

2021 Confidence and Supply Agreement between the Yukon Liberal Caucus and the Yukon NDP Caucus

This agreement between the Yukon Liberal Caucus and the Yukon NDP Caucus is effective April 28, 2021, through January 31, 2023.

Section 1 – Foundation of Relationship

This agreement establishes the basis for which the Yukon NDP Caucus will provide confidence in a Yukon Liberal Government. It is not intended to lay out the full program of a Yukon Liberal Government, nor is it intended to presume Yukon NDP Caucus support for initiatives not found within this agreement.

The Yukon Liberals and the Yukon NDP campaigned on policy proposals that included points of agreement across multiple themes. We have agreed on a number of proposals to advance during the course of this agreement, which fall into the following categories:

1. Making democracy work for people
2. Addressing climate change and protecting the environment
3. Creating jobs and building a sustainable economy that works for everyone
4. Improving the services people count on
5. Making life more affordable for people

This agreement sets out a new relationship between the two parties, founded on the principle of “good faith and no surprises”.

Both parties agree that the Assembly works best when all MLAs are able to put forward good ideas, and come together to support those that advance the public good.

Subject to the terms of this agreement, we undertake that:

1. The Leader of the Yukon Liberals will not request a dissolution of the Assembly during the term of this agreement, except following the defeat of a motion of confidence.
2. Yukon NDP MLAs will neither move, nor vote non-confidence during the term of this agreement, so long as the measures outlined in this agreement are enacted and the principle of “good faith and no surprises” has been observed.
3. In addition to consultation requirements outlined in Section 2, if spending is adjusted in excess of +/- 2 per cent on a year-over-year basis the Liberal Government will specifically consult with the Yukon NDP Caucus on these changes. The baseline for this adjustment shall be the budget introduced in the Yukon Assembly on March 4, 2021, after any adjustments necessitated by this agreement.
4. Both parties will ensure that they have all of their elected members at all sittings of the Assembly, as reasonable, and will vote in favour of the government on confidence motions.
5. Votes on the Throne Speech, the annual *First Appropriation Act*, subsequent appropriation Acts (Supplementary Budgets) and an annual *Interim Supply Appropriation Act* will be treated as matters of confidence.
6. Yukon NDP Caucus support for policy and legislation which does not relate to confidence or supply is not subject to this agreement and will be decided on an issue-by-issue basis.

This agreement establishes a dispute resolution process (see Appendix A).

Both caucuses recognize that, in order to promote greater stability, the government must be able to negotiate with the Yukon NDP MLAs as a single, recognized caucus. Similarly, to be a credible partner and fulfill the responsibilities that will be required of them, the Yukon NDP MLAs will require access to legislative tools and sufficient support staff to fulfill the obligations of this agreement.

This agreement shall only be amended by written mutual consent.

Section 2 – Consultation Arrangements

Consultation will occur in a timely fashion to ensure the views of the Yukon NDP Caucus can be incorporated into final decision-making. Formal consultation will be managed between the Premier's Office and the Yukon NDP Caucus office. Regular meetings will also be established between the Premier and the Yukon NDP Leader.

1. Overall Consultation

The Yukon Liberal Government will conduct meaningful consultation with the Yukon NDP Caucus on:

- Broad outline of the government's legislative programme;
- Legislation to be introduced in the Assembly;
- Major policy issues;
- Broad budget parameters; and
- Events/policy changes with territorial or budgetary implications.

To ensure that the Yukon NDP Caucus is informed about the policy agenda of the government, the Yukon Liberal Government agrees to provide access to key documents and officials on a timely basis.

Both parties agree to establish a process to manage and coordinate the external communication of policy initiatives covered in this agreement, ensuring the principle of good faith and no surprises is maintained through communications.

Where the Yukon Liberal Government and the Yukon NDP Caucus have collaborated on policy development or implementation, the Yukon NDP Caucus will have the opportunity to participate in related Government announcements. This may include quotes in news releases and participation in announcement events. Specific communication materials will be subject to joint agreement.

2. Budget

The Yukon Liberal Government will ensure the Yukon NDP Caucus is afforded meaningful consultation on territorial budget priorities in advance of being finalized.

3. Confidentiality

Where briefings or other consultations have been provided to the Yukon NDP Caucus in respect to legislation, policy or budgetary matters, all discussions shall be confidential unless otherwise agreed, subject to the provisions of the *Access to Information and Protection of Privacy Act*.

Section 3 – Collaboration

The Yukon Liberal Government and the Yukon NDP Caucus will work together to provide opportunities for policy review and discussion, giving Yukoners an opportunity to participate directly in their democracy. A number of initiatives will be pursued to support this work.

1. Private Members' Bills

During each sitting of the Assembly, the Yukon Liberal Government will work with the Yukon NDP Caucus to ensure at least one Private Member's Bill introduced by a Yukon NDP MLA will receive a final vote in the sitting in which it is introduced. Government legislative drafting services will be fully available to the Yukon NDP Caucus to develop the Private Member's Bill. Standing orders of the Assembly may be amended as necessary to facilitate this work.

2. Joint Policy Implementation

Policy Implementation Committees and Panels

Within one month of the swearing-in of a Yukon Liberal Government, two policy implementation committees shall launch. The committees will be comprised of the appropriate Cabinet Minister and a Yukon NDP MLA to work jointly with the civil service to finalize implementation of the *Our Clean Future* and *Putting People First* reports. The committees will be responsible for overseeing the implementation of the recommendations and will report progress to the public every six months.

Within one month of the swearing-in of a Yukon Liberal Government, a policy panel shall launch. The panel will be co-chaired by one Yukon Liberal MLA and one Yukon NDP MLA. The panel shall consist of four additional persons, two to be selected by the Yukon Liberal Government, two to be selected by the Yukon NDP Caucus. This panel will be supported by the civil service, with teams for each that include an Assistant Deputy Minister.

The panel – *Making Work Safe* – will conduct a public consultation to develop recommendations for the Legislative Assembly to establish permanent paid sick days in the Yukon. The committee may consider additional policy areas that have been highlighted through the COVID-19 pandemic to ensure that as work has evolved, it remains safe and the rights of workers are protected. The committee will report by January 31, 2022, with recommendations for amendments to the *Employment Standards Act*.

Legislative Assembly Special Committee

A special committee of the Legislative Assembly will be struck to examine electoral reform and bring recommendations to the Assembly for consideration. The composition of the Special Committee shall include an equal number of representatives appointed by all three Caucuses. The Special Committee will report by March 31, 2022.

3. Yukon Forum

A letter will be sent to the First Nations members of the Yukon Forum requesting the full participation of the Leader of the Yukon NDP Caucus. The letter will be jointly signed by the Premier of Yukon and the Leader of the Yukon NDP Caucus and sent no later than May 15, 2021.

4. Assembly Standing Committees

Management of Assembly Standing Committees shall be a shared responsibility between the Yukon Liberal Caucus and the Yukon NDP Caucus. To ensure appropriate oversight and accountability, the number and mandates of current committees will remain unchanged.

The Members' Services Board, Standing Committee on Rules, Elections and Privileges, Standing Committee on Statutory Instruments, and the Standing Committee on Appointments to Major Government Boards and Committees shall each be comprised as follows:

- 2 Government MLAs (1 to act as chair)
- 2 Official Opposition MLAs
- 1 Yukon NDP MLA

Standing Committee on Public Accounts:

- 2 Government MLAs
- 2 Official Opposition MLAs (1 to act as chair)
- 1 Yukon NDP MLA

5. Speaker and Deputy Speaker

The Yukon Liberal Government shall nominate a Yukon Liberal MLA to act as Speaker of the Assembly. Provided the Yukon NDP Caucus has at least three members, they shall nominate a Yukon NDP MLA to act as Deputy Speaker of the Assembly. The Yukon Party Caucus will be asked to nominate one of their MLAs to act as Deputy Chair of the Committee of the Whole.

6. Caucus Resources

By tradition, smaller caucuses in the Assembly have been underfunded to conduct their work for Yukoners and ensure their voices are represented in decision-making. This agreement constitutes a new way of conducting the business of the Assembly and therefore must provide sufficient resources to ensure both the Yukon Liberal MLAs and the Yukon NDP MLAs are able to uphold responsibilities outlined within it, including participation in government decision-making processes, consultation, and policy implementation.

To this end, resources for three additional staff shall be available for the Yukon NDP Caucus. This is in addition to resources allocated within the government through the establishment of a Confidence and Supply Agreement Secretariat to assist with consultation between the Yukon NDP Caucus and the Yukon Liberal Government.

Section 4 – Policy Initiatives

A Yukon Liberal Government agrees to advance the following legislative and policy initiatives identified as a condition of support by the Yukon NDP Caucus. These objectives are not an exhaustive list of the policy initiatives the Yukon Liberal Government or Yukon NDP Caucus will advance, but are areas where there is agreement on shared values and outcomes for the people of the Yukon.

1. Making democracy work for people
 - a. The Assembly shall be recalled within one month of the swearing-in of a Yukon Liberal Government.
 - b. The first sitting of the Assembly will introduce and pass a budget for the 2021-2022 year.
 - c. The Assembly shall sit in the Spring and Fall every year as per the Standing Orders.

2. Addressing climate change and protecting the environment
 - a. To meet the urgent need to address the climate crisis, the Government of Yukon will amend its greenhouse gas emission reduction target from a 30 per cent reduction by 2030, compared to 2010 emissions, to a more ambitious target of a 45 per cent reduction by 2030, compared to 2010 emissions.

Plans to reach the target will be developed by a newly-established Yukon Climate Leadership Council, modelled on the British Columbia Climate Solutions Council. The members will include representatives from environmental organizations and renewable energy sector, industry, Yukon First Nations, labour, municipal governments, youth and Yukon University, to be selected through mutual agreement of the Yukon Liberal Government and the Yukon NDP Caucus.
 - b. In accordance with the *Our Clean Future* report, *The Clean Energy Act* and regulations will be enacted by 2022.
 - c. Legislation to ban single use plastics shall be in force by December 31, 2021, including any necessary regulations.

3. Creating jobs and a sustainable economy that works for everyone
 - a. Minimum wage will be increased to \$15.20 an hour, effective August 1, 2021, with increases applied annually on April 1 of each subsequent year tied to inflation.
 - b. To ensure that workers were able to prioritize their health and reduce the spread of COVID-19, the Government of Yukon established a program to reimburse employers for up to 10 days of paid sick leave taken by their employees. That program, due to end on September 30, 2021, will be extended through September 30, 2022.
 - c. To meet the commitment to Yukoners made at the time of devolution, successor legislation for the mining sector is required. Subject to meaningful consultations with Yukon First Nations, the Yukon Liberal Government and the Yukon NDP Caucus will develop and implement such legislation during the term of this agreement.
 - d. The Yukon Liberal Government and Yukon NDP Caucus are committed to accelerate the pace at which the Land Use Planning (LUP) process, mandated under Chapter 11 of the Yukon First Nation Final Agreements, takes place. As such, adequate resources will be committed to complete ongoing LUP processes and to initiate new LUP processes as agreed to with First Nation governments.

4. Improving the services people count on
 - a. A seven day per week walk in/call-in mental health clinic will be opened in Whitehorse to service the entire territory. It will be created, primarily by coordinating existing mental health resources.
 - b. A territory-wide dental care plan shall be established, as per recommendation of the *Putting People First* report recommendation #5.8, with an initial investment of \$500,000 in the 2021-2022 budget to develop the program, which will be implemented and fully funded beginning with the 2022-23 budget.
 - c. The government will immediately begin developing a plan to support members of Yukon communities to pursue careers in health and social services program delivery in partnership with First Nations, Yukon University and the Government of Canada. Project

development funds will be allocated in the 2021-2022 budget and implementation will receive dedicated funding in the 2022-2023 budget.

- d. The recent cancellation of Individualized Education Plans (IEPs) for children with special learning and neurodiverse needs will be reversed. Those IEPs that were cancelled will be reinstated within 30 days, and any future changes to policies or processes in respect of IEPs will only be made following meaningful consultation with stakeholders.
- e. A safe supply of opioids will be available to people living with addictions within six months as a science-based harm reduction approach to tackle the opioid crisis in the territory. A supervised consumption site will be opened in Whitehorse by August 31, 2021. An initial investment of \$1 million will be made in the 2021-22 budget.

5. Making life more affordable

- a. Yukon is experiencing a housing shortage and higher than normal rental rates. Residential rent increases will be capped at the rate of inflation, effective May 15, 2021 and continuing through the term of this agreement. For the purpose of this agreement, the inflationary adjustment will be 1% this year, based on the 2020 CPI for Whitehorse, and reviewed annually.

Section 5 – Signatures

This agreement is signed by the Leaders of the Yukon Liberals and the Yukon NDP on behalf of their caucuses.

Leader of the Yukon Liberals (signature)

Leader of the Yukon NDP (signature)

Leader of the Yukon Liberals (print)

Leader of the Yukon NDP (print)

Signed this 2 day of April, 2021

Signed this 28th day of April, 2021

APPENDIX A – Consultation and Dispute Resolution between the Yukon NDP Caucus and the Yukon Liberal Government

This agreement is governed by the principle of good faith and no surprises found within the "2021 Confidence and Supply Agreement between the Yukon Liberal Caucus and the Yukon NDP Caucus".

In practice, this requires both parties to work together in good faith to:

1. Consult on policy initiatives detailed within the "2021 Confidence and Supply Agreement between the Yukon Liberal Caucus and the Yukon NDP Caucus" and other policy initiatives agreed upon by both parties. Consultation will:
 - a. Occur before final policy decisions have been made to ensure that the Yukon NDP Caucus can contribute to the policy development process;
 - i. Notice of forthcoming issues requiring consultation is given through the Consultation Committee (see below for details regarding the Consultation Committee).
 - b. Commence with adequate time for the Yukon NDP Caucus to review the necessary information and canvass the caucus for positions, taking into consideration the financial and human resource limitations of the Yukon NDP office.
 - c. Include consultation on senior Order-in-Council (OIC) appointments.
2. Guarantee that the Yukon Liberal Government will gauge support from the Yukon NDP Caucus for proposed legislative action through the Consultation Committee before legislation is introduced.
3. Ensure that the Yukon NDP Caucus is informed about the policy agenda of the government. The Yukon Liberal Government agrees to provide access to:
 - a. Deputy minister and ministry staff briefings;
 - b. Executive summaries and full briefings on key issues as requested by the Yukon NDP Caucus;
 - c. Adequate background documents and support information used in the preparation of initiatives;
 - d. Other resources as necessary to enable informed participation by the Yukon NDP Caucus.

The Yukon NDP Caucus and Yukon Liberal Government establish three levels to consultation/dispute resolution under the broader "2021 Confidence and Supply Agreement between the Yukon Liberal Caucus and the Yukon New Democrat Caucus".

1. Where an issue is identified for consultation by the Yukon NDP Caucus, a member of the Yukon NDP Caucus will be identified to the Yukon Liberal Government as the point person on the issue. Consultation on the issue occurs directly between the Minister and the Yukon NDP Caucus point person.
2. A Consultation Committee will be established to consider any issues needing consultation, including parliamentary aspects that have not been dealt with in consultations between the Minister and the Yukon NDP Caucus point person. This committee will meet regularly and will have two members from each party, including at least one member of caucus.

3. Regular meetings between the Premier and the Leader of the Yukon NDP will take place and can dispense of any remaining issues.

In addition to the process laid out above, the following access is provided to the Yukon NDP Caucus:

Representatives from the Yukon NDP Caucus and the Yukon Liberal Government will meet frequently to establish the formal and informal methods through which consultation takes place. Both parties acknowledge that consultation will form the basis of ensuring that good relationships can be built, that the principle of good faith and no surprises can be followed, and that a strong, stable and effective minority government can exist.