern Kings. Even from his hospital bed this morning while chatting with him, it was evident that his passion for the issues are still alive and well today.

I would like to close by saying to Boyd and Joyce that we wish you well, we wish you a speedy recovery, and we are thinking about you.

Thank you, Madam Speaker.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Thank you, Madam Speaker.

Welcome everyone in the gallery today and everyone watching in District 8.

I realized I haven't given greetings since the fall sitting had started so I wanted to make sure I got up and said hi to my Aunt Georgie, who's in the Prince County Hospital. She's a faithful watcher. I hope this brightens your day.

Thank you.

Speaker: The hon. Member from Rustico-Emerald.

B. Trivers: Thank you, Madam Speaker.

It's a pleasure to rise today and welcome everyone who may be watching from District 18 Rustico-Emerald. Especially, I want to give out a shout-out to our fishers who are taking their boats out of the water. Most of them are already up on the shore. I get a good view of them out of the window of my house in North Rustico. And also, the farmers, many who may still have crops in

the field; thinking of you and I hope that comes to an end soon.

Also, I wanted to say hello to everybody in the gallery here today. Nice to see you.

I wanted to wish a happy birthday to Eric MacPhail. He's turning 14 today, and of course, he's the son of Anne Zakem. Anne, as you may well know, is a breast cancer survivor and I'm going to be talking about that a little bit later today.

Two more things. I want to recognize Steve Wilson, who is leading the School Food Program Inc. He was one of the chefs that was a founding member and he put a lot of hard work – started as a volunteer, eventually got hired on. He is the one who is behind the wonderful menus and worked a lot with the restaurants to ensure the quality and consistency. I want to give a huge thank you to Steve Wilson for all of his work, and I think because of the work he put in, we're going to see continued success in the School Food Program.

Finally, the Bluefield Christmas Craft Fair is this weekend. We may have heard that. I just want to reiterate. Friday afternoon and evening and Saturday afternoon and evening, come out. I believe the funds go to support the Bluefield band. Emmeline knows all about that. I just encourage everybody to go check out this great craft fair.

Thank you.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you so much, Madam Speaker.

It's a pleasure to rise and welcome everybody back. I particularly want to welcome the full gallery that we have today. How lovely to see so many young, smiling, enthusiastic faces here to witness the workings of the Legislature firsthand. Thank you, Sally, for the work that you do at Holland College. I've had the pleasure of attending previous classes and been grilled – friendly grilling, I might say – but a really interesting experience. I hope that you also have an opportunity to invite some of the

legislators here into your classroom and ask them about life as an MLA.

Last night, I attended a public meeting in Afton Hall. The Rural Municipality of West River had a very, very well attended and vigorous meeting on a proposal there. It was so nice to see a fairly new municipality, which has just recently developed its land use plan and bylaws, go through the process of a rezoning, and a pretty contentious issue I might say. But the engagement of the community, to me, was the success of the process which got us to this point.

[1:15 p.m.]

I want to congratulate all of the folks at the Rural Municipality of West River who were instrumental in making sure that this plan came forward, the minister for signing off on the plan earlier this year, and mostly for the public for showing up last night and being a part of democracy, really. It was a lovely event.

Finally, I would just like to follow on the remarks from Souris-Elmira regarding Boyd Leard. Myself and the Leader of the Third Party had the opportunity to go and visit with Boyd last week in Souris Hospital. It was lovely him, hard to see him as he was, but I was delighted to chat with the member earlier this afternoon and hear that Boyd is doing better.

One of the enduring memories that I carry with me from the last election is of campaigning with Boyd. He'd had one amputation at that point. I couldn't keep up with him. Boyd is well into his seventies. The weather was not great, but my gosh, he was putting in hours every day on one leg, and a prosthesis, of course. He's just an inspiring man in so many ways; the deputy mayor of his community, run a business there for decades.

So, I continue to wish Boyd all of the best. He and Joyce have gone through some hard times recently. There was a beautiful online auction which brought in many thousands of dollars to help them with all of the costs associated with his illness.

I realize I've gone way over the time allotment this morning, Speaker. Thank you for your indulgence. Thank you.

Speaker: The hon. Member from Charlottetown-Winsloe.

Z. Bell: Thank you, Madam Speaker.

It's a pleasure to welcome all the journalists and future journalism people. As a former journalist, I appreciate you coming in and hopefully you enjoy the proceedings today.

Also, today is the ninth anniversary of #nogoodway. You've heard me refer to Motionball. Motionball is an initiative that helps Special Olympics PEI. They have a slogan which is #nogoodway. It's short for no good way to use the r-word. I know a lot of members here probably heard the r-word used in conversation. Today is just a great day to remind people that if you do hear people using the r-word in conversation, to not use that.

Thank you very much, Madam Speaker.

Speaker: The hon. Member from Summerside-Wilmot.

T. DesRoches: Thank you, Madam Speaker.

Just like to welcome everybody in the gallery today and all my colleagues, and I know I say it every time, the greatest district on the Island, District 21, whoever is out there watching.

One of the things that makes the district so great is, as the Premier alluded to earlier, it's Smile Cookie Week at Tim Hortons. I have two schools that fall within District 21, and both of those schools had MacIsaac Backhoeing donate cookies to all the students and staff at Three Oaks. Then Darcy Gallant from RE/MAX and Warren's Carpentry donated cookies to all the students and teachers at Athena School.

Our district is full of many great businesses. They went out and they donated cookies to every school within the area. Community Connections is the 50-cent partner with Tim Hortons that's going to benefit from it. I'd just like to give a little recognition to those businesses that did that. It was Consolidated Credit Union, Summerside Auto, Silliker Glass, Jamie Rogerson & Sons Contracting, Furniture Gallery, Town 'N Country, Kensington Agriculture, MacCallum

Electric, Paul Davis of PEI, and Paynter Brothers Construction.

Thank you, Madam Speaker.

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

I also want to recognize the Town of West River and Helen Smith-MacPhail, a great mayor in that newly formed community, and a very active CAO with Laala. We do share a little bit of that district with the Member from New Haven-Rocky Point, so a shout-out to them and all the good work that they do. Funny story, at Christmas, she hosted a little Christmas party and only on PEI would every single candidate from the provincial election in that district be at that party.

I would like to rise to recognize that this week is Nurse Practitioner Week on PEI. Nurse Practitioner Week is held annually to raise awareness of the exceptional care that they provide in our health care system. I want to thank all the nurse practitioners on PEI for their dedication and compassion to Island patients, and I want to welcome the nine nurse practitioners that we've hired since the January 1st of this year.

Thank you, Madam Speaker.

Speaker: Thank you. End of greetings. Feels like a Friday.

Statements by Members

Speaker: The hon. Member from Charlottetown-West Royalty.

[1:20 p.m.]

Lebanese Heritage Month

G. McNeilly: This is the first year that Canada is celebrating Lebanese Heritage Month. Today, I want to emphasize the profound significance of Lebanese Heritage Month in Prince Edward Island.

This commemorative date not only honours the rich cultural tapestry, but also serves as a testament to the invaluable contribution of the Lebanese communities to the social,

economic, and cultural fabrics of our province. By recognizing and embracing the Lebanese heritage in our province, we foster unity, diversity, and understanding, promoting a more vibrant and inclusive society for all residents of Prince Edward Island.

According to the Canadian Lebanese Association of Prince Edward Island's board of directors, the first Lebanese families came to the province well over a hundred years ago. Most did not know English and had to work selling items door to door, which led to their collective prosperity and success across the Island in retail, service, and hospitality, and their ties to the community grew across other occupations in law, medicine, and public service.

Joe Ghiz became the first Premier in Canada of non-European descent in 1986's general election and served as Premier from 1986 to 1993. Many years later, his son Robert Ghiz served as premier from 2007 to 2015.

One of my constituents, Olinda Gossen, moved from Lebanon to Canada in the early '60s. A decade later, she moved to PEI with her husband Joseph and they raised four children and six grandchildren here. To quote Olinda, "We all have our culture, so you should know about it and teach your children about it, too. You shouldn't forget your culture, ever."

The Lebanese community in our province is generous and inclusive. Each year, they invite us all to share their culture at the Lebanese New Year. In Charlottetown, when we think of our vibrant small businesses like Hashem's Convenience, Shaddy's, Cedar's Eatery, Dow's, Sam's, Papa Joe's, and many others, we think of warmth, we think of hospitality, and we think of kindness and gratitude.

Islanders of Lebanese descent have continued to contribute significantly to the Island community, and for that, we are forever thankful.

Happy Lebanese Heritage Month.

Thank you, Madam Speaker.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Statement? No.

R. Henderson: (Indistinct)

Speaker: Oh, the hon. Member from O'Leary-Inverness.

R. Henderson: He forgot, Madam Speaker.

Closure of Scotiabank Branches

Madam Speaker, I rise today to express my great disappointment with the Bank of Nova Scotia, who recently announced the closure of several branches in rural PEI. This includes their O'Leary branch, which they announced will be transferring all existing accounts to their City of Summerside location in November 2024. Scotiabank is also closing their Kensington and Crapaud branches.

For O'Leary account holders, this announcement places their banking services at a minimum of 60 kilometres away.

Recently, Scotiabank had a gross profit exceeding \$6 billion for the fiscal quarter ending July 31st, 2023, accumulating a fiscal year profit for the year-end of \$23.6 billion.

The branch in O'Leary has provided customers with exceptional customer service for years. Their corporate accounts include many potato export and seafood export companies, and those staff that their businesses employ throughout the local region. O'Leary has welcomed numerous families, some of them from other countries, who live and work in the community. They all require unique banking services.

This corporate decision has far-reaching impacts in our community. It is another hit in a short period of time to Main Street, O'Leary. I spoke in the spring about the government's questionable decision to move SkillsPEI Career Development Services to an unincorporated community, and further, this coming February, the Lady Slipper Villa will be closing its community care facility. The villa is moving to the newly constructed Willows Community Care facility on Royal Avenue, leaving the old facility with an uncertain future.

Main Street, O'Leary will now see three of five buildings in a row sitting vacant at the end of next year.

The government is in no position to criticize the corporate decision-makers of Scotiabank because they pulled their services out of O'Leary earlier this year. Rural PEI is not a priority for this Premier or this government, especially in western rural PEI. I'm sure the regional minister in West Prince must also see this.

It's a sad state of affairs for rural Islanders. Small rural communities have always been the economic drivers of this province. The departure of services like Scotiabank and SkillsPEI in O'Leary is one example, and it does nothing to help these communities grow and succeed. This lack-of-vision provincial government and its friends in corporate Canada need to understand that, and ensure rural PEI has what it needs. When rural PEI is strong, the banking needs of its citizens are also needed and strong.

[1:25 p.m.]

I hope this government gets around to understanding this before it's too late, and more services are not removed from O'Leary-Inverness.

Speaker: The hon. Member from Rustico-Emerald.

Breast Cancer Screening

B. Trivers: Thank you, Madam Speaker.

Every year, October is Breast Cancer Awareness Month, and this year's theme, "No one should face breast cancer alone," serves as a reminder for providers to consider the many ways they can partner with patients and families in the prevention, detection, and treatment of breast cancer. It is a plea to everyone to keep an eye on the wellbeing of the significant women in their lives.

In Canada, breast cancer is still the most common cancer diagnosed among women. An estimated one in eight women in Canada will develop breast cancer in their lifetime. It often seems like it's much more than that, when I talk to my friends and neighbours.

Early detection is the best prevention. When breast cancer is detected and treated early, the chances of successful treatment improve, and that is why early detection is so key.

Breast imaging is the examination of the breasts to demonstrate any changes or abnormalities using mammography and/or ultrasound. A mammogram is an X-ray test of the breast tissue, and it can provide information about lumps, calcifications, and other abnormalities that may be present in the breast. It's also available for screening purposes for women without any breast problems.

However, dense breasts make it harder for doctors to spot cancer because both cancer and dense breast tissue appear white on mammograms. A camouflage effect is created.

This is why breast ultrasounds are so important. Breast ultrasounds use sound waves, not radiation, to show breast tissue. A breast ultrasound can show areas of the breast, including the areas closest to the chest wall that are difficult to see in a mammogram. Breast ultrasound is used to check any abnormalities in the breast and provide further information.

This is why it is so important that a person knows what their breast density is so they can get an ultrasound, and as of January 2020, any person who gets a mammogram on PEI is informed of their breast density category in their mammogram results letter.

Our PEI government committed to screening ultrasound for women with category D breasts – those are the ones that are most dense – but it is really unclear to me whether that has been implemented yet. Advocates tell me ultrasounds should also be available to those with category C breast density.

It is essential that screening ultrasound is accessible to women in PEI who have dense breasts. This will save lives.

I should mention as a public service announcement: to request an appointment for breast screening, you can visit Skip the Waiting Room, or you can call toll-free 1-888-592-9888, or you can call the Queen Elizabeth Hospital or Prince County Hospital.

Thank you, Madam Speaker.

Responses to Questions Taken as Notice

Speaker: The hon. Premier.

Hon. D. King: Madam Speaker, I have here, in response to questions from the Leader of the Opposition, my calendar from June 1st to September 30th, 2023. I'd like to table them now.

Speaker: I move, seconded by...?

Hon. D. King: Oh, it's a response to a question though. Okay, I'll table them at tabling of documents.

Thank you.

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Madam Speaker, by leave of the House, I beg leave to table questions taken as notice on November 10th, 2023, and I move, seconded by the hon. Minister of Environment, Energy and Climate Action, that the said document be now received and do lie on the Table.

Speaker: Hon. members, tabling of documents, unless you're going to discuss the question or talk about the question. Okay. That's alright, we'll keep going.

Questions by Members

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

The Premier just mentioned he was going to table his calendar, responding to questions asked. I've been asking this question in this House for the past week because it really, really concerns who he spoke to about the vulnerable Islanders and crime here, in particular at the Outreach Centre in Charlottetown.

The reluctance to table that calendar, it was getting very strange. One day he said his calendar is online and it's public; the next day he says, "Oh, no, I made a mistake, it's not online." The day after, he says he'll table

it before the end of the day. That didn't happen. So, I was beginning to think that the Premier's calendar may have no entries about vulnerable Islanders, crime, or the outreach centre.

Support and plan for outreach centre model (further)

So, my question to the Premier: Why the delay? Why the reluctance?

Speaker: The hon. Premier.

[1:30 p.m.]

Hon. D. King: Madam Speaker, I was of the belief, as I said before, that my calendar was online. I'm shocked that it wasn't, but I have the document here.

As I talk to hundreds of Islanders on an annual basis about a variety of different topics, and certainly over the last number of months and years, the services that we provide to vulnerable Islanders is something that has been top of mind for me. I talked to dozens and dozens of people and will continue to do so to help not just inform potential government policy but to help formulate my own thoughts and maybe learn a little bit more on the way. I would encourage the Leader of the Opposition to do the same, although he's been reluctant to do so.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

I handed my phone to him the other day; offered if he wants to take it at any time and look at my calendar, he's more than welcome to. I do look forward later on to probably a very quick read.

I'm going to ask a new question to the Minister of Housing.

Yesterday, the minister gave one of the strangest speeches I've ever heard in this House. Essentially, he admitted that he was fully aware that the outreach centre is a massive problem, and he admitted that he had known about this incredible mismanagement by a do-nothing

government for many months. To quote, "there was a lot of discussion about this throughout the summer that there was open drug usage taking place on the property of the outreach centre." Open drug usage.

Open drug use at outreach centre

My question: If the minister knew this, why did he stand by and let it happen? Why did he enable these activities to take place?

Speaker: The hon. Minister of Housing, Land and Communities.

Hon. R. Lantz: Thank you, Madam Speaker.

I think what I was saying yesterday is what I've said many times in public now over the last weeks and months, that the outreach centre, I think, has outgrown its original purpose. Yesterday, I talked about open drug use throughout the city and how that's been enabled by a directive from the federal government that essentially prohibits prosecuting simple drug possession and use.

I've admitted that the outreach centre has really outgrown its intended purpose. There is a great need for services for the vulnerable population in the city. We've developed a plan to move forward to address that and respond to the growing demand for these services, but I think that there was a lot of public discussion, and everyone was aware of that, and I was simply acknowledging that.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Madam Speaker, that is a prime example of a government that will say anything, that will do nothing, and blame others.

There are hundreds of people who live in the area of the outreach centre here in Charlottetown. They've been putting up with open drug usage for a couple of years now. The minister said yesterday that he has known about this for many months.

Minister, why was this acceptable to you? If you had a part of doing anything with this do-nothing government, you chose to do just

that, to do nothing, while a community put up with open drug use. Is that what you did?

Speaker: The hon. Minister of Housing, Land and Communities.

Hon. R. Lantz: Madam Speaker, it's a very difficult issue. It's not unique to Charlottetown or to anywhere to Prince Edward Island, or anywhere in this country, as we've all acknowledged and discussed. How we deal with this is going to be a very difficult solution. It's a complex problem.

We're moving forward with expert advice on how to serve the vulnerable population in Prince Edward Island and how to steer people to the appropriate services that they need, whether it be for mental health, addictions, family counselling, violence prevention, whatever it may be. We're going to design a suite of integrated services to help steer people to the services that they need at the right time and the right place.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

Again, this minister went on yesterday about the outreach centre, and he said, "I think a decision was made that if we can contain that here, perhaps it will cut down on that public appearance, public nuisance, public danger."

That was the minister's decision. Was that your decision, minister? Contain that here? Cut down on public appearances?

Speaker: The hon. Minister of Housing, Land and Communities.

[1:35 p.m.]

Hon. R. Lantz: Madam Speaker, I don't make operational decisions about the outreach centre, but I think that given the amount of open drug usage in the city at the time, I think that there was a decision made with good intentions to, I think, tolerate usage on the property of the outreach centre. I think that that was acknowledged that it was a very poor decision and it was reversed in due course.

The intention was to help reduce what was happening on the streets, in the neighbourhood, in the community. As well intentioned as it was, it's probably not good policy and it was reversed. We're back to the situation where we need to find solutions for moving forward rather than looking backwards.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

The solution moving forward would also be to have a plan, and that's obviously something that this government doesn't have.

Never mind the public danger that this minister talked about. His main concern was public appearance. Not public safety. Not public danger. That is so typical of a do-nothing government.

Is this minister so much more concerned about public appearance over public safety?

Speaker: The hon. Minister of Housing, Land and Communities.

Hon. R. Lantz: Thank you, Madam Speaker.

Well, we're not only accused now of not having a backup plan but not having a plan, which I would dispute.

In terms of public safety, the City of Charlottetown is responsible for the police force and law enforcement within the city. We've had ongoing discussions not only with the city, elected offices, but with the chief of police.

I was in attendance at the meeting at Birchwood School. I took the opportunity to speak with members of the police force that evening, with members of the neighbourhood. They are very complex, difficult issues to deal with. As the chief said that night, we can't arrest our way out of this situation. But public safety is a paramount concern and it will be taken into consideration as we formulate a response to all of the crises that we're dealing with in terms of mental health and addictions and

vulnerable people in Charlottetown and Prince Edward Island.

Speaker: The hon. Member from O’Leary-Inverness.

R. Henderson: Thanks, Madam Speaker.

The last few days, it has been confirmed that four horses in neighbouring Nova Scotia have equine herpes, a very contagious disease that has a high rate of mortality in our horse population. This discovery has forced the cancellation of events across the province of Nova Scotia, and there’s also been confirmed cases in Ontario.

In March 2023, provincial vet Jill Wood recommended that the Province implement horse biosecurity measures to protect Island horses. PEI has a significant horse population, as you’re aware, and the PEI harness racing industry is very important to economy.

Equine herpes prevention

Question to the Minister of Agriculture: What biosecurity protocols have been implemented to prevent the spread of equine herpes to Island horses to protect them from this disease?

Speaker: The hon. Minister of Agriculture.

Hon. B. Thompson: Thank you, Madam Speaker, and thank you to the member across.

I did receive a briefing on this this morning. When I got it, I was like: “Equine herpes, what else do we got to deal with?”

But it’s something very serious, very serious, and we do have a large horse population on the Island. Dr. Wood is very on top of this – our provincial vet – in making sure that everyone is aware. We don’t want panic by any means, but make sure everyone is aware of the situation, that there are vaccines out there that can help control this, and for everyone to be mindful of the situation as we go forward to protect our horse population on the Island.

Speaker: The hon. Member from O’Leary-Inverness.

R. Henderson: By the sound of it, he was just briefing this morning on this issue when his provincial vet identified back in March that this was a potential threat to Island horses.

Island horses, especially those involved in the harness racing industry, are usually in contact with one another as they share barns, trucks, and a track. Equine herpes is very dangerous to our local horse population and easily spread.

Our harness racing events also include horses from out of province. Like the minister, they can be vaccinated against the disease.

Question the Minister of Agriculture: Will you place any restrictions on off-Island horses coming to Prince Edward Island, or at least make sure that they’re vaccinated before they arrive here?

Speaker: The hon. Minister of Agriculture.

Hon. B. Thompson: Thank you, Madam Speaker.

The member must have heard this on the radio this morning on his way in from –

R. Henderson: (Indistinct) CBC in March.

[Laughter]

[1:40 p.m.]

Hon. B. Thompson: We’re bringing legislative changes to the *Animal Health Act* in the spring, which will give us more powers to do what the member across is asking us to do to close borders to animals. But until that time, we are very aware of it. There’s a campaign to make sure that everyone is aware and take cautions where they are needed to protect our industries on this Island. Our horse industry is one of those major ones.

Thank you, Madam Speaker.

Speaker: The hon. Member from O’Leary-Inverness.

R. Henderson: Madam Speaker, what I’m trying to do here is to make sure that this government, who seems to only react after

something has occurred – so-called “the horse has left the barn” – then they try to react to it to get it back in.

There is quite an importance of our matinee racetracks, our two local Red Shores tracks, and we need to do something on this.

Minister, will you be proactive and implement right away? Don't wait until the spring sitting of the Legislature. Implement legislation that you need right now if that's what you require to deal with the proper biosecurity protocols to prevent equine herpes from hitting Prince Edward Island.

Speaker: The hon. Minister of Agriculture.

Hon. B. Thompson: Thank you, Madam Speaker.

Yes, we'll do everything we can to ensure the safety of our horse population on this Island and ensure that all our horse owners and our racetracks are well aware of this situation and are on top of it. We will continue to meet with them and to make sure that everyone is aware.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you, Madam Speaker.

Health care capacity challenges

On October 31st, Health PEI issued a disturbing press release stating that all ERs and hospitals across PEI were on level 3. Minister, what does level 3 mean and how long did it last?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

Yes, we've had a couple of level 3 notices over the past few weeks with the volumes that we've seen at our hospitals. Again, it's RSV season. Again, I think our patient bed flow coordinator did a great job in the media explaining how we react to level 3 overcapacity at our hospitals. Again, they did a great job in handling that surge.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: ... explain what it means. Islanders need to know what level 3 means. It means system-wide capacity issues in the ERs and hospitals; just no beds anywhere. You said it was flu season, and with some of the things we're facing in our community, it could only get worse.

During that time, you're supposed to do whatever you can to clear out the hospital.

I want to know from the minister: How many people were discharged from the QEH and admitted to long-term care during the system-wide failure?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

I would disagree with the term “system-wide failure.” If anything, our system responded very well to those overcapacity issues. I think we've heard our officials at Health PEI talk about how we deal with our system as a whole and not by facility.

Again, there is a procedure in place in order to move people to other empty beds within our system. Our patient bed flow coordinator, which is a new position, looks at all our beds across the system and reacts accordingly.

Thanks, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: More specifically, I'm asking the Minister of Health: How many people during that, who were in the QEH, left the QEH and into long-term care beds during that time, minister?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

I'm not sure which incidence the hon. member is speaking of. We've had a couple of level 3s over the last month or so. Again, we do have the procedures in place in order to move people to other facilities, to discharge people, to treat our system as a system and not as a facility or a silo.

Again, kudos to the folks at Health PEI for managing bed flow and doing the best we can with the surging population that we have.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: That's not good enough when you say we're going into level 3 a few times.

I'm asking more specifically, especially in my area, we have the Garden Home. It's a long-term care facility. They had open beds during – October 31st, I was mentioning, too – but multiple level 3s.

Minister, did you check with Garden Home to see if they had open beds during this or any other level 3 capacities recently?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker. I appreciate the question.

I don't think that's in my job description, obviously, to check bed available across our system. We have the professionals who do that. Again, if any bed is not open, I'm sure there's a reason for that and they work it through the system, whether that be staffing or, again, a transitional bed that's just waiting for that person to come. I don't go around the system and check bed availability.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

[1:45 p.m.]

G. McNeilly: Well, I think the Minister of Health needs to be abreast about these things because it's important. If we're into a level 3

regularly in the past two weeks, that's a problem.

Something that you did, and you were a part of: this government closed 40 percent of the ICU bed capacity, thrusting major pressures on the QEH.

PCH ICU services

When can we expect ICU services to be reinstated at the PCH?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

Again, as we've stated before in this House, we need the required safety in order to operate these units in the best way possible. There is a shortage of internal medicine across the country, and again, I'll reiterate, back when we had to make that decision, it was option "A" or option "A". We did not have the proper staff in order to staff that unit accordingly.

I do know actually that we do have a meeting with the anesthesiologist on my calendar to discuss it further. So, we continue to work on staffing at that facility and all of our facilities.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: We've been talking about planning for the last little while; this do-nothing government comes at us with "option 'A' and option 'A'." That doesn't make any sense. We needed an option B, C, and so on.

Minister: Again, you said this was a temporary action. What are you doing in your powers to get the ICU in Summerside open?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

Again, we don't have a full complement of anesthesiologists at that facility. I am very excited by the announcement by the College of Physicians and Surgeons last week about allowing US-trained physicians to train in Canada. There's no doubt we have some Canadians who, again, have been practicing in the US and may be looking to return.

Again, that's not an immediate solution to our problem, but it's a big step forward in increasing our recruitment pool so that we can staff our facilities appropriately.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Not good enough, so let's go to another promise that you made.

Your government promised that the number of Islanders waiting on the patient registry will be reduced to zero within 24 months, but the numbers on the wait list are growing. On November 6th, the number was 34,857 Islanders; amounts to 20 percent of our population. Queens County alone has over 18,000; over half the people on the registry. We know that not every Islander without access to a family doctor or nurse practitioner is on that registry. This is another example of your government's failures.

Access to primary care

Minister: What do you say to the growing number of Islanders waiting to access primary care?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker, and I do appreciate the question.

It was said to me the other day, and it was pretty profound, that with our current population growth, we actually need a new physician about every 80 to 90 days. That is significant. There's no doubt we're swimming against the current of population growth.

Again, with the barriers that we've brought down, I think we've increased our pool of

candidates. I know just from September, we are plus six family physicians, we are plus two in – “family practice – other” is the category, and we're plus five in specialists.

We're moving in the right direction. Obviously, we want to go faster, but we're moving in the right direction, Madam Speaker.

Thank you.

Speaker: The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

Life is hard for more and more Islanders as the cost of living continues to rise, housing is unaffordable and unavailable, and wages are not keeping up. The temptation to overcome this money squeeze and go for a big windfall has never been stronger, and statistics telling us that more Islanders than ever are at risk of problem gambling is deeply troubling.

Addressing problem gambling

A question to the Minister of Finance: Can you confirm unequivocally in this House today that the Province has no future plans to create a provincial online casino, as all the other Atlantic Provinces have?

Speaker: The hon. Minister of Finance.

Hon. J. Burrige: Thank you, Madam Speaker.

I can tell you right now, there are no plans for an online casino in Prince Edward Island.

Some Hon. Members: Hear, hear!

Speaker: The hon. Leader of the Third Party, your first supplementary.

K. Bernard: Thank you for that.

The Province's 2019 report tells us that the prevalence of gambling on PEI has shot up, with over 11,000 Islanders or 8.4 percent of our population at risk to some degree. Of particular concern is that the segment of our population most at risk for problem

gambling is Island youth; fully three times more likely than those over 55.

To the same minister: What are you doing to protect Island youth from developing serious gambling problems and the inevitable damage to their lives economically, socially, and emotionally?

Speaker: The hon. Minister of Finance.

[1:50 p.m.]

Hon. J. Burridge: We are aware of that statistic that came through. In our Responsible Gambling Strategy that we put forward, there are specific objectives within that that targets youth gambling. There's actually a task associated with that and responsibilities applied, whether it be to the Department of Health and Wellness, the Department of Finance, ALC, Education, Justice.

There's a number of players in this, and so the responsibilities have been allocated in there, but youth gambling certainly is identified in there as a priority item.

Thank you.

Speaker: The hon. Leader of the Third Party, your second supplementary.

K. Bernard: Thank you, Madam Speaker.

I wonder who holds the people responsible for those things, responsible for doing those tasks.

Gambling revenues are up steeply, but the Province is nowhere near its commitment of spending 1.5 percent of those revenues on anti-gambling measures.

To the same minister: Why is this government drastically underspending money, money that they only have as a result of increased gambling revenues, and choosing not to protect vulnerable Islanders, particularly our young people?

Speaker: The hon. Minister of Finance.

Hon. J. Burridge: Thank you, Madam Speaker.

In the new Responsible Gambling Strategy, we've committed 1.5 percent. We have put \$500,000 in a three-year funding agreement to the Department of Health and Wellness, which is actually more than the 1.5 percent that was committed in the Responsible Gambling Strategy. That money has been allocated to Health and Wellness and they have projects that they are going to look at to help in this particular piece.

Thank you, Madam Speaker.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you so much, Madam Speaker.

The way we get our energy is changing rapidly. Very soon, we will stop using fossil fuels almost entirely, which means that our future energy needs are going to have to be met in other ways.

We recently learned that the Atlantic Loop, an interprovincial project designed to supply clean hydroelectric power to the region when renewables like solar and wind are temporarily not meeting our needs, is not going to be going ahead.

Meeting future energy needs

Question to the Minister of Environment, Energy and Climate Action: In the absence of the Atlantic Loop, what options are you pushing for to address this urgent issue?

Speaker: The hon. Minister of Environment, Energy and Climate Action.

Hon. S. Myers: Thank you, Madam Speaker.

I have a meeting with New Brunswick Power on Monday to talk about the interconnect that they've recently announced with Nova Scotia and how the line from Memramcook down to us matters as far as our long-term energy viability.

I'll have a little more picture after that meeting of exactly where we stand, but we were acutely aware of where we're going to be in 2030 and the struggles that we're going to have for energy supply and energy price, and we're taking some actions here

through our energy strategy to address that quickly.

Speaker: The hon. Member from New Haven-Rocky Point, your first supplementary.

P. Bevan-Baker: Thank you, Madam Speaker.

Absolutely, transmission capacity is one issue; generation capacity is another. Small modular nuclear reactors, or SMRs, have been touted as one possible solution, but the costs and the practicality of this largely unproven and almost non-existent technology remain unknown.

Just this week, the original SMR project in the US, NuScale in Utah, was scrapped after investments of public funds of almost \$1.5 billion because costs had to increase by 50 percent in the last year alone, with more increases projected to come.

Timelines are critically short to get this right, and we can't afford, neither financially, nor climatically, to chase dubious pipe dreams.

Question to the same minister: How much is Prince Edward Island relying on SMRs in New Brunswick, and how much have we already invested in them?

Speaker: The hon. Minister of Environment, Energy and Climate Action.

Hon. S. Myers: Thank you, Madam Speaker.

Zero and zero.

Speaker: The hon. Member from New Haven-Rocky Point, your second supplementary.

P. Bevan-Baker: Well, that's really interesting because the minister talked glowingly about the potential of SMRs in the past, but I will take his word for it, that we haven't invested anything thus far, but we are tied to New Brunswick.

In some respects, PEI is actually doing very well. We've got high levels of solar installations, we've got good wind penetration here, and the switch from fossil

fuels to electrification through EVs and the heat pumps is doing really, really well.

However, we still have a lot of work to do and not much time to do it in. To say that Maritime Electric is dragging its feet towards a clean and secure energy future would be a gross understatement. You, minister, have spoken out strongly against Maritime Electric's plan to increase rates for Islanders and therefore guarantee even more profits for themselves.

Question to the same minister: Are you considering taking control of our distribution grid here on Prince Edward Island and creating a public utility for our province?

[1:55 p.m.]

Speaker: The hon. Minister of Environment, Energy and Climate Action.

Hon. S. Myers: No, I'm not.

Speaker: The hon. Member from Tyne Valley-Sherbrooke.

H. MacLennan: Thank you, Madam Speaker.

During the pandemic, the federal government offered loans to Canadian small businesses through the Canadian Emergency Business Account, or CEBA. Over 800 Island small businesses and primary producers were among the many businesses that took out the loans.

CEBA program and supports for small businesses

Question to the Minister of Economic Development, Innovation and Trade: Have you had any discussions with your federal counterparts about the CEBA program?

Speaker: The hon. Minister of Economic Development, Innovation and Trade.

Hon. G. Arsenault: Thank you, Madam Speaker, and thank you to the hon. member for the question.

Yes, we have had a conversation with the federal government. It is a program that was very worthwhile for our businesses here in

Prince Edward Island. We did sign on to a letter asking for an extension for the repayment plan, and we did get that granted. We're also looking for a further extension at this time.

We are in constant collaboration with the federal government and we're listening to our small businesses and making sure that they have all the services that they deserve.

Thank you very much, Madam Speaker.

Speaker: The hon. Member from Tyne Valley-Sherbrooke, your first supplementary.

H. MacLennan: Madam Speaker, thank you.

One of the terms of the loan was that up to a third of the loan amount could be forgiven if the outstanding amount is repaid by January 18th. Due to the lingering economic impacts of ongoing inflation, interest rates, cost of living, and Fiona, many have expressed concerns about the flexibility of the repayment terms.

Question to the Minister of Economic Development, Innovation and Trade: It's been estimated that up to 40 percent of these businesses could be impacted, which would see hundreds of Island small businesses affected. Does this potentially concern you?

Speaker: The hon. Minister of Economic Development, Innovation and Trade.

Hon. G. Arsenault: Thank you, Madam Speaker.

Yes, it does concern me. We're very fortunate to live in a very small province and we're able to connect quite rapidly with small businesses. We've been out and our department has been listening to small businesses and we will continue to help businesses navigate the economic climate that we're living in now. We want to do everything we can to support businesses here in Prince Edward Island to make sure we have a healthy, sustainable, and inclusive economy.

We're going to continue to do so, and we're going to lend our voice to those businesses to make sure that we lobby the federal

government to listen to what our businesses are telling us.

Thank you, Madam Speaker.

Speaker: The hon. Member from Tyne Valley-Sherbrooke, your second supplementary.

H. MacLennan: Many small businesses, groups, and others have called for the federal government to use more flexibility to avoid negative economic impacts which could include increased costs to consumers, potential job losses, or even threats to the viability of the small businesses.

Question to the Minister of Economic Development, Innovation and Trade: You might have already answered it, but how is your department working with Island small businesses to help avoid the possible negative impacts in further inflationary pressures?

Speaker: The hon. Minister of Economic Development, Innovation and Trade.

Hon. G. Arsenault: Thank you, Madam Speaker.

Like I stated before, we have a suite of programs within our department to help small businesses. We're also very collaborative with our different stakeholders in terms chambers of commerce. We're listening to organizations and businesses, and we're working with them and establishing programs. We welcome the opportunity to have a conversation with any one of our stakeholders if there are any other programs that we would have to reform or refit to make sure that we answer to this economic climate that we're living in at the moment.

We're happy to meet with anyone that wants to sit down with us and see and revise what we have in terms of programming to help small businesses here survive in Prince Edward Island.

Thank you, Madam Speaker.

Speaker: The hon. Member from Rustico-Emerald.

B. Trivers: Thank you, Madam Speaker.

Advanced screening and detection is one of the best defenses against breast cancer, the most commonly diagnosed cancer among women.

Breast density makes it harder to detect cancer because both cancer and dense breast tissue appear white on mammograms. This government has committed to screen ultrasounds for women with category D dense breasts because it will save lives.

Breast cancer screening

Question to the Minister of Health and Wellness: Why are scanning ultrasounds for women with dense breasts not yet available on PEI, and will you commit to a date for when screening ultrasounds for women with dense breasts will be offered on PEI?

Speaker: The hon. Minister of Health and Wellness.

[2:00 p.m.]

Hon. M. McLane: Thank you, Madam Speaker, and I thank the member for the question.

I appreciate his advocacy. As a father of three daughters, I appreciated his statement today. If that can bring awareness to one single person to take that step to have a mammogram, I think we're on the right path.

I know in 2022, about 9,500 females on PEI did participate in the screening. I would agree with him that we need to continue to look at the technology and the research and see if we can support this population as best we can.

Thank you, Madam Speaker.

Speaker: The hon. Member from Rustico-Emerald, your first supplementary.

B. Trivers: Thank you, Madam Speaker.

We need ultrasound screening for women with dense breasts because breast ultrasound uses soundwaves, not radiation, to show breast tissue. A breast ultrasound can show areas of the breast including the areas closest to the chest wall that are difficult to see in a mammogram. Breast ultrasound is

used to check any abnormalities in the breast and provide further information.

This is why breast ultrasounds are so important for the detection of cancer for those with dense breasts.

Question to the Minister of Health and Wellness: Since we don't have it here on the Island, would the Province ever consider paying for Island women with dense breasts to get screening ultrasounds off-Island until these life-saving resources are available here locally?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker, and again, I thank the member for the question. I appreciate his advocacy.

I know in 2022, we did purchase three new pieces of mammography equipment on PEI to improve that part of the screening process. I do know that there was a study released in April by Canada's Drug and Health Technology Agency that dense breasts of over 75% may be an applicable path, but again, I think we need to look at some more research in order to do that to ensure that, again, back to false positives and so on, that we can do a better job of doing this service for Islanders.

Thank you.

Speaker: The hon. Member from Rustico-Emerald, your second supplementary.

B. Trivers: Thank you, Madam Speaker.

We need to really look at ultrasound breast screening. We need it now. We need it for women with dense breasts so that we can detect breast cancer early and treat it.

In fact, just over one year ago, I asked the former Health minister: "Will you commit to working with whoever you need to to analyze the benefits of increased dense breast screening" – like via ultrasounds – "versus all of these costs associated with later detection and treatment of breast cancer?" The answer on the floor of this Legislature was, "absolutely, yes."

A question to the current Minister of Health and Wellness: Assuming this work has been done, or at least initiated, what are the benefits of increased dense breast screening versus all of the costs associated with later detection and treatment of breast cancer?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

Again, I would agree with the premise of the question. We obviously don't make decisions on health versus cost or benefit. Obviously, an ounce of prevention is worth a pound of cure.

I think we will definitely look at the research. I will go back to the department and give you a follow-up on where we are with regards to screening practices on PEI.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you, Madam Speaker.

The minister said just a few moments ago that we need to recruit one doctor every 80 or 90 days. Recently, the Medical Society of PEI ended their doctors recruiting doctors arrangements with this government. At the same time, we need even more doctors and family doctors and specialists.

Physician recruitment

Minister, why did this program end? This is a program that this government said was going to revolutionize the way we were going to get doctors. Today, we don't have the program. It's under your watch. Where is the program? What are we doing?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker. I appreciate the question.

I guess we've gone from three organizations to two in terms of physicians recruiting by bringing Dr. Megan Miller under Health and Wellness. I see that as a positive. Again, it's

the same person who is running our program. It is very successful. I would be concerned if there was some transition there, but it's the same person. It's now two departments instead of three, so I think that's a good step forward.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you, Madam Speaker.

The CEO of Health PEI said that this will mean that the heads of various departments will take on this role.

[2:05 p.m.]

Without a focus on recruitment, how will you be successful in recruiting the many doctors we need to support the new medical school, patient medical homes, ERs, ORs, and others? How are we going to do that, minister?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

There's no doubt we're in the most competitive workforce probably in the world right now, and as we compete, I did talk about some of the family physicians that we did hire this year. It's important to note that every single family physician that we did hire actually went into a medical home. We've been saying that for a while, that that's the way these new grads want to practice, so we're starting to prove it with these hires. We have not hired a fee-for-service doctor; they are all practicing in a patient medical home, which is a step in the right direction.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Minister, I just asked you moments ago: in health, there is a level 3 in emergency, and there's also a level 3 in system-wide failure at capacity.

Health care capacity challenges (further)

Will you table what happened on October 31st and any system-wide issues that we have next time we're in the Legislature here tomorrow?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

I'm not as clear on the question, but again, Health PEI does have a level 3 policy. I've seen it; it's quite extensive. Again, this is what these professionals do in order to run our health care system. I think Dr. Gardam has said we stay up 24/7 worrying about our system. That's what they do. They try to prepare for these types of surges. Again, we've been able to handle them so far, so thank you to the physicians and the administrators that keep our system running under extreme pressures.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you, Madam Speaker.

You're also committed to introducing a care provider and patient advocates to support patients in the wait rooms and emergency departments to help ease patients' situations during long wait times; and they're increasingly long lately, minister.

Patient advocates

Have these resources been put in place, and if so, what are the early results?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

Great question. Again, we do have ER departments that are at capacity or over very often; we acknowledge that. We have added the physician assistant program. We have those jobs posted now. My understanding is that we've had some good inquiries. Not all PAs will be in ERs, it will be depending on

their skillset, but it's another tool that we will give to our ER physicians in order to handle demand.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Recently, public accounts of 2022-23 shows under the Health PEI budget almost \$11 million of unspent money and surplus money from Health PEI. This means that obviously we don't have the doctors, we're not paying out, and people are not getting the service.

Health care spending

Minister: Do you think that a \$30 million surplus is appropriate? Are we doing a good job of providing health care for Islanders? We're leaving money on the table that should be helping Islanders.

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

At first blush, I think our Health PEI budget is about 60 or 65 percent labour. It is difficult, again, in these challenging times, to spend that money appropriately. We certainly want to, from that perspective. Again, I've gone from the Finance chair to the Health PEI chair, so I've certainly changed my attitude about spending, and we try to do it every day.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty, your final question.

G. McNeilly: In your mandate letter, you're required to be establishing a multi-disciplinary task force to create an action plan to expedite offload delays for ambulances at hospitals.

Ambulance offload delays

Minister: What is happening with this promised task force?

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

Another great question by the member. We appreciate it; it is a national problem with offload delays. At standing committee, I think Medavie did a great job of explaining the modernization of the ambulance system on PEI which will help with those issues. But again, I think it's a very complex issue to deal with offload delays in our hospitals. We need to do a better job of it. Obviously, the two transport units that we put in place last year certainly helped that.

We also actually are pleased to announce that we'll be enacting a mobile X-ray unit. We will be able to do X-rays in all long-term care homes to mitigate some of those delays at the QEH.

Thank you, Madam Speaker.

Speaker: End of Question Period.

Statements by Ministers

Speaker: The hon. Minister of Education and Early Years.

PEI Teachers' Federation Annual Convention

Hon. N. Jameson: Madam Speaker, I rise today to recognize the outstanding work of our Island teachers and their annual convention taking place tomorrow and Friday.

[2:10 p.m.]

The convention is a longstanding Island tradition which allows teachers from across the province to come together to stay current on education issues, network, and learn from each other. I look forward to attending the opening ceremonies tomorrow and expressing our gratitude to Island teachers for their unwavering dedication and commitment to their students.

Comme vous le savez tous, l'éducation est le meilleur investissement qu'un gouvernement puisse faire. En effet, c'est un investissement non seulement pour les familles

d'aujourd'hui, mais aussi pour celles de demain.

Des enseignantes et enseignants dévoués font la différence entre la réussite et l'échec, tant pour nos élèves que pour notre système scolaire.

I recognize that we have asked a lot from teachers, especially in recent years. Our teachers are not only responsible for educating students, but they also work to ensure that we have a safe and caring learning environment. They support the social and emotional wellbeing of our students.

We are working together along with educational authorities and the Teachers' Federation to ensure teachers have supports in place to help them on their professional journey.

This year we have added human resources than ever before. We have more new teachers entering the system and we are glad to offer a suite of professional development opportunities. We have a full complement of coaches supporting schools and several new positions including a social-emotional learning consultant in the department and 150 additional frontline positions, including 50 educational assistants and school counsellors.

Nos communautés scolaires insulaires peuvent compter sur l'engagement inébranlable du ministère de l'Éducation et de la Petite enfance, de la Direction des écoles publiques de langue anglaise, et de la Commission scolaire de langue française à favoriser des environnements éducatifs respectueux, sûrs, anti-haine et inclusifs pour tout le monde.

I want to reaffirm that I am committed to supporting teachers and that we as a government are fully aware that education is the best investment any government can make. To our teachers and the PEI Teachers' Federation, I do want to say thank you. I hope you have a successful convention and keep up the great work.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: *Merci, Madame la Présidente, et merci à la ministre pour cette annonce. C'est une bonne journée ici pour les enseignantes.*

Thank you, Madam Speaker, and thank you to the minister for this announcement. It's a good day for teachers.

I want to say thank you to all the teachers, for sure, and everybody who works in the school system. You deserve this time to regroup, educate, learn, and do what you can.

I want to just offer maybe a different side of things.

What I'm hearing is teachers are working very hard and they're stressed. They have so much on their plates and their demands are huge. They're overworked, they're probably very underpaid, and we've got to make sure we do a better job. I know the numbers and I know this government will say they hired 150 people, but it's not enough because our population grew exponentially. We're up in the 185,000 range for our Island, and all that stress comes down to teachers, EAs, principals.

For example, they just put an extension on West Royalty Elementary School. I'm going to talk to people there, and it's almost full. It was just on. It's almost full. We don't have capacity. Teachers are overworked. Big classroom sizes. EAs and EA substitutes, minister; they can't find EAs and people to substitute people.

We need to make sure that we do a better job of listening to our teachers and everybody there, because yes, I agree with you, they are supporting our kids and they will do it for the kids, but we have to support them so we take the stress off them. There's there disconnect there.

I want to wish you a happy two days. You deserve it. It's very important, but these are important facts and the teachers would agree. That's what they're telling me. Thank you for the announcement.

Merci beaucoup. Thank you very much, Madam Speaker.

Speaker: The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

I, too, would like to take this opportunity to wish all of the teachers and all school staff who are on conventions these next two days a really great, productive convention.

Depuis que je suis élue en 2019, je suis toujours désolée quand je manque ces deux jours-là. C'est une chance pour l'engagement avec vos collègues, de faire un peu de networking et d'apprentissage.

Since being elected in 2019, I'm always sad when I miss those two days. It's a chance to engage with your colleagues, to network and to learn.

I know that having been a member of the PEITF for 15-ish years, that was always a highlight for me. It's always kind of bittersweet because it's a wonderful time to network and engage with your colleagues and learn. It's also an overwhelming time, when you think about all of the stuff that you have to do and there are new ideas coming at you.

[2:15 p.m.]

I just would like to remind teachers to remember to balance that. We're not expecting everything to be taken on and everything to be done when you get back into your classrooms. Just take the time to relax, enjoy, take in some new ideas, and see what happens from there.

I was driving by a bus shelter this morning as I was dropping my daughter off at school and I noticed a sign on the inside. It said – I'm paraphrasing here – one in three teachers would reconsider their career, knowing what they know now. I'm going to repeat that. One in three teachers would reconsider their career, knowing what they know now. I don't doubt for one second that these teachers are passionate educators who are phenomenal at their jobs. It's all the added pressures we put on them.

So, when we hear things like we've added 150 new positions here and new positions there, it's a really great start, but a couple of things to that: we know that when we take

from that pool, it's really time to start working on your plan to ensure that there are substitute teachers to replace the teachers and EAs who have been hired. I ran into an EAL – English as an Additional Language – teacher last night, and she said she loves her job, but the pressure is way too much, and she doesn't know how much longer she can handle that. I hear that from EAL teachers every time I talk to them.

Also, resources being outdated: teachers know, in a lot of different subjects, the materials they are using are outdated. Their foundational literacy curriculum, which we're looking at right now, needs to move faster because it's not meeting the needs of students. That's a program that we're piloting in K to 3, but this has lifelong impacts on children into their adulthood.

So, I agree. I think that the absolute best investment we can make is in education. I think that we've been very driven away from that, given that there have been so many crises and things diverting our attention elsewhere, such as Fiona and COVID-19. There have been a lot of things that have diverted us away from education, and I think we really need to get back on track to really look at our education system because we need to transform our education system. The way it is right now isn't working.

I want to say a deep thank you; deep appreciation to all the teachers and all the school staff who are keeping our kids on track. I hope that you take these next two days to take in some learning, to have some laughs, and enjoy what the convention has to offer.

Thank you, Madam Speaker.

Speaker: Hon. members, I know you're passionate about this, but I just want to remind members that responses to statements should be half as long as the statement itself. Let's try to remember, be cognizant of the time, and keep it to that.

Thank you.

The hon. Minister of Transportation and Infrastructure.

Active Transportation

Hon. E. Hudson: Thank you very much, Madam Speaker.

Today I rise to encourage municipal and Indigenous governments and community organizations to apply for active transportation funds by December 1st.

Our government was proud to launch a Sustainable Transportation Action Plan in the fiscal year 2019-2020 to promote active, healthy lifestyles. This included a \$25 million investment over five years to develop infrastructure and programming aimed at promoting active transportation throughout our province.

The Active Transportation Fund is making a positive difference, encouraging people of all ages and abilities to get active while reducing greenhouse gas emissions. Active transportation includes all forms of human powered transportation such as walking, running, and biking.

Since 2020, there are 102 active transportation projects in every corner of our province. Projects have come from two First Nations, 19 municipalities, and over 12 NGOs. Active pathways are encouraging residents to safely explore the outdoors while gaining confidence in their abilities in communities like Tignish, O'Leary, Souris, and Summerside.

[2:20 p.m.]

In the Alberton area, for example, residents and tourists can now travel about four kilometres from Northport into the town of Alberton and on to Kildare Lodge. In Charlottetown and Stratford, an active pathway safely connects cyclists and pedestrians along the Hillsborough Bridge. From May to September of 2023, there were 220 trips per day. Last Friday, people celebrated the grand opening of the Kensington Nature Trail. Young ones and families attended. Everyone enjoyed taking a walk together.

To date, we have added more than 100 kilometres of paved shoulders across the province, 112 bike racks were installed for schools and community buildings, and 35 kilometres of separated active transportation pathways have been constructed. Signage, outdoor lighting, and expanded trails allow

more people to explore the outdoors in communities like Bonshaw, Brookvale, Cardigan, Cornwall, Dundas, Kensington, Lennox Island, Miltonvale Park, Three Rivers, and I could go on.

There is more to do though. Let's work together to bring even more projects to life under our ambitious \$25 million Active Transportation Fund. Again, I encourage and ask ones to remember to apply for the Active Transportation Fund by December 1st.

Thank you.

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

I'm a little bit confused over this announcement to apply for it now. I think this is part of the Sustainable Transportation Action Plan that was, I think, announced in late 2019, where they were given \$5 million over five years, which would equal \$25 million. This is kind of like a re-announcement or maybe this government is bringing attention to the deadline.

Regardless, we need to do more to design different paths, different ways to connect Islanders, whether it's through walking, running, or cycling within communities; also, connecting communities so that people can do so safely, people can go to the stores, to the schools, to what have you, and not have to be concerned about other motorized traffic on the road or in their path on their way.

We need to do more to promote and educate. That was part of the strategy at that time, a part of the plan. We need to do more to promote activity within the communities. That's something I'd like to see with this.

The fund was for new walking paths, widening shoulders, and such, so the announcement today is a good announcement. Any step towards making these connections safer for Islanders who want to use active transportation is good. Is there more that could be done? Absolutely. We'd love to see all communities across

Prince Edward Island have a safe, active transportation.

Thank you.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you very much, Madam Speaker.

It filled my heart to hear the minister speak so eloquently and passionately about all of the advantages of active transportation and how important it is on our beautiful Island that we maintain the infrastructure that we have and expand on the glorious opportunities that Islanders have to enjoy active transportation safely, as the Leader of the Official Opposition just said, on all of our many trails.

First of all, like the Leader of the Official Opposition, I think it's important to point out that we're getting towards the end of a fund, a fund of \$25 million, which is, as I understand it, I stand to be corrected, 80% federal dollars. But, you know, there's still a chunk of provincial money in there, but this is money that comes from different levels of government.

Lovely to hear that over 100 projects here on Prince Edward Island through Indigenous groups, through NGOs, and through municipalities have already been completed. So many of the active transportation opportunities here on Prince Edward Island are related to or flow from the Confederation Trail, the central spine which connects our Island from tip to tip and allows many communities to adjoin – I realize that I have half the time of the minister to say this – but let's just be clear that fundamental to the funding that the minister is talking about is the maintenance of the Confederation Trail from tip to tip as a safe active transportation lane.

Thank you to Bike Friendly Communities, thank you to Island Trails, thank you to the Island Walk, the Camino de la Isla, which is drawing so many people from all around the world to come to Prince Edward Island because it's such a tranquil, peaceful place to enjoy active transportation.

Thank you very much, Madam Speaker.

[2:25 p.m.]

Speaker: The hon. Minister Responsible for Acadian and Francophone Affairs.

Acadian and Francophone Affairs 2022-2023 Annual Report

Hon. G. Arsenault: Thank you, Madam Speaker.

Today, I am pleased to announce that the Acadian and Francophone Affairs Annual Report for 2022-2023 focused on progress made related to the *French Language Services Act* is being tabled today.

Le rapport annuel du Secrétariat aux affaires acadiennes et francophones sur la Loi sur les services en français de 2022-2023 sera publié aujourd'hui.

The report, prepared by the Acadian and Francophone Affairs Secretariat, highlights the work done by the provincial government to respond to the French language service needs of the Acadian and Francophone community across Prince Edward Island.

Le rapport souligne le travail accompli par le gouvernement provincial pour répondre aux besoins et aux priorités de la communauté acadienne et francophone en matière de services partout à l'Île-du-Prince-Édouard.

There are currently 19 designated services under the *French Language Services Act*, which means those services are available in French. We will announce new designated services in the coming weeks. These new designated services will complement the more than 160 online provincial government services already offered in French. This will continue to draw upon the existing capacity of more than 375 bilingual provincial government employees that are able to offer services in French.

Madame la Présidente, il y a 19 services désignés sous la Loi sur les services en français et nous allons annoncer de nouveaux services dans les prochaines semaines. Ces nouveaux services désignés s'ajouteront à plus de 160 services en ligne du gouvernement déjà offerts en français. Ils permettront également de continuer de mettre à profit la capacité de

plus de 375 fonctionnaires provinciaux bilingues à offrir des services en français.

I am pleased to table the Acadian and Francophone Affairs French Language Services Act Annual Report for 2022-2023.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: *Merci pour ça, le ministre. Je pense que c'est important qu'on pratique, ici à la Chambre, qu'on essaie de parler français tout le temps. Et c'est une bonne annonce parce que le service en français c'est très important pour la communauté. Des personnes sont un peu gênées...*

Thanks for that, Minister. I think it's important that we practice speaking French all the time, here in the Legislature. And it's an important announcement because French language services are very important for the community. Some people are a little embarrassed...

We get a little scared or a little apprehensive...

...de parler français et c'est un peu difficile. Je pense que tout le monde ici à l'Île-du-Prince-Édouard va faire un effort, et c'est une bonne annonce pour avoir plus de services en français. C'est très important, et je suis tout fini maintenant parce que je n'ai pas plus de vocabulaire. Merci, le ministre.

... to speak French and it's a bit difficult. I think everyone here on Prince Edward Island will try, and it's great that we'll be announcing more services in French. It's very important, and I'm all done now because I only have so much vocabulary. Thank you, Minister.

Speaker: Presenting and receiving petitions.

Oh, I'm sorry. I'm sorry. Didn't really mean to cut you off.

The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

I won't take that personally.

Merci, monsieur le Ministre d'avoir déposé ce rapport-là. Comme tu as mentionné, ce rapport-là nous donne... le but de ce rapport-là c'est de faire sûr que les priorités de la communauté acadienne et francophone sont alignées avec les priorités du gouvernement. Et j'entends souvent que des personnes en recherche de services ou programmes entrent dans un endroit, approchent le comptoir et voient l'affichage publicitaire qui dit que tu peux avoir le service en français et que ce n'est pas toujours disponible à ce temps-là. Alors vraiment j'ai hâte de lire comment le gouvernement est... comment ça va au gouvernement avec ces priorités-là, et j'ai hâte à lire le progrès et les buts aussi du gouvernement pour l'avenir.

Merci, Madame la Présidente.

Thank you, minister, for tabling that report. As you mentioned, the purpose of the report is to ensure that the priorities of the Acadian and francophone community are aligned with government priorities. I often hear that people looking for services or programs walk into an establishment, approach the counter, and see the sign advertising services in French, but they aren't always available at the time. So, I'm really looking forward to reading about how government is doing with these priorities, and I'm also looking forward to reading about government's progress and goals for the future.

Thank you, Madam Speaker.

Presenting and Receiving Petitions

Tabling of Documents

Speaker: The hon. Premier.

Hon. D. King: Thank you, Madam Speaker.

By leave of the House, I beg leave to table answers to questions by the Leader of the Opposition about my calendar, and I move, seconded by the hon. Deputy Premier, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Fisheries, Tourism, Sport and Culture.

Hon. C. Deagle: Thank you, Madam Speaker.

By Command of Her Honour the Lieutenant Governor, I beg leave to table Tourism PEI annual report for the period ending March 31st, 2023, and I move, seconded by the Honourable Minister of Finance, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Fisheries, Tourism, Sport and Culture.

[2:30 p.m.]

Hon. C. Deagle: Madam Speaker, by Command of Her Honour the Lieutenant Governor, I beg leave to table the PEI Museum and Heritage Foundation annual report for the period ending March 31st, 2023, and I move, seconded by the Honourable Minister of Finance, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister Responsible for Acadian and Francophone Affairs.

Hon. G. Arsenault: Madam Speaker, by Command of Her Honour the Lieutenant Governor, I beg leave to table the *French Language Services Act* Annual Report for the period ending March 31st, 2023, and I move, seconded by the Honourable Minister of Health and Wellness, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Hon. M. McLane: Madam Speaker, by leave of the House, I beg leave to table questions taken as notice on November 10th, 2023, and I move, seconded by the hon. Minister of Environment, Energy and Climate Action, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Minister of Health and Wellness.

Hon. M. McLane: Madam Speaker, by Command of Her Honour the Lieutenant Governor, I beg leave to table the Health PEI Annual Report for the period ending March 31st, 2023, and I move, seconded by the Honourable Minister of Finance, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

By leave of the House, I beg leave to table a costing note, a paid sick leave briefing note done by our office that estimates the financial effect of offering paid sick leave on PEI, and I move, seconded by the hon. Member from New Haven-Rocky Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

By leave of the House, I beg leave to table a study titled: “Labour Market Effects of U.S. Sick Pay Mandates”. This study found no evidence that employment and wage growth had been affected by mandating employers to allow employees to earn paid sick leave. I move, seconded by the hon. Member from New Haven-Rocky Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

By leave of the House, I beg leave to table a study titled, *A Comparative Analysis of Paid Leave for the Health Needs of Workers and their Families around the World*. The study found that across 145 nations that provided paid sick leave to workers, there was no evidence of macro-economic status. I move,

seconded by the hon. Member from New Haven-Rocky Point, that the said document be now received and do lie on the Table.

Speaker: The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

By leave of the House, I beg leave to table a study titled, *The lack of paid sick leave as a barrier to cancer screening and medical care-seeking: results from the National Health Interview Survey*. The results from this nationally representative sample demonstrate that a lack of access to paid sick leave could be a significant barrier to cancer testing and medical care-seeking. I move, seconded by the hon. Member from New Haven-Rocky Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

By leave of the House, I beg leave to table a study from the World Health Organization titled, *The case for paid sick leave – World Health Report*. This study found that paid sick leave is frequently linked to significantly higher economic productivity and estimates that productivity losses due to working while sick are up to three times higher than loss in productivity due to sickness related to absence. I move, seconded by the hon. Member from New Haven-Rocky Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker.

By leave of the House, I beg leave to table a report entitled, *No Big Deal: the impact of New York City’s paid sick days law on employers*. “The vast majority of employers responding to our survey (almost 85 percent) reported that the new law had no effect on their overall business costs ...” and I move, seconded by the hon. Member from New Haven-Rocky Point, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you so much, Madam Speaker.

By leave of the House, I beg leave to table a press release from the Canadian Coalition for Nuclear Responsibility entitled: “Small nuclear reactors in Canada: at what cost?” and I move, seconded by the hon. Leader of the Third Party, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you, Madam Speaker.

By leave of the House, I beg leave to table an article from *Wired* business magazine, “The First Small-Scale Nuclear Plant in the US Died Before It Could Live”, and I move, seconded by the hon. Leader of the Third Party, that the said document be now received and do lie on the Table.

Speaker: Shall it carry? Carried.

P. Bevan-Baker: Thank you.

Reports by Committees

Introduction of Government Bills

Motions Other Than Government

Orders Other Than Government

Speaker: The hon. Leader of the Opposition.

Hon. H. Perry: Thank you very much, Madam Speaker.

I move, seconded by the hon. Member from Charlottetown-West Royalty, that the 31st order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 31, *An Act to Amend the Employment Standards Act*, Bill No. 106, in Committee.

Speaker: The hon. Leader of the Opposition.

[2:35 p.m.]

Hon. H. Perry: Thank you very much, Madam Speaker.

I move, seconded by the Honourable Member from O’Leary-Inverness, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

The hon. Member from Morell-Donagh to chair Committee of the Whole House.

[S. MacEwen in the chair]

Chair: The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Employment Standards Act*.

Hon. member, would you like to make a motion to bring a stranger to the floor?

Hon. H. Perry: Yes, I would like to put a motion forward to have a stranger to come onto the floor please.

Chair: Shall it carry? Carried.

Could you introduce yourself and your title for Hansard, please?

Robert Godfrey: My name is Robert Godfrey. I’m the director of policy and research for the Office of the Official Opposition.

Chair: Thank you, Robert.

Members, we were in the middle of debate. We were going clause by clause and we’re still debating the first clause.

Hon. member, you have an opening statement?

Hon. H. Perry: I have an amendment that I would like to put forward at this time.

[2:40 p.m.]

I move that section 3(3) of Bill 106 is amended by the deletion of the proposed subsections 22.2(8) and the substitution of the following:

Carrying unused leave forward

(8) Each day of earned paid sick leave that an employee does not take in a calendar year shall be carried forward to the subsequent calendar year to be counted toward the maximum entitlement of five days referred to in subsection (7), for that subsequent calendar year.

I have copies.

Chair: Hon. member, two things. One, I was just corrected, I believe we have passed clause 1, and we're on clause 2. We're not at that section yet for the amendment, so we have to wait until we get to that section until we can make that amendment, if that's okay.

Committee Clerk: I could have copies distributed.

Chair: So, perhaps we'll distribute those copies, we'll continue on until we get to that section, and when we get to that clause, you can introduce your amendment at that point.

Hon. H. Perry: Sure.

Chair: So, members, I apologize. We're on clause 2.

Hon. B. Thompson: Chair, just so we're prepared, what clause is the amendment coming through?

Chair: Subsection 3(3).

Hon. B. Thompson: And what clause are we on, sorry?

Chair: We're on clause 2.

Z. Bell: Chair, are we able to open it up for questions?

Chair: If it's the will of the – there's been a request to open it up to general questions on the entire bill. Does anybody have any disagreement with that?

The hon. Member from Rustico-Emerald.

B. Trivers: I definitely have some general questions, but I think it's important to go clause by clause after our general questions are completed, that's the only thing. If we're not going to do general questions, then we carry the bill, is what I'm trying to say.

Chair: Hon. members, if we have a request to go clause by clause by any member of the Assembly, we have to go clause by clause. That request has been made, so we will go clause by clause.

The hon. Member from Rustico-Emerald.

B. Trivers: Thank you, Chair.

Obviously, there's been a lot of discussion about the *Employment Standards Act* prior to the election, in the last sitting. The Green Party – I believe it was Trish Altass who brought forward legislation as a private member's bill, trying to do amendments. I don't recall exactly all the things she was doing, but they were somewhat similar to what's being done today. There's a lot of discussion there about the number of days of paid sick leave and how they should be implemented, et cetera.

Then, the government committed to bringing forward our own legislation, government legislation, with all the checks and balances and expert input that results from that. Of course, we haven't seen any legislation tabled yet, but we did see, as well, the third party table very similar legislation, and it's also on the order paper.

I guess just to go back and just set the tone, knowing that government legislation is coming, why did you feel that you needed to bring this amendment to the *Employment Standards Act*?

Hon. H. Perry: Thank you, Chair.

Really, I'm not sure – I'm going to answer this question, but he was the one who just said he wanted to do it clause by clause and now he's asking general questions. So, I'm a little bit confused with that, but I'm going to answer it.

You're talking about the timeline and you talked about a comprehensive review of the

employment standards final report. That was in the hands of the government for some time now.

Last summer, I began the consultation before anyone else said they were bringing this legislation forward to this floor this fall. I began the consultation process on this proposed legislation for paid sick leave for workers in PEI while we were waiting for the release of that comprehensive review of the *Employment Standards Act*.

At that time, of course, we sent out letters to all stakeholders across the Island. It was public; we made it public that we were doing it. Government, like I said, had the results of the comprehensive review of the *Employment Standards Act*, but they wouldn't make those findings public. We did not know what was in that at all. They alluded to paid sick days later on.

[2:45 p.m.]

We requested a copy of the review via FOIPP, but the deadline for government to respond was extended twice on that. So, we FOIPPed it. Sixty days passed; an extension was granted twice on that.

Days after our submission in September, government was in the media saying that changes could be made to the paid sick days as a reality for our Island workers, but it wouldn't happen until the spring of 2024 at the earliest. Our FOIPP request was denied and the reason for the denial that was given at the time was because government would be making the report public within 60 days, as they publicly announced. That didn't happen.

The government announced last week that this would not be the case, which was a complete contradiction from what we were told by the FOIPP office. Now, we're told that the comprehensive review will be provided to us on November 24th, which is convenient, given that this government had enough time to shoot down our legislation before having to make these recommendations public.

That's a play by play of the timeline since we started early this summer putting this legislation forward. That was all prior to anyone else mentioning that they were

bringing this legislation or anything similar forward this fall.

B. Trivers: So, you're saying, when you get the recommendations that you've been promised on November 24th, you're saying that you're afraid they're going to make your legislation, your private member's bill, obsolete? Is that what you're saying?

Hon. H. Perry: No, hon. member, that's not what I'm saying. I'm saying we are not going to wait for this government to decide what they are going to do. Many times, they've said they were going to bring something forward and they absolutely did not; they drug their heels on it.

This time, we took the initiative because we believe that Islanders shouldn't have to choose between sickness and their finances. We took the initiative to bring this forward and that's where we are at the present.

B. Trivers: Right now, employers have the option to offer paid sick leave if they want it. It's not mandatory. Of course, it's not enforced by government legislation, I don't believe – maybe up to one day. But have you done the analysis, based on the numbers and types of businesses on Prince Edward Island, what are the paid sick leave options that are offered today by businesses?

Hon. H. Perry: Hon. member, as stated last time we were on the floor, this question was asked. We received a response from the chamber, in particular, who represents thousands of businesses all over this Island, that about 50% of businesses already provide that. But just to let you know, Island workers on Prince Edward Island today are entitled to three unpaid sick days and are paid one sick day after five years of consecutive employment with the same employer.

B. Trivers: Okay. Why do you think that's not enough?

Hon. H. Perry: Why? We just came out of COVID. That was one thing that we shouldn't even have to question. Why do think we have to do it now? It's the cost of living right now. I mean, it's essential for us to take this step to improve the economic security and affordability of the middle class, the working Islanders, so they don't

have to choose between sickness and finances.

B. Trivers: Do you believe that the good businesses on PEI are not offering adequate paid sick leave? Because it seems to me that if you're a good business and you're competitive – especially in this environment, you want to keep your employees – you're going to offer paid sick leave.

I haven't done the research like you would have done for your bill here, but the businesses I talk to in general are offering paid sick leave for their employees because they believe it's the right thing to do in order to compete. They treat their employees well because good employees are hard to come by and they want to keep them.

Hon. H. Perry: What was his question, sorry?

Chair: Is there a question there, hon. member?

B. Trivers: Why do you think you have to legislate it if businesses are doing it anyway?

[2:50 p.m.]

Hon. H. Perry: Legislation is being brought forward by us because we did speak with Islanders. I'm going to say it over again and again and again, that Islanders shouldn't have to make that decision of finances and their health or their family's health. This is going to make a significant difference in the middle class, the single-income households, families who are hardest hit by the rising costs here on Prince Edward Island –

I believe that the absence of sick days disproportionately affects working Islanders who are living paycheque to paycheque, and it leaves workers without any kind of safety net during a time of illness. When we talked to all stakeholders, which includes the businesses and those that represent the businesses, they did say that about 50 percent of their employers already offer some sort of paid sick days. But we need to make sure that we don't leave anybody out, and that's why this legislation is brought forward.

B. Trivers: So, you're saying, left to their own devices, you don't believe that businesses treat their employees well.

Hon. H. Perry: Chair, I'm absolutely not saying that. You can twist this whatever way you really want to, but do not put words in my mouth. I have never said that, and I will never say that.

Chair: Hon. members, we're debating clause 2. It was a request to go clause by clause.

The hon. Member from Rustico-Emerald.

B. Trivers: If you look at clause 2, "the number of days of paid sick leave that the employee has accumulated and used" – I mean, I'd have to refer back to the original act and see 5.6(1). But that's at the root of my question, this idea that we have to regulate businesses to keep track of the number of days of sick leave that have been accumulated and pay for them.

My question to the member who's sponsoring this bill is: Do you believe that businesses need more red tape?

Hon. H. Perry: Chair, I have no idea where that question comes into this particular clause. He was the individual that asked for this to be read clause by clause. Can we please keep it that way unless it's brought up again?

Chair: The hon. Member from Rustico-Emerald.

B. Trivers: Do you believe that businesses need more red tape?

Hon. H. Perry: Absolutely not. I think this provincial government has an obligation to help Island businesses reduce red tape. There are many ways that they can do so. In particular, they can actually support Island businesses by supporting this bill and put in the provision that we have in there to help Islanders cover those costs of paid sick days so they have a more productive business.

B. Trivers: In clause 2 here, you're amending 5.6(1) to add in the number of days of paid sick leave that an employee has accumulated and used. You're saying that you want to force businesses to track

employee sick leave, as well as what's been paid, what is unpaid, and keep track of what's been accumulated and what's been used. Is that what you're asking businesses to do?

Hon. H. Perry: No.

B. Trivers: So, what are you asking businesses to do with this subsection?

Hon. H. Perry: This is basically an amendment to that subsection to add a clause saying "the number of days of paid sick leave that the employee has accumulated and used."

B. Trivers: So, what does this clause accomplish?

Hon. H. Perry: It accomplishes the number of days of paid sick leave that an employee has accumulated and has used.

B. Trivers: What impact does that have on a business?

Hon. H. Perry: What impact does that have on businesses? Well, we're hoping that it'd be a more productive and a healthier environment for businesses, that the businesses now have legislation that they can go by, and that it puts them all on a fair or level playing field with other businesses who – some businesses who don't have it already or offer paid sick days – now it puts them all on the same level of playing field.

B. Trivers: Okay. That's it for now for that one.

[2:55 p.m.]

Chair: The hon. Minister of Workforce, Advanced Learning and Population.

Hon. J. Redmond: Thank you, Chair.

Just on that same line of questioning, the question I'm curious about is the section just before it – I know we're not there – has the word "entitled" and in this section, it has "accumulated" and "used".

I'm just curious to know why there's the differentiation there.

Hon. H. Perry: I'm going to pass that over to the expert.

Robert Godfrey: It's a good question. I think what's going on there is we're trying to keep the wording that's in the act in line with the act as it's currently written.

Hon. J. Redmond: Okay, that's it for this section. I have questions going forward though. Can I stay on the list for next (Indistinct)?

Chair: Yeah.

The hon. Member from Charlottetown-Winsloe.

Z. Bell: We're still on subsection 5.6(1)?

Hon. H. Perry: Yes.

Chair: Well, we're on clause 2, but –

Z. Bell: I apologize to the promoter of this, but through your research, have you – how many people this will affect or how many (a) businesses, or (b) employees it will affect?

Hon. H. Perry: Well, it will have an impact on all businesses on Prince Edward Island and all employees on Prince Edward Island who fall underneath the criteria of this, obviously.

Z. Bell: No, I understand that, and I appreciate that, but I'm curious if there is a number, even a ballpark number of the number of employees that this will help.

Hon. H. Perry: I don't have that number, but I can say all.

Z. Bell: Thank you, Chair. I'm good.

Chair: The hon. Member from Rustico-Emerald.

B. Trivers: I just want to go back. Section 5.6 of the *Employment Standards Act* is really about payroll records. By adding a (j.3) section here, this is requiring every employer to keep complete and accurate records of, now, the number of days of paid sick leave that the employee has accumulated and used.

Don't you believe that that is adding a burden to the employer and actually adding additional red tape to their running of their business?

Hon. H. Perry: I believe that every employer in Prince Edward Island does keep and try to keep complete and accurate bookkeeping, so I'm not sure what you're trying to go at here.

B. Trivers: I guess if you're asking me that question, I really feel like businesses don't need any more government oversight to do what they need to do well. I think that in a competitive environment, especially what we see here on Prince Edward Island where there is a lot of competition for employees, especially good employees, I would rather see businesses left up to their own devices to treat their employees in a way that allows them to keep those employees. Frankly, I have a lot of faith in our Island businesses that the vast, vast majority do that.

That's why I'm hesitant to continue to add requirements to them in an effort, I guess – I'm not sure – to encumber them or to not allow them to operate as freely as they need to do. That's getting back, again, to why you're actually introducing this change in subsection 2 to begin this.

Why do want them to keep track of the number of days of paid sick leave that employee has accumulated and used?

Robert Godfrey: I'm sorry. The question, as I understand it, hon. member, is that you want to know why they keep correct bookkeeping?

B. Trivers: No, I want to know why you want them to keep track of the number of days of paid sick leave that the employee has accumulated and used.

Robert Godfrey: Today, in the *Employment Standards Act*, hon. member, you are entitled to three unpaid sick days. There is a requirement now in the *Employment Standards Act*, as stated in (j.3), for them to keep track of a number of different things for them to make sure that the actual employee has accumulated or is entitled to those benefits.

[3:00 p.m.]

You can have three unpaid sick days today in the legislation, and after five years of continuous employment with the employer, you're actually entitled to one paid sick day. It's a responsibility, as I read the act, that at this point in time, employers are required to actually track a number of different things, which would include that.

So, I don't think that this is adding red tape at all. I think that the duty on employers to track what employees are doing – and there's a host of different things in that subsection – I think is already really there. It's just, now, we're asking them to track their paid sick days.

B. Trivers: So, in section 22.2(4) in the current act, entitled "Paid day of sick leave," it says: "Where an employee has been employed by the same employer for a continuous period of at least five years, the employer shall, at the request of the employee, grant the employee one day of paid sick leave during a twelve calendar-month period in addition to any unpaid leave that the employee is entitled to under subsection (1)."

And of course, this is what the promoter of the bill was talking about, what currently exists, but the requirement does not exist in subsection 5.6(1) for the employer to track that, even though it's in the current act.

If they don't need to track it and they already have the requirement to look after that paid day of sick leave in the current act, why are you putting additional burden on them within the act to track in your amendment?

Robert Godfrey: To make sure that they're tracking their paid sick days.

B. Trivers: So, you don't trust businesses to do that on their own? You think you need to put it in legislation to make sure they do that?

Hon. H. Perry: Nobody is.

Robert Godfrey: I think the *Employment Standards Act* is there to give guidelines and to make sure that there is a floor for all decisions made by businesses across Prince Edward Island when it comes to their

employees. We trust that the *Employment Standards Act* is the appropriate place to put these measures, and where the amendments need to be made in order to get paid sick leave. Do we trust businesses? Absolutely. I don't think anybody is suggesting otherwise.

Chair: The hon. Member from Rustico-Emerald, one more.

B. Trivers: It just seems to me that this amendment in section 2 of your bill just is not required to achieve the purpose of your bill. It's adding additional red tape to a business, where a business is going to be doing that anyway, and it doesn't need to be in legislation. The only reason you'd put that there is if you didn't trust businesses to do it on their own. So, I'm just questioning why you even have this amendment here at all in section 2.

Robert Godfrey: We have that there so that it's seamless throughout the *Employment Standards Act* and what we're trying to achieve.

B. Trivers: Okay.

Chair: I'll put you back on the list?

B. Trivers: Yeah.

Chair: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Just to be clear, Chair, what section are we on?

Chair: We're on clause 2, which is amending subsection 5.6.

Hon. B. Thompson: Okay. I don't have any questions on the amendment, but I would like to be on – has the amendment been tabled yet?

Chair: The entire bill is amending the *Employment Standards Act*.

Hon. B. Thompson: Okay, sorry.

Chair: So, you can ask questions on clause 2.

Hon. B. Thompson: Okay. Thank you, gentlemen.

There are two competing bills coming, I'm told. So, have you consulted with the third party on your bill?

Hon. H. Perry: I will say yes. We did have a conversation about it, and I think we both have the same objectives: that we need to find that balance here on Prince Edward Island between businesses and our workforce. So, we both have the same objectives. This government was, again, dragging its feet. They had the review for quite some time; nothing was happening.

So, we took the initiative to bring it forward, and to be quite honest, I'm glad that the Leader of the Third Party has brought this forward. Her party has brought it forward in the past and we know it's something that's very important to Islanders.

Hon. B. Thompson: So, I'll take that as a yes.

Hon. H. Perry: I did say yes.

[3:05 p.m.]

Hon. B. Thompson: So, when we talk about timing and impact, is the timing better than it was in 2022? I have a letter from the Chamber of Commerce from March 2nd, 2022, which your stranger beside you wrote, which questioned the timing and the impacts to the cost of labour.

Has that changed any since 2022?

Hon. H. Perry: Chair, I'm more than open to answer general questions, but when it's structured and it was agreed upon staying in the clauses, I find difficult to answer the questions because it was this committee, all members, had agreed to having it go clause by clause. I just want to get clarification on that.

Chair: Hon. members, do we have agreement to open up to general questions before we do clause by clause?

Some Hon. Members: Yes.

Hon. H. Perry: At this time, I'd like to bring forward the amendment that I had previously stated, but I'll read it into record again.

Chair: Does he need to read it back into the record?

The hon. Member from Charlottetown-West
Royalty.

G. McNeilly: Does it have to be unanimous that we all agree on to go general questions?

Chair: Yes.

G. McNeilly: No, I'd like to go clause by clause.

Chair: You'd like to go clause by clause. Sorry, promotor, you cannot bring your amendment forward at this time.

Hon. H. Perry: Twice knocked down.

[Interjections]

Chair: You're good?

Hon. B. Thompson: I want to continue on the list but later (Indistinct)

Hon. S. Myers: I have a question on the structure of the debate.

Chair: The hon. Minister of Environment, Energy and Climate Action.

Hon. S. Myers: How would you ever seek unanimous support to go into this form? What if somebody didn't want to go into this form and then somebody didn't want to go into the other form? It has to be by majority.

Chair: Good question, hon. member. It's only if one member requests to go clause by clause that we do clause by clause. You don't have to have unanimous consent to not do it. It's just if somebody does request it and wants it to go by that procedure, we allow that.

Hon. S. Myers: Certainly, I think you could look through our precedence and you'd find that Kathleen Casey did not allow that in several instances when I was in opposition. You'd have to check the records –

Chair: Hon. member, I'm sorry for that past indiscretion towards you.

Hon. S. Myers: It's not that it's an indiscretion, it's that it set precedence for how this Legislative Assembly runs.

Chair: Well, this is how I'm running it.

Hon. S. Myers: But I'm asking for a ruling on precedence.

Chair: I'm saying that if one member –

Hon. S. Myers: I'd have to go to the Speaker to get the ruling.

Chair: You can do that.

Hon. S. Myers: Well, I don't have any choice. That's the only person who can rule on it.

Chair: To ask for a ruling from the Speaker on it? (Indistinct)

Hon. members, I'll take a recess to rule on your request.

[The Committee recessed from 3:08 p.m. to 3:14 p.m.]

Chair: Alright, thank you, members. Thank you for pointing that out, member.

According to rule 82: "When an order is called for the House to go into Committee of the Whole House consideration of the estimates or clause-by-clause consideration of legislation..."

In this case, the rule is that we do clause by clause for any bill. Often, with consensus, or unanimous consent of the House, we'll just open up for general questions and we never do go clause by clause for a bill, but the actual rule states that each piece of legislation should be done clause by clause.

When there are general questions that are brought forward, it is up to the chair to determine. Sometimes, very oftentimes, the general questions kind of impact where they got to during that clause. So, it's up to the chair to say, "Yeah, I think this is okay." If it goes off the rails too far, the chair can bring it back.

[3:15 p.m.]

We will go clause by clause on this because there has been a request, and that is the actual rule.

Hon. H. Perry: Chair, after you're done, I just want to say one more thing.

Chair: You can say one more thing.

Hon. H. Perry: Are you finished with that ruling? Because I was going to say, our time has expired for today, so I'd like to move that the Speaker take the chair, and the Chair report progress and beg leave to sit again.

Chair: Shall it carry? Carried.

[Hon. D. Compton in the chair]

S. MacEwen: Madam Speaker, as Chair of a Committee of the Whole House having under consideration a bill to be intituled *An Act to Amend the Employment Standards Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you, Madam Speaker.

At this time, I ask that the 33rd order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 33, *An Act to Amend the Employment Standards Act (No. 2)*, Bill No. 107, ordered for second reading.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you, Madam Speaker.

At this time, I move that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: No, second time. Read a second time.

P. Bevan-Baker: Read a second time, excuse me.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 107, *An Act to Amend the Employment Standards Act (No. 2)*, read a second time.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you, Madam Speaker.

I move, seconded by the Honourable Leader of the Third Party, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: Shall it carry? Carried.

The hon. Member from Morell-Donagh to chair the Committee of the Whole House.

[S. MacEwen in the chair]

Chair: The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *An Act to Amend the Employment Standards Act (No. 2)*.

Hon. member, would you like to make a motion to bring a stranger to the floor?

K. Bernard: Yes, please.

Chair: Shall it carry? Carried.

Welcome, Michelle. Can you introduce yourself and your title for Hansard?

Michelle Patterson: Sure. Michelle Patterson, director of policy and research for the third party.

Chair: Thank you.

Do you have any opening statements?

K. Bernard: Yeah. This legislation that we're bringing forward today would provide five paid sick days to Island workers under the *Employment Standards Act*.

Last fall, my caucus brought forward a bill to provide 10 paid sick days to Island

employees that was ultimately voted down by the House. This past year, we went back to stakeholders and consulted again to try to find a balance where we could be confident that Island workers are protected and that Island businesses are comfortable.

[3:20 p.m.]

The reality is that many Islanders are living paycheque to paycheque these days, not just lower-income Islanders but everyone. We're starting to see a growing number of middle-income Islanders who are finding it harder and harder to keep up with the cost of living. Almost everything is increasing in cost: the price of food, utilities, rent and mortgage rates. We see the impacts this is having by the growing number of Islanders who have to rely on food banks.

Without paid sick leave protections, many Island workers are at risk of losing portions of their paycheques, through no fault of their own, that they cannot afford. A missed day of work can have serious consequences for their household budgets, potentially leading to unpaid rent or empty dinner tables.

We hear from leaders in this House that it is important that we support Islanders during this cost of living crisis we're experiencing. This is an important step that does not actually put money in Islanders' pockets but ensures that we don't take money out of Islanders pockets that belong to them.

Chair: Thank you, member.

At my great hesitation – [Laughter]

Would members like to –

Some Hon. Members: General questions.

Chair: General questions. Does anybody want to discuss it clause by clause?

Some Hon. Members: General questions.

Hon. S. Myers: The rule says.

Chair: Consensus rules though. That's just the base rule. Consensus can overcome that.

General questions?

An Hon. Member: General questions.

Hon. S. Myers: What's Gord want? I want the opposite.

[Laughter]

Chair: The hon. Minister of Agriculture.

Hon. B. Thompson: Just one question to start off. There are competing bills here. I just want to clarify which bill number we are looking at right now.

K. Bernard: Bill 107.

Hon. B. Thompson: Thank you. That's my question.

Chair: Alright. The hon. Member from Rustico-Emerald.

B. Trivers: Thank you.

I appreciate you going back out to stakeholders and consulting with them after the bill in the last session was voted down. I mean, I definitely voted against it because I thought 10 days was way, way too much. That was the feedback that I got from businesses in my area.

What stakeholders did you meet with this time around?

Michelle Patterson: Okay, we have quite an extensive list, and we sent out the new draft with the five paid sick days to everyone on this list. We heard back from a number of them; not necessarily everyone on this list. But I can provide you with the list, if you want.

B. Trivers: Yeah, providing me with the list is fine, if that's okay with the chair and the clerk.

Chair: Do you wish to table your list?

Michelle Patterson: I could read it out?

Chair: It's completely up to you.

Michelle Patterson: Okay, I'll just read it out if you want:

The Advisory Council on the Status of Women
Association des femme acadiennes et francophones

BIPOC USHR
 Black Cultural Society
 Canadian Centre for Policy Alternatives
 Canadian Federation of Independent
 Business
 Canadian Labour Congress
 CMHA
 Construction Association of PEI
 CUPE department
 The government department
 Early Childhood Development Association
 East Prince Women's Information Centre
 Eastern Chamber
 Charlottetown Area Chamber of Commerce
 Interministerial Women's Secretariat
 L'Nuey
 Native Council of PEI
 PEI Aboriginal Women's Association
 PEI Business Women's Association
 PEI Cancer Society
 PEI Council of People with Disabilities
 PEI Federation of Labour
 PEI Kidney Foundation
 PEI Lung Association
 PEI Medical Society
 PEI Nurses' Union
 PEI Working Group for a Livable Income
 UPEIFA
 Restaurants Canada
 Retail Council of Canada
 South Shore Chamber
 Summerside Chamber
 Tourism Industry Association
 Union of Public Sector Employees
 UPEI Student Union
 West Prince Chamber
 Women's Institute
 Women's Network PEI

B. Trivers: As you pointed out, that's the list that you sent the new bill out to, this Bill 107. You said you heard back from a number of those. Which ones did you hear back from?

[3:25 p.m.]

Michelle Patterson: I'll read a list:

The Advisory Council on the Status of
 Women, Canadian Federation of
 Independent Business, Construction
 Association, CUPE, the Greater
 Charlottetown Area – no, Native Council
 would have been last amendment – PEI
 Cancer Society, Federation of Labour,
 Working Group for a Livable Income,
 Restaurants Canada, Retail Council of

Canada, Summerside Chamber, Tourism
 Industry of PEI, Union of Public Sector
 Employees, we met with; the West Prince
 Chamber.

B. Trivers: Thank you. Did you meet with any of those respondents?

Michelle Patterson: No, those were mostly email correspondents.

B. Trivers: Did you meet with anyone to discuss this bill; any one of those stakeholder groups, I should say?

Michelle Patterson: We met with UPSE, correct. The rest was email correspondence.

B. Trivers: Okay. Did any of the other groups that you mentioned that responded ask for an in-person meeting?

Michelle Patterson: No, I don't believe so.

B. Trivers: No, okay. I'm sure you tabulated the feedback that you received because I know you're very thorough in your research. I'm really interested, of course, especially in the feedback from the organizations that represent businesses because that's who I primarily heard from in my district. In fact, I'm really stretching my mind to find out if I heard from any constituent other than businesses.

Can you either table or read out some of the responses that you received from the organizations that represent businesses that responded to you?

K. Bernard: Can I clarify something, Chair?

Chair: You sure can.

K. Bernard: You said that you had spoken in your district to people who represented businesses, and you're asking for us to provide you with what organizations who represent businesses said? Is that what you are asking?

Chair: The hon. Member from Rustico-Emerald.

B. Trivers: Yeah, so various businesses owners reached out to me, really in an informal fashion, as often happens with an

MLA, and we discussed the prior bill, not this one in particular, but really the idea of regulating the amount of days of paid sick leave and the number that there should be in this sort of thing.

I'm curious, organizations like the chambers of commerce, what was the feedback that they gave to you on your bill?

Michelle Patterson: I wouldn't be comfortable tabling the feedback today without getting their express consent.

B. Trivers: Would you be open to discussing it?

Michelle Patterson: Yeah, I can do a bit of an overview.

When we did the original consultation last year with the 10 paid sick days, the overwhelming response from the business community was that they felt that it was too many. The response from the organizations that represented people, that represented workers, felt like it was the perfect amount, and that's why we went with 10 paid sick days.

When we went back this fall with five paid sick days, the concerns were definitely lesser in the business community, if not acceptable in their minds, and the organizations that represented people actually felt that five days was too low. So, we felt like we hit a happy medium where no one was perfectly happy, but no one was perfectly upset either.

B. Trivers: Okay. Do you feel that there will be any backlash from the business community, if this bill were to pass?

Michelle Patterson: No. I believe that the business community does want to provide their workers with the best supports that they can, and there was a lot of support for the government and the minister providing financial aid to businesses who may not be able to make this work.

Chair: One more, hon. Member from Rustico-Emerald, and then I'll put you back on the list.

B. Trivers: Yeah. So, I have a lot of faith in our businesses that really make up our

economy, and of course, in doing so, provide employment, and really make Prince Edward Island, at its foundation, what it is, in terms of our economy, at least, in giving us the gross domestic product that we have on the Island, as well as, in many ways, contributing to our level of lifestyle.

[3:30 p.m.]

I guess my question is: Do most of the businesses that you talk to, or have you done the research to see, what percentage of businesses actually already offer the number of paid sick days that you are suggesting in your legislation?

Michelle Patterson: I don't have that number off the top of my head. I know the previous stranger referenced that about 50 percent of the Charlottetown Chamber offered some paid sick days. I do believe a lot of businesses are doing this and would do it more if there was financial support from the government.

Chair: I'll put you back on the list, hon. Member from Rustico-Emerald?

B. Trivers: Okay.

Chair: The hon. Member from Kensington-Malpeque.

M. MacKay: Thank you, Chair.

A few questions. I guess, first off, a similar piece of legislation was debated last session with the 10 days. What has changed, from 10 to five? What made you make the change?

K. Bernard: Well, after reviewing all the feedback that we received, it was clear that starting at 10 days – not just businesses, but government as well – 10 days was too big of a jump to start with. We do continue to believe that 10 days is still the way to go, and we should strive to reach that goal eventually, but respect the fact that there will be some challenges for some businesses as they try to start this up.

We hope that government sees the value in providing these as well and giving businesses time to adjust. We hope that by starting at five – a number that's already working in other jurisdictions such as B.C. –

we can ultimately build towards 10 days, but we thought five, as Michelle had mentioned, seemed to be kind of a sweet spot where not everyone was perfectly happy but there was no one really upset. So, we thought that would be a good starting point.

M. MacKay: Thanks for that response.

My next question I guess is regarding the 10 days. I know back when I was minister and I was dealing with my former critic, there were some conversations with the federal minister because the federal government has – I guess they're interested in possibly making a change through every province.

At any point, have you reached out to the federal minister to get any feedback to see what the federal government is doing at this point?

Michelle Patterson: No, we haven't.

M. MacKay: Okay. I'd also like to thank you for giving us a bit of a cost analysis that you tabled today. I've just been going through it. I know that was one of the big issues for me when the last bill was on the floor, is because we could never find out what this was going to cost the business community. So, thanks for providing a little bit of info there.

But now, my next question is – and I don't know if the stranger on the floor would have the answer, but – how did we come to this conclusion? I know it was a struggle at the time, with my department, to figure that out. So, I'm glad to see some actual numbers in front; I'm just wondering how that was done.

Michelle Patterson: I think that's probably more of a technical answer than I can give during this time on the floor. There was a lot of data that was pulled from the federal databases – Stats Canada and so on – that we used to develop this. Maybe we could have a chat on the side so we don't take up all the time on this. It's quite a lengthy document, and quite a lot of work and analysis went into it; if that's okay.

M. MacKay: Yeah, I'm fine with that. I'd like to know some more information because I know it was such a struggle. There were numbers anywhere floating around

from \$4 million to \$150 million. Nobody could really pinpoint it because at the end of the day, we don't know how many businesses do provide paid sick days now. It was always a bit of a guesstimate, so certainly, I'd like to find more information out about that.

Hon. B. Thompson: Was that tabled today?

Michelle Patterson: Yes, it was.

M. MacKay: Yeah, I've got it here.

My next question. This seems to be an issue – it doesn't matter who brings the bill – whether we've had enough consultation. So, my question is: I've heard every business or organization that was consulted. How were those done? Was there a consultation process, or was it a standard email that went out, or was it phone calls? What was it?

Michelle Patterson: An email went out with a draft of the bill, and we've had multiple back and forths with many of these organizations throughout the last year. An email would have went out last summer when the original paid sick days bill came, amendments were made to that so another email went out, and then this summer, we did that again when we changed the bill another time.

[3:35 p.m.]

M. MacKay: As you were reading the list of those organizations and groups, one thing that stuck out to me – and this is one thing that I've always been concerned with – is the small business. There were no names of small business owners on that list. When I'm talking a small business, I mean a small business, because they are the ones, I think, that are really going to have a struggle with this.

I'm not talking big business like the Walmarts or the Cavendish Farms of the world. It's a small business, like Dillon's store up in Tyne Valley or the Food Basket in Kensington. It's that type of business that might not be part of an organization or a chamber.

I'm just wondering if you had any conversations with any of those individual

small businesses, just to get some input from them.

K. Bernard: Not specifically in our consultation process. One of the things that we did put in the bill – given that we do understand that, 100 percent, there are some businesses who will definitely need support with this but then there are other businesses who may ask for the support but don't really need that support – we put in just a little section that the minister may implement a financial support program to provide temporary financial support to be given to employers to help them adapt to any increased costs associated with paid sick leaves provided under subsection 4.

Again, keeping in mind that not all businesses are going to need this, but just keeping small businesses in mind, because again, it kind of comes back to everything that says that – once you implement these – it will help with productivity. It doesn't have that much of a dip in their revenue. Absolutely, in the first, they may need a bit of support, but this is something that has been worked out in other jurisdictions based on what we tabled today.

M. MacKay: Okay. Thanks, Chair. I'm good for now.

Chair: The hon. Minister of Fisheries, Tourism, Sport and Culture.

Hon. C. Deagle: Thank you, Chair, and thank you, hon. member.

Can you give an idea just out of the general – when the consultations were taking place, or what the responses you did receive, what they did say in general about five days? Were they comfortable with five days? The process to get to five days: did they want it all in the first year or did they want it stepped over a number of years? What feedback did you get? Because originally the bill was 10 ten days, and then they weren't happy with that, but you're saying five they'd be more comfortable with. I guess in general, I'm not looking for the exact response, but if you can kind of paraphrase it.

K. Bernard: I'll start and then I'm going to hand it over to Michelle, because I obviously wasn't involved in the initial

consultation process, but I know that those relationships were developed and that the former member worked really hard on that public consultation piece. We kind of had some of those relationships developed.

It was interesting – as was mentioned by another member – the differences between organizations that support businesses and organizations that support workers or individuals. That was kind of where we saw the biggest difference, was that the people who are representing businesses weren't comfortable with 10 days. People representing workers absolutely were.

It's funny, when we go back to the consultation, like we said, the people who represent businesses in general were more comfortable with this, whereas the people representing workers are still very much saying no, we would still like it at 10.

I'm going to let you take over from there, but your other question was around...?

Hon. C. Deagle: Just how they would like to see that – did they want all five in the first year of employment or did they want it over five years or whatever they might have said.

Michelle Patterson: Again, there was a split. The organizations that represent the people and the workers largely wanted the sick days earlier in the employment, so they wanted five sick days after a month. Some of the feedback that we got from employers, some were happy with the month and some asked for three months before the five sick days were accumulated. We, again, kind of hit the middle of the road as best we could and went for one day after each month.

Hon. C. Deagle: So, in the first five months you would accumulate five sick days.

Michelle Patterson: Get five sick days, correct.

Hon. C. Deagle: And businesses were alright with that?

Michelle Patterson: Some businesses wanted them to take longer, so at least three months. But again, the organizations for the workers wanted it quicker.

Hon. C. Deagle: I was reading the act there. Could you explain just a little more clearly to myself and perhaps others the accumulation of carrying over sick days and how that works?

Michelle Patterson: Yeah, that's a really great question, and I actually thank you for asking that because this is a question that we get from every consultation we've done.

[3:40 p.m.]

The accumulation of sick days: every month you get a sick day up until five months of when this bill comes into force or when you first start at your place of employment. The annual carryover does not mean that you get five sick days and next year you get an additional five sick days. What it actually says is that on December 31st, if you have five sick days, then on January 1st, you continue to have five sick days. When there's no carryover on January 1st, you go back to zero and you'd have to accumulate them again, which is not great policy for a number of reasons.

What this also says is, if you use two sick days, so you have three, you would carry over three and you would be able to build up every month up until five, but five is always your maximum every year. You can't go over five.

Is that clear? It's a bit technical, I know.

Hon. C. Deagle: No, it's not quite. An employee may carry over unused paid sick days to the following calendar year. Sorry, you're saying they can't?

Michelle Patterson: You will carry over your unused sick days, and the next year, you can accumulate five minus how many you carry over. If you carry over five, you can accumulate five minus five, which is none. If you carry over three, you can accumulate five minus three, which is two. That's what this is spelling out. You can always work back up to five, but you can never go over five.

Chair: One more, Minister of Tourism, and then I can put you back on the list.

Hon. C. Deagle: Sure. If I only used three this year and we're in the new calendar year, I can –

Michelle Patterson: You'll start with two and then over three months, you can build back up to five.

Hon. C. Deagle: I could use up to seven that year?

Michelle Patterson: No, because you used three in 2023, so in 2024, you'd carry over two and you'd build back up to five, so you'd have five to use in 2024.

Hon. C. Deagle: Okay.

Speaker: The hon. Member from Summerside-Wilmot.

T. DesRoches: Thank you, Chair.

I've got a bunch of questions here, but I'm just going to follow on that line right there. I've just got one question because I'm still not clear on it.

I was reading it and I took it a completely different way than – it's a little clearer now, Michelle, that you explained it. If I heard you correctly, an employee, if they don't use their accumulated days, they're carried over so that they don't have to wait to build them up. Is that what I'm catching out of this?

Michelle Patterson: Correct. That is correct.

Chair: The hon. Member from Summerside-Wilmot.

T. DesRoches: Thank you, Chair. I've got to try to pick which ones mean the most to me here because I realize we have a list.

When we went on 3(6) "An employee earns, as of the first day on which this subsection applies to the employee, (a) after 30 days of continuous employment ..." When you talked about that, you said that when you sent it out, the businesses that came back were split on this. When they were split, was this all laid out, this whole scenario that it took me 15 minutes of reading it just to wrap my head around it? Was that all sent out to them as well? I'm sorry, I'm trying to combine questions here. Were they all clear

on how that went? Are you comfortable feeling that the employers you sent this to that were split understood how you were portraying this?

Michelle Patterson: It's a really good question. It's not one that I can answer 100 percent. We sent out this, in this form. We also sent out an explanatory document with it as well. So, I hope that they understood, but not 100 percent.

T. DesRoches: I couldn't get that explanatory document for myself, could I?

I'm looking through this, and another one that popped out at me was 3(10) Financial support, where "subject to subsection (12), the Minister may implement a financial support program to provide temporary financial support to be given to employers to help them adapt to any increased costs associated with paid sick leave provided under subsection (4)."

[3:45 p.m.]

When you sent this out in an email – because in an email, translations can be lost – were all these businesses that consulted with you, were they under the understanding that our minister may be giving them some financial support to do this? Could that have skewed their view on, "Oh yeah, let's do this if we're going to someone to make our employees happy but we're going to get some of the money back"? Do you see where I'm...?

Michelle Patterson: Yeah, in the email that we sent out, it would have laid out the overall provisions which would have been the number of days, how they're accumulated, and that there was a provision that the minister may provide aid for some businesses as they adapt to this new act.

T. DesRoches: Okay. I've got a few more. I'll ask one more and then go on your list. I don't want to press my luck.

Chair: You're welcome to keep going.

T. DesRoches: Okay. One question I had was, the list of people you sent it to was remarkable. I applaud you for that. Jeepers, jeepers; you were reading off the names of all the different coalitions, all the different

unions, and everything you sent it to. It was great that you did that that in-depth work and sent it out.

The question I have is, I see the biggest problem with this will be small business. I never heard any of this going door to door. I never heard anybody talk about it, but after it came up, I did stop at a couple small businesses in my district and they had some issues with it.

Do you think that the small businesses – I'm talking businesses with one, two, three employees – do you think they were well represented in your pool that you sent it out to? Because I know, a lot of small businesses, they don't join the chamber. They don't join all the different ones. Do you think you captured the thoughts of that small business when you drafted this up?

Michelle Patterson: I think we're well aware of the stresses that this could cause without government aid. I'm very hopeful that government wouldn't let small businesses on PEI get hurt like that, and that's why we included it in our legislation. But I am aware of the stresses that small businesses have.

The flipside of that is that there are a lot of people who are missing out on paycheques and that's a big stress for them as well. So, we kind of have to look at this from both sides. We can help the small businesses. There's no longer a sick leave fund for individuals, so they don't have that support. Without that, the paid sick days really does make a big impact to families when things like this come up.

T. DesRoches: Okay, I completely understand that.

I had the same discussion with one of my colleagues here who has a small business of his own, and I know in the past, I ran a small business of my own. When I spoke to the two different businesses that I stopped into and just wanted to run it by them, it wasn't the financial aspect that they had the problem with.

I'm talking about a small business that has three employees and the owner works there, and they're open seven days a week, 13 hours a day. Now, after Christmas, if you

have two employees call in using one of their sick days that they're scheduled to work, well, now that employer who is also a worker is going to have to go into work when they might have had other plans to take their family elsewhere, because their business has to be open.

That was the thing I heard from two small businesses when I explained what was going on, what we were debating and what we were talking about.

So, was there any of that? I know that when I listened to list that you sent the consultation out to, the unions and all that, I was just trying to figure out how many small businesses would have been in there with a small amount of employees that – not the financial burden, but the fact that they have to have their doors open and they might have a couple employees.

I know one of the companies I worked for, a lot of people saved their sick days until after Christmas and between New Year's, and you went in, and in a company of 500, there were 125 of them out on sick days after Christmas.

So, I'm not saying everybody will do it, but did we look at small business in that aspect? Not just the financial; the aspect of having to be there to man the ship.

[3:50 p.m.]

Michelle Patterson: Yeah, we definitely did take that into account. I think the difference is understanding that a lot of employees need to take sick days and they don't have a choice. They do have a right to take sick days now, they just don't get paid for those; but if you wake up puking into a bucket, you're not going to work at the general store.

Sometimes, we're talking about five days a year, sometimes you're in a position, physically, that you cannot get to work. I think we need to trust Islanders and employees that they won't take advantage of this.

K. Bernard: I would add to that, too, as we consider balance, I'm hesitant, when I start to think about what could go wrong, to stop good policy going through. I totally hear

what you're saying, and coming from a family that has run a small business, I totally get that. I just don't like to approach it from the angle of what if people take advantage. I would hate for that to get in the way of good policy. Like we said, kind of looking at this in a balance. Yeah, that doesn't really (Indistinct)

Chair: You're good?

T. DesRoches: Yeah. Put me back on your list. You can move on.

Chair: No problem.

The hon. Member from Charlottetown-Winsloe.

Z. Bell: Thank you, Chair.

I am sorry if this is somewhat on the same realm as the Member from Summerside-Wilmot. Thanks again for defining the differences between the employees and the employers, how you're talking about and how you've prefaced this bill.

My question is – and this is a question that was proposed to me – human intuition, especially this year with Christmas the way it falls, where it falls on a Monday, and then a Tuesday, and then you would have Wednesday, Thursday, Friday. Their issue is that these sick days – again, you used the example a moment ago of the person who is waking up sick, but I would hate for someone to try to take advantage of using a sick day.

Is there a provision in your amendments that would take away that from an employee who's looking at a calendar and saying, oh, I might be sick on Tuesday and Wednesday? If you understand the preface of my question.

Michelle Patterson: So, an employee being disingenuous?

Z. Bell: Correct.

Michelle Patterson: I don't build policy on people being disingenuous, so I can't answer. Karla might be able to answer that.

Z. Bell: Fair enough. Like I said, it was a question that was asked of me. I did want to

know if there was any provision in here that would essentially force the employer or the employee to act not disingenuous.

My second question, Chair: when the original bill came out with the 10 paid sick days, I had numerous businesses reach out to me – and again, you’ve acknowledged that – that it was way too many. I have had a few businesses that have reached out to me directly and said five is too many.

Maybe I’m living in a complete silo. Have you had any businesses directly that have reached out to you and said five is too many?

Michelle Patterson: I don’t think directly. The accumulation was an issue, but I don’t think the number came up in our second round of consultations.

Z. Bell: Okay. My final question, Chair, because again, I did have direct businesses reaching out. You didn’t have any direct businesses reach out?

Michelle Patterson: That’s right.

Z. Bell: Okay. Thank you, Chair.

Chair: The hon. Minister of Workforce, Advanced Learning and Population.

Hon. J. Redmond: Thank you, Chair. Thank you, hon. member.

I’m just curious, I guess my questions are around the financial support program that’s suggested or the compensation that we’re talking about. I’m wondering how we would determine who would get compensated. How would we manage that between small business or big business? Is there a suggested plan?

Michelle Patterson: I don’t think we make a suggestion. Your department would be best able to answer those questions. Better than me, at least.

Hon. J. Redmond: Or when you’re suggesting – sorry. How did you envision, I guess, if that was to take place? What were you envisioning that to look like?

[3:55 p.m.]

K. Bernard: In discussions we had, we thought looking at – of course, we never really settled on what exactly that would look like, but we were talking about looking at businesses that make below a certain threshold or that might struggle with this, to see how that rolls out. That was kind of the main thing. We talked a lot about it, but that was kind of the main thing, much like the – what was the name of that fund?

Michelle Patterson: The COVID Sick Leave Fund from a couple of years ago.

K. Bernard: That was something that our caucus consistently advocated to have so that we could support businesses and have sick days. That was something that – that fund there was an opportunity, we saw it as. It wasn’t used as one, but that’s an opportunity that we really saw government could have taken and run with it to implement sick days. That’s where our conversations were.

Hon. J. Redmond: And projected timeline: Do you think that it would be something that we put in place for a certain period of time or indefinite compensation supports?

K. Bernard: I think based on the stuff that we tabled today, I see it as, there may be some businesses that struggle with this long term, and many of them, once it gets worked out, it all comes out in the wash. It’s not something that’s going to be a continual thing for them because once, as was shown in the documents that we tabled with organizations who implemented paid sick days, they found that it didn’t really have the impact that was anticipated on their – sorry, the impact wasn’t there on the revenue that they had anticipated, their loss of revenue. I’m not being very clear, sorry.

Hon. J. Redmond: That’s okay. My final question is just around probationary employees. If an employee is hired and they have, say, a three-month probationary period, would they be accumulating time then or is it once they’re in play?

Michelle Patterson: They would accumulate it during probation.

Hon. J. Redmond: Okay, from the start. Okay.

Thank you, Chair.

Chair: The hon. Minister of Finance.

Hon. J. Burridge: Thank you.

That was part of my question that I was going to ask. In our business, we had a three-month probationary period. You would have no benefits until that time. I assume that there would be a lot of companies that would work under that. You would have companies, then, that would not be offering any other benefits but paid sick leave within the first months. I'm just wondering how they would manage that.

K. Bernard: It would start – the day after their probation period was up, they would have a sick day. It wouldn't be – right?

Michelle Patterson: It would start accumulating when they start work, on the first day.

K. Bernard: Oh, right, I'm sorry. I'm sorry, I had a different model in my head. I should stop talking.

Hon. B. Thompson: How many models are there?

K. Bernard: Different ones that we played around with.

Michelle Patterson: So, yes, they would. They would have sick leave without the other benefits.

Hon. J. Burridge: I think that would be really tough to manage for a business, to be able to offer, what was it? Five sick days within five months, one after each month? That would be an incredible burden. I see where you guys are coming from. I understand it and I get why you're doing it, but that timeline would be an incredible burden on a business, absolutely.

I guess there's no question there. I guess it just is a statement. I guess I'm surprised. Even if it was set after the probationary period, I think that would be hard to be able to offer sick leave and not the other benefits. For a business to be able to manage, that would be tough, yeah.

Sorry, no question. I guess that was more of a –

Chair: Thank you, minister.

Do you have any response, or can I move on?

K. Bernard: No.

Chair: The hon. Member from Souris-Elmira.

R. Croucher: I had to step out for a minute so I'm not sure, this might have been talked about, but one of my biggest issues is with the fact that you're trying to implement these so quickly within the probationary period. Was this already discussed, Chair?

Chair: You're free to ask.

R. Croucher: In the six months of employment, employees are on a probationary period, right? You want to implement five paid sick days within the probationary period where – I'm a small business owner, so if I wanted to terminate that employee in that six-month period, I am free to do so, just as the employee is free to leave my employ within that six months, free and clear of any repercussions. That's one of my concerns.

[4:00 p.m.]

The other one is around the reset at the end of the year. The way you're modeling this would incentivize potential bad behavior. I know that we don't want to develop good policy or squash good policy based on the actions of a few.

But leaving it so you have five days – we'll just say as the member from Summerside spoke about – Christmas time, I'm going to save my sick days until Christmas and I'm going to use three of those or four of those and I'll still have one for the new year if I want it. Then, well, I'll build them up over the next five months and then I'll have time off for the summer or maybe I'll save it for next Christmas because I really like my Christmas off.

That component of it for me is hard to accept or get behind. I don't know if there's

a question there. What are your thoughts on that?

K. Bernard: We'd already addressed not building policy around anticipating that behaviour. It's absolutely something to consider, but there are lots of policies we would have never put in place in this Legislature if we were anticipating and building it around that. I 100 percent understand where you're coming from, especially as someone who operates a small business.

Chair: Thank you, members. We'll hold it right there and come back to you, hon. member, when we come back in.

Now we will come out of Committee of the Whole for government time.

K. Bernard: Mr. Chair, I move that the Speaker take the chair and the Chair report progress and beg leave to sit again.

Chair: Shall it carry? Carried.

[Hon. D. Compton in the chair]

S. MacEwen: Madam Speaker, as Chair of a Committee of the Whole House having under consideration a bill to be intitled *An Act to Amend the Employment Standards Act (No. 2)*, I beg leave to report that the committee has made some progress and begs leave to sit again. I move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

Orders of the Day (Government)

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 2nd order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 2, *An Act to Amend the Health Information Act*, Bill No. 3, ordered for third reading.

Speaker: The hon. Minister of Agriculture.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 3, *An Act to Amend the Health Information Act*, read a third time.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Sorry, Madam Speaker. It's Bill 28 that I will be speaking to on third reading.

Speaker: Sorry, I apologize.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill do now pass.

Speaker: Shall it carry? Carried.

This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do pass.

All those in favour say "aye."

Some Hon. Members: Aye!

Speaker: Contrary, "nay."

The bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 3rd order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 3, *An Act to Amend the Police Act*, Bill No. 7, ordered for third reading.

[4:05 p.m.]

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 7, *An Act to Amend the Police Act*, read a third time.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do pass.

All those in favour, say “aye.”

Some Hon. Members: Aye!

Speaker: Contrary, “nay.”

The bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Social Development and Seniors, that the 7th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 7, *An Act to Amend the Environmental Protection Act*, Bill No. 12, ordered for third reading.

Speaker: Shall it carry? Carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Social Development and Seniors, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 12, *An Act to Amend the Environmental Protection Act*, read a third time.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Social Development and Seniors, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do pass.

All those in favour, say “aye.”

Some Hon. Members: Aye!

Speaker: Contrary, “nay.”

An Hon. Member: Nay!

Speaker: The bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 10th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 10, *Adult Guardianship and Trusteeship Act*, Bill No. 19, ordered for third reading.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a third time.

Clerk: Bill No. 19, *Adult Guardianship and Trusteeship Act*, read a third time.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do pass.

All those in favour, say “aye.”

Some Hon. Members: Aye!

Speaker: Contrary, “nay.”

The bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 11th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 11, *Public Guardian and Trustee Act*, Bill No. 20, ordered for third reading.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 20, *Public Guardian and Trustee Act*, read a third time.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without

amendment, read a third time and it is now moved that the bill do pass.

All those in favour, say “aye.”

Some Hon. Members: Aye!

Speaker: Contrary, “nay.”

The bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 12th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 12, *Powers of Attorney and Personal Directives Act*, Bill No. 21, ordered for third reading.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 21, *Powers of Attorney and Personal Directives Act*, read a third time.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill do now pass.

[4:10 p.m.]

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do pass.

All those in favour, say “aye.”

Some Hon. Members: Aye!

Speaker: Contrary, “nay.”

The bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Thank you, Madam Speaker.

I move, seconded by the hon. Minister of Health and Wellness, that the 15th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 15, an *Act to Amend the Opioid Damages in Health Care Costs Recovery Act*, Bill No. 23, ordered for third reading.

Speaker: Shall it carry? Carried.

The hon. Minister of Agriculture.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Health and Wellness, that the said bill be now read a third time.

Speaker: Shall it carry? Carried.

Clerk: Bill No. 23, an *Act to Amend the Opioid Damages in Health Care Costs Recovery Act*, read a third time.

Speaker: The hon. Minister of Agriculture.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Health and Wellness, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to without amendment, read a third time and it is now moved that the bill do now pass.

All those in favour, say “aye.”

Some Hon. Members: Aye!

Speaker: Contrary, “nay.”

The bill has carried.

The hon. Minister of Agriculture.

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 17th order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 17, *Mental Health Act*, Bill No. 28, ordered for third reading.

Speaker: The hon. Minister of Agriculture.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill be now read a third time.

Speaker: The hon. Member from New Haven-Rocky Point.

P. Bevan-Baker: Thank you so, Madam Speaker.

Before I deliver my thoughts on the third reading of this important act, may I recognize some folks who are in the gallery?

Speaker: Absolutely.

P. Bevan-Baker: We have an all-star cast, actually, in the gallery today. I want to start with Marlene and Lloyd Bryenton. So nice that you're here today on this important occasion to listen to hopefully a debate around whether or not we should pass Bill 28, *Mental Health Act*, this afternoon. I know you have some friends with you. I see Barb MacDougall there. I see Marina Currie and sitting next to Marina in the front row is Katie Rankin, from our office.

In the back row, again, people who are very familiar with this Legislature on a number of levels. I want to start with Michele Beaton, who is here with us this afternoon. It's so lovely to see you again, Michele. Welcome back to the House. Sitting next to Michele is Don Avery, who is a neighbour of mine in Bonshaw, an advocate on many fronts, and a tremendously important citizen of this province. I thank you for being here as well. Of course, everybody would recognize Michelle Patterson, who just left the floor as the stranger for the bill that the third party had just a few minutes ago.

Thank you, Madam Speaker, for allowing me to do that.

I stand up today to talk about the effect of this important piece of legislation, but really, I'm standing up today for Islanders. I'm standing because this is a critical, and in many ways, unique piece of legislation. It's unusual for any debate to happen whatsoever on third reading. You would have noticed that we just passed a fairly large number of bills in short time here at third reading.

But sometimes, a bill will come forward which, for a variety of reasons, will inspire one or more folks in this House to stand up and plead for. If we had a bicameral set up here on Prince Edward Island, for example, as they do in Ottawa for sober second thought, this is our opportunity for sober second thought on every piece of legislation that comes through this House. I stand today to ask each and every one of us for some sober second thought on Bill 28, the *Mental Health Act*.

It's a unique piece of legislation because the *Mental Health Act* takes away Charter rights of individuals without them having to commit a wrongdoing. It's the only piece of legislation in any jurisdiction that does that. For that reason, we have to be super, super careful that the legislation that we pass is a good piece of legislation.

[4:15 p.m.]

We have an opportunity here. Our *Mental Health Act* has not been touched for almost 30 years, three decades. We have not updated our *Mental Health Act*. It was sorely in need of an update. I'm glad that we've done that. There are many good initiatives, many good improvements in the bill before us.

However, on Prince Edward Island, we have a habit of not getting back to our bills very frequently. We're about to debate a bill replacing the *Child Protection Act*, which again is, I think, almost three decades old. We don't get to our bills very often.

So, when we have a chance to update a bill and make it the best we possibly can for Islanders – every piece of legislation that comes through this House, our goal is to

make the best possible piece of legislation for Islanders – we need to do that thoughtfully, and that's particularly true because of the unique situation that this bill is.

We should not shape legislation to fit specific individual cases. We just actually had a debate around motivation for some people and whether we should shape a bill with that in mind. We should not. We should create bills that will provide the best possible framework for all Islanders over time. But we can use personal stories to inspire pieces of legislation, and when we are considering new laws. That happens all the time. We actually have laws named after individuals on the books here and across the country for that very reason.

This bill is not named after an individual, but I'm quite sure that Marlene and Lloyd Bryenton would not mind me at all talking about the relevance of their situation – with absolute all due respect to personal privacy rights – and how their experience over the last few years and particularly the last little while has really impacted me personally as a legislator, one of the 27 people on Prince Edward Island who has the privilege and the ability to shape laws here.

I think we cannot talk about this bill without referring to the personal circumstances that – it did not inspire the creation of this bill, this has been in the works for a long time, and our caucus has actually called for the introduction of a new *Mental Health Act* literally for years. You can look back at the receipts of motions that we have brought forward in each and every sitting for the last goodness knows how long. We are very glad that the *Mental Health Act* is here.

It was not written with individuals in mind, but the circumstances of this family, I think, really draw into very sharp focus the importance of this bill and the impact that this bill can have, and will have, on individual lives. We sometimes talk about life and death situations, and we can toss off that phrase lightly. I do not use that phrase lightly when I talk about the implications of this bill. This is a bill which, for better or worse, will create life and death situations for individuals today and long into the future.

Of all the changes that our caucus attempted to make during the debate on this bill, and we brought forward five substantive amendments, perhaps the most disappointing defeat surrounded the restrictions attached to community treatment orders. I'm not going to reiterate the debate that we had. It was a very fulsome debate here on the floor and went on for a long time.

Community treatment orders, or CTOs, are perhaps the most original part of this bill. They did not even exist in the previous iteration of the *Mental Health Act*, although we are one of the last provinces in Canada to bring it forward.

We shall be passing, if this bill in its current state passes third reading, a piece of legislation which contains – and I can say this with confidence, having done a jurisdictional scan – the most restrictive CTOs in Canada. That's a big problem for me.

CTOs offer opportunities for individuals who are in severe mental distress to have their treatment carried out not just in an institution but in a variety of forms, depending on the circumstances of that individual's case, within the community. It's a huge step forward, and I'm so glad it's in the bill, but I'm so mad that we passed the most restrictive covenants in Canada.

[4:20 p.m.]

Why could we not get, as Marlene loves to call it, the gold standard CTO that would place no obligations on psychiatrists other than giving them the biggest latitude they possibly could have to make a CTO order possible for a patient? Why did we not do that? But it's not too late.

This government has, if I can put it this way, created the illusion of producing a modern, progressive piece of legislation, where in reality, we have placed ourselves at the back of the pack and that's a sad thing for us to do. We may not get back to this bill for another 30 years. We could, of course, amend it next session. But I really want you to listen to the implications of the CTO restrictions that we have currently drafted in this bill before we pass it at third reading.

Let's imagine for a moment that your adult child experiences a severe psychotic episode and has to be hospitalized under an involuntary admission. Let's imagine then that this happens in another province. Let's imagine again that after countless emails, calls, correspondence, evidence gathering, that you secure an order from that other province to have your child returned to Prince Edward Island for treatment. Let's further imagine that after more advocacy getting a similar reciprocal repatriation order from the PEI minister – and I thank the minister on behalf of the family and personally for that order – that your child does return to Prince Edward Island for care.

Imagine the relief as your child enters the province, an adult child that may have spent a winter on the streets. Imagine then, after all that effort, after all the wonderful work and the collaboration interprovincially to bring this individual home, imagine then your horror when you realize that the restrictions to access a community treatment order here on Prince Edward Island prevent your child from receiving community care here on PEI, and therefore that all the hard work, all the lengths to which you went, all the costs, both personal and collective, all the emotional burden that you have suffered are for naught. Imagine that.

But members, it is not too late. I make one final plea to the minister to change our community treatment order provisions before we pass this at third reading today. Either pull the bill from the floor or come forward with an amendment to give us community treatment orders that will allow not just this individual – I use this as an illustration because it is current and it is life and death – that we improve this bill and change the restrictions for the community treatment orders that we have in order to protect Islanders.

We're here to make the best legislation we possibly can for all Islanders and we're not doing that with this bill.

Thank you, Madam Speaker.

Speaker: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you, Madam Speaker.

It's a pleasure to rise and talk about this at third reading. The way I've done it for a very long time is that we have third reading at the end of a session where bills go through, and I didn't know what to think about that when I saw that third reading was coming. It's just difficult because I don't know why it's coming today. We know that it did pass second reading and I guess that a large percentage of this House thinks that it's good.

I think that this is a small step in the right direction, but it's not a large step where we need to go and how we need to get there to support Islanders.

We are here because we debate things. I have a child; a lot of us have children in here. We have to put in context of the legislation that we pass what it does to our families, what it does to our kids, what it does to require a CTO or get to that position where, I love my child enough that this is where we are with things. How are we going to do that? Am I making the right decision? As a parent, you have to trust if you get to that position because it's in the best interest of the child, which is another piece of legislation that we're debating.

[4:25 p.m.]

Very difficult to make those decisions. Does this piece go far enough? The feedback – you have to have a requirement within the last two years or more, an involuntary admission for a total of 30 days. What about the people who need this and don't qualify for that? What happens in that situation? I don't understand. Why is that in here?

Could we have done better? What about it being needs-based? What about if it's required, are people really listening? Are we potentially missing a group here? These are restrictive.

You look at the other places; New Brunswick is more advanced. You look at the feedback we're hearing from our own communities. We have to take a look at it in the context of: the things that we do in here, the words on the piece of paper, revolve around humans and revolve around us trying to make the best decision in here as 27 MLAs, to make the best decision in our communities. I can't say, if we pass this,

that I'm going to feel as great as we possibly could.

There are things in here; we talked about it. The people who were talking to me – and I understand this has been consulted on for a long time. I understand what the people talked about on the floor of the Legislature, that we've been consulting on this for two years. Well, putting it on a website and not explaining things to the community of the severity of taking somebody into custody when we have to, when we have to, when the community needs to for their best interests and the best interests of the person we're doing that to, is something that we need to think about.

But in the piece of legislation we have justice of the peace. We said that that's good enough to have a justice of the peace "or other." What's the definition of "other"? I don't know. A judge makes that decision. That's another trust factor. For visible minorities and people out there who don't speak the language, and have come here and are trying to establish, they don't know what's going on. Have we done enough to say, justice of the peace versus a police officer, that's as much as we can do? How are we taking that into consideration? And I didn't really get a great answer. A decision was made and then we went to four ADMs and they said, "Here's what's going to go in the piece of legislation." Is that enough?

This is a big piece, and it affects a lot of Islanders. It affects a lot of people in Prince Edward Island, and one of our own needed more supports some way, and we have to trust that the system is there, and trust that the family who loves beyond love – and you know what that means. That says we need this to be put in place, and the piece of legislation might not work for them.

I don't know what the answer is, and that's why I would agree with my colleague from New Haven-Rocky Point. It's hard to get up and talk about this, but it's what our constituents, the people who put us in these seats, want us to do and talk about this one final time at third reading.

Can we look at this? Did we make the right decisions? We can make a decision and move on, or we can make a decision and say, "That was my decision and I think it

was the best one,” and I don’t know if we’re here with this piece of legislation.

I do believe in CTOs. I do believe in that, if we get to that stage.

Another question was: Are we set up to do this in rural Prince Edward Island? Do we have the same care to care for somebody in rural Prince Edward Island? That question was not answered either. Is it equitable across our province?

So, I would conclude my remarks by saying it’s a privilege and an honour to speak at third reading of this, but I want us to take heed about what we’re doing in here because it’s about Islanders, and it’s about the faces, and it’s about our sons and daughters and the people who we represent, that we have to trust in this and take this as far as we can. I’m just not sure we’ve done that.

Thank you, Madam Speaker.

Speaker: The hon. Leader of the Third Party.

K. Bernard: Thank you, Madam Speaker, and thank you for the opportunity to speak to this at third reading.

[4:30 p.m.]

I’m honestly thrilled to see the *Mental Health Act* come forward. I think that there are some really positive things inside. But sometimes, when we pass a bill, it takes time to see the consequences, whether it be negative or positive, but we see a real life or death consequence example here today – just one – that’s very real. And we have the opportunity to fix it before it causes any wrongs that we can’t undo.

We’re in a majority government situation here and opposition is doing everything it can every day to ensure that the things we’re passing are to their intent, that they are the best that they can be. We don’t always win because there are five of us versus 26 voting members.

I take this opportunity. We need government’s help to make this the best that we can. We have an opportunity to do that here right now. Please, take this as my own

personal plea to take this back and fix it so that it does have the consequences that we hope it has and not the unintended consequences that have been presented in such a real-life, concrete way here today.

Thank you, Madam Speaker.

Speaker: The hon. Minister of Health and Wellness.

Hon. M. McLane: Thank you, Madam Speaker.

I feel obliged to respond. Thank you, Marlene and Lloyd, for attending today.

When I took this role, I had some very great advice from a former minister, Chester Gillan, about not sharing what I learn in this job with my wife or my family. It’s very important, he said, to not engage in that type of activity. I can tell Chester that on this situation, I did kind of have a sit-down with my family to discuss the challenges that the *Mental Health Act* pose to me as person, not as a politician.

I would also say to the other five members, that this is not about winning. This is about modernizing a *Mental Health Act* that we’ve worked on for 20 months. We could all agree that I was very, very uncomfortable with the position of authority on the Ministerial Order. I don’t think I am qualified to make such an important decision without any clinical expertise.

I would say I don’t want to get mired in a debate of the merits of the CTO itself. I do have some concerns that I think we need – allowing our psychiatrists to institutionalize somebody without observations by a psychiatrist is a little troubling to me; again, back to the Charter. But I don’t want this to be mired in that type of discussion.

In terms of mental health, I think it’s important that we listen to our experts. Not every jurisdiction is the same for lots of reasons, as I’ve come to understand over the last few weeks. We do rely on our experts to advise us. I am not an expert in mental health, there is no doubt.

I’ve said it in the media before: I do not think this act will sit on the shelf for a long time like it has. I’m very proud that we

undertook it. It should have been done a long time ago. I'm proud that we've had the gumption to take it on. I know the department has wanted to move this forward for a while. I remember going to see Nichola and saying: Okay, it's the right thing. Let's bring this to the Legislature. We need to this. It will help people. It's a move forward. The treatment of mental health is consistently evolving. It won't be the same. There will be different practices and different medications as we move along over the coming years.

Marlene, Lloyd, Marina, this is difficult, there is no doubt. I do have – I don't want to use the words "a sense of urgency," but I think it's important that we pass this act so that we can start to make a difference. We can reduce some stigma about treatment so that people don't have to be institutionalized to get help. I think that's an important part of this.

[4:35 p.m.]

I'd comment a little bit of an argument about the strength of the CTO. I think I would say that we're middle ground. From what I've learned over the past weeks, I would not say that we're the worst in Canada. I would not say we're the best. Especially with mental health, and even the Health file in general, the experts matter. We have people who are way smarter than myself, way smarter than probably all 27 of us in this House, who give us recommendations.

Is it appropriate to every situation? Probably not. But I think, as I think the Minister of Environment said, everybody comes here to try to make things better for Islanders. That's our goal. That's what we're trying to do here every day.

In closing, I hear you. I hear your concerns. Again, it's weighed heavy on myself over the last couple of weeks, for sure, but I think it is a positive step forward, and I'm proud that we're willing to take it.

Thank you, Madam Speaker.

Speaker: Is there anyone else to speak to the third reading?

Shall it carry?

Some Hon. Members: Standing vote.

Speaker: A recorded division has been requested. Hon. Deputy Sergeant-at-Arms, please ring the bell.

[The bells were rung]

Z. Bell: Madam Speaker, government is ready for the vote.

P. Bevan-Baker: Madam Speaker, third party is ready for the vote.

G. McNeilly: Madam Speaker, opposition is ready for the vote.

Speaker: Hon. members, all those voting against the motion, please stand.

[The Clerk calls the roll]

Bernard
Bevan-Baker
Henderson
McNeilly

Speaker: All those voting in support of the motion, please stand.

[The Clerk calls the roll]

Arsenault
Bell
Burridge
Croucher
Deagle
DesRoches
Hudson
Jameson
Lantz
MacEwen
MacKay
MacLennan
McLane
Myers
Ramsay
Redmond
Thompson
Trivers

Speaker: Carried.

Clerk: Bill No. 28, *Mental Health Act*, read a third time.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that the said bill do now pass.

Speaker: This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to with amendment, read a third time and it is now moved that the bill do pass.

All those in favour, say ‘aye’.

Some Hon. Members: Aye!

Speaker: Contrary, ‘nay.’

Some Hon. Members: Nay!

Speaker: Bill has carried.

The hon. Minister of Justice, Public Safety and Attorney General.

[4:40 p.m.]

Hon. B. Thompson: Madam Speaker, I move, seconded by the hon. Minister of Finance, that the 21st order of the day be now read.

Speaker: Shall it carry? Carried.

Clerk: Order No. 21, *Child, Youth and Family Services Act*, Bill No. 32, in committee.

Speaker: The hon. Minister of Justice, Public Safety and Attorney General.

Hon. B. Thompson: Madam Speaker, I move, seconded by the Honourable Minister of Finance, that this House do now resolve itself into a Committee of the Whole House to take into consideration the said bill.

Speaker: The hon. Member from Morell-Donagh to chair the Committee of the Whole House.

[S. MacEwen in the chair]

Chair: The House is now in a Committee of the Whole House to take into consideration a bill to be intituled *Child, Youth and Family Services Act*.

Hon. minister, would you like to make a motion to bring a stranger to the floor?

Hon. B. Ramsay: Yes, I would.

Chair: Shall it carry? Carried.

Strangers, I should say.

Could you both introduce yourself and your titles again for Hansard?

Mike Henthorne: Sure. Mike Henthorne, director of Child Protection.

Jill Hume: Jill Hume, associate director of Child Protection.

Chair: Thank you for joining us today.

Hon. members, we are currently debating section 24. I have the hon. Leader of the Third Party currently on my list. Would you like to continue?

K. Bernard: Yes, please, Chair. I botched this line of questioning yesterday and I realize my questions were from section 20.

Chair: That’s correct. Hon. minister, would you entertain going back to answer some questions from a couple of previous sections?

Hon. B. Ramsay: For this member? Sure.

Chair: Go ahead, hon. Leader of the Third Party.

K. Bernard: I’m sorry, Chair. I’m just emotional right now.

Chair: That’s alright, hon. member. Would you like me to move on and come back to you?

K. Bernard: Yes, please.

Chair: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you, Chair.

You come back whenever you’d like.

Hon. B. Ramsay: Are you going back to 25 again then? He’s up to 25.

Chair: Minister, we're currently debating section 24.

Hon. B. Ramsay: Okay.

Chair: You had said it was okay if the hon. Leader of the Third Party had went back and asked some questions.

Hon. B. Ramsay: Yes. That's right. Yes. Yes.

Chair: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you very much, Chair.

I'll ask, when we do bring this on the floor, people approach us over the evening and I'll ask the Chair, I just want to make sure I get this right. I've got five questions from a constituent that don't apply to section 24. I'm just asking the Chair if I can read them word for word just as they're coming out, if that's okay?

Hon. B. Ramsay: If they're in the right section.

Chair: Do you know what section they're from, hon. member?

G. McNeilly: No, they're just kind of all over the place. I mean, that's how it goes. I want to make sure I get the questions on. I'm just asking the indulgence, but if you don't want, I can ask –

Chair: Minister, would you like to entertain the member's questions?

Hon. B. Ramsay: Sure. Maybe Mike could say they're in section –

Mike Henthorne: Sure, yeah.

[4:45 p.m.]

Hon. B. Ramsay: Is that okay?

G. McNeilly: Yeah, that's okay.

Hon. B. Ramsay: Yes, sure.

Chair: The hon. Member from Charlottetown-West Royalty.

G. McNeilly: Thank you very much, Chair. This is exactly what happened. These are, word for word, constituents' questions.

Hon. B. Ramsay: Yeah, that's okay. Sure.

G. McNeilly: What is the normal process for a parent or guardian to regain supervised visitation rights with their child?

Mike Henthorne: That would come under a section that we've already covered, under the family intervention plan.

G. McNeilly: Yeah, they give some examples. Since every case is different, in a situation where a parent or a guardian may have physically or emotionally abused a child, would they be required to submit a psychological assessment?

Mike Henthorne: That would determine on a lot of factors, but that would be one of the sections of the investigation powers that this act would allow for; to gather further information, along that line.

G. McNeilly: Okay. During those investigation powers, the next question would be, was that conducted by Health PEI or a private professional?

Hon. B. Ramsay: You mean –

Mike Henthorne: It could be either.

Jill Hume: It could be either.

G. McNeilly: Would that professional be provided background information in either advance so they are aware of the circumstance of the assessment?

Mike Henthorne: We would say yes.

G. McNeilly: Thank you very much. We're getting through it.

Mike Henthorne: Yeah, for sure. We're open to all questions.

G. McNeilly: I appreciate it.

Once the assessment is completed, is there any follow-up conversation with all parties?

Jill Hume: Yes, absolutely.

G. McNeilly: Okay. The next question: for example, would one parent be provided the information of the other parent?

Mike Henthorne: I think we're probably getting there in another section about disclosing information, but we would have power to share information. It's always in the best interests of the child. The safety and security of the child is clearly one of those factors, so we would share information in the best interests of the child. Yes.

G. McNeilly: This is number four. Do cases of suspected abuse get sent to police authorities for review for criminal activities? If not, why? Could you give us some examples?

Jill Hume: Any child protection reports that are received that would also be a criminal offence, we would contact police to determine what, if any, involvement they would have. We have existing protocols with all of our police – RCMP and municipal police services – to ensure that child victims are interviewed once instead of twice and that they're interviewed with a trained social worker and a plainclothes police officer. It would be a joint investigation on many levels.

G. McNeilly: The last one has to do with our Island size. I think in some cases, workers may know families that are being investigated. Is there a conflict of interest protocol for case workers where they would recuse themselves from that in this new piece of legislation?

Mike Henthorne: Yes, absolutely. We agree completely. We have a comprehensive conflict of interest situation. Any perceived conflict of interest, we want to make sure that that is very clear to the families we work with to build trust, to build positive working relationships in all aspects.

G. McNeilly: Thank you very much. This is a great example of how we can get information from our constituents, and you were so great to answer. Thank you very much.

Chair: The hon. Leader of the Third Party.

K. Bernard: Thank you, Chair, and thank you for letting me go back to section 20. I

needed to compose myself. That was the hardest moment I've ever had in this Legislative Assembly, and that's saying a lot.

In the current *Child Protection Act*, there's a section on considerations that includes references to the best interests of the child. I can read them if you would like, but it almost seemed – because it had provisions in there that talked to the need to have the child have the situation explained to them. It almost seems like this act is less child focused.

I'm wondering if you can explain that and if you'd like me to read the considerations that they...?

[4:50 p.m.]

Mike Henthorne: Sure, you can, but we certainly feel like with the review that we have done, the work with the advocate, the child's rights are really centered in other sections. There might be aspects that were reworded from the present act, but in every aspect, we would agree with the advocate that it's aspirational and historic. I don't think there is any reason to point to, to say that there are less rights or less clarification for a child's best interests. I think all of that section is really clear and progressive.

K. Bernard: I guess this isn't really a question, and I know we had talked about this in our briefing; a lot of the questions, the answers are the same, but I just appreciate you taking the time to do this for us.

I'm good for now, Chair. Thank you.

Chair: Are there any other questions in section 24?

Shall the section carry? Carried.

Section 25: Removal of child.

The hon. Member from Charlottetown-West
Royalty.

G. McNeilly: Thank you very much.

The first one: "The Director may remove a child where the Director has reasonable

grounds to believe that (a) the child is in need of protection...”

Is protection defined? Did I miss that?

Mike Henthorne: Yes.

G. McNeilly: Yeah, because I looked at the first; it’s defined somewhere in the middle of it?

Mike Henthorne: It’s under section 3.

G. McNeilly: Section 3, okay. So, just refresh my memory, then. What’s the difference between – we have safety and wellbeing, and that was what I was kind of into – safety and wellbeing.

How is safety and wellbeing different than protection? It’s in the second line, but I’m just confused by (a) and (b).

Mike Henthorne: In that section?

G. McNeilly: Yes, in (1), it says: “(a) the child is in need of protection; and (b) a less disruptive course of action will not adequately protect the safety and well-being of the child.”

Mike Henthorne: Right. So, those definitions – your question was around safety and wellbeing of the child?

G. McNeilly: Yeah.

Mike Henthorne: The definitions of both safety and wellbeing don’t need to be further explained because it’s sort of the dictionary definition of both of those. The reason for a child to be in need of protection, it does refer back to section 3, which is very lengthy and has a lot of different sections of it. To find a child in need of protection is a pretty significant measure, and it required that level of detail to make sure that that was clear.

G. McNeilly: I was just reading it a few times and I was like, it’s almost like a different language. So, I’m just saying; protection, safety, and wellbeing.

In (5) – we talked about it in the *Mental Health Act*. Is there anywhere in here that you considered using a justice of the peace

for any type of reason at all when it comes to kids and their safety?

Mike Henthorne: Yeah. This section actually has the ability to apply for warrants, and that would be to a judge, and that would be in section 2, and then again in a couple sections from now, section 28 gives the legislation the power to ask a court for a warrant to ensure that a child is safe. And those sections are both (Indistinct)

G. McNeilly: It gives them the opportunity to apply. So, a judge is making that decision, but would it have been better if we had it right in?

Mike Henthorne: We also have subsection (4) that says “Exception, without warrant.” When a child is at imminent risk, we do not need to go for a warrant. We would be able to ensure that the child is immediately safe, and that trumps everything.

G. McNeilly: So, explain that process. Can you explain that and give us an example of how that would work?

Mike Henthorne: Sure. I look over at Jill because she has years and years of investigation and focused intervention work with families. She would have years of frontline child protection work.

[4:55 p.m.]

Jill Hume: In our current legislation, we also have the ability to apply for a warrant. Child protection is a very intrusive service, and as many can probably imagine, it is not always a welcome service. Doors are not always readily opened for child protection staff to come into homes.

In situations where the child is at imminent risk of harm, social workers are not going to take the time to apply for a warrant. They can be fairly quick processes, but they’re still processes that take time. So, it is not something that is usually done, that we would look for a warrant. Those situations, we would get assistance from police and we would be entering homes to ensure safety of children.

We’ve had extensive conversations about warrants and if they would be in front of a Supreme Court justice or a justice of the

peace that would grant them. Given the magnitude of the decision being made, our Supreme Court justices are much more aware of our child protection legislation and the roles that we do, so we would be before a judge for them.

I can't really think off the top of my head where we would be stopping to apply for a warrant. In imminent risk situations, we're not stepping away for a warrant.

G. McNeilly: So, that was kind of my question: Is the process slowed down at all?

Mike Henthorne: Oh, thank you for clarifying that. Absolutely not. Imminent risk is imminent risk, and we have the power under this legislation to respond quickly, appropriately, and we always do, and our work continues like that, unhindered by processes or delays.

G. McNeilly: Hopefully it doesn't happen. How many times has it happened in the last —

Mike Henthorne: How many times has what happened?

G. McNeilly: Oh, no, that wasn't my question. I just blanked out there. It's been a long day.

No, that wasn't my question. I had it and I lost it. Sorry. I can't remember it. My brain is fried. Okay, just move on. Thanks. I'll ask later if I remember.

Chair: The hon. Member from Summerside-Wilmot.

T. DesRoches: I don't know if this is the section. Similar to Gord, I had a resident ask me a question and I think it falls under this section. I apologize if it doesn't.

She had a couple of complaints with a child that wasn't being sent to school, wasn't being made to go to school, and she asked me, is there anything in the legislation that they can be taken from the caregiver if they're not made to attend school? Is this where it would be?

Mike Henthorne: Well, yes. The removal of a child is part of this section, but we wanted to ensure everyone that we work

with that having a child come into care and removed from their parents is an absolute last resort that only happens when the child is at imminent risk of danger, or if there are some considerable concerns under section 3 of this act, but it is a very high bar that is not something that occurs very often.

T. DesRoches: Okay. Thank you, Chair.

Chair: Any other questions on this section?

Shall this section carry? Carried.

Section 26: Child taken to place of safety by police officer.

Shall this section carry? Carried.

Section 27: Duties of Director on removal.

Shall this section carry? Carried.

Section 28: Application for warrant, bringing child back into custody.

Shall this section carry? Carried.

Section 29: Computation of time.

An Hon. Member: Call the hour.

Chair: Shall this section carry? Carried.

Did you call the hour?

An Hon. Member: Call the hour.

Chair: Sorry. The hour has been called, hon. members.

[5:00 p.m.]

Hon. B. Ramsay: Mr. Chair, I move that the Speaker take the chair and the Chair report progress and beg leave to sit again.

Chair: Shall it carry? Carried.

[Hon. D. Compton in the chair]

S. MacEwen: Madam Speaker, as Chair of a Committee of the Whole House having under consideration a bill to be intituled *Child, Youth and Family Services Act*, I beg leave to report that the committee has made some progress and begs leave to sit again. I

move that the report of the committee be adopted.

Speaker: Shall it carry? Carried.

The hon. Member from Kensington-Malpeque.

M. MacKay: Madam Speaker, I move, seconded by the hon. Member from Souris-Elmira, that this House adjourn until Thursday, November 16th, at 1:00 p.m.

Speaker: Shall it carry? Carried.

Have a good evening, everyone.

[The Legislature adjourned until Thursday, November 16th, 2023, at 1:00 p.m.]