

Backlash Against Employment Equity: The British Columbia Experience

Abigail B. Bakan and Audrey Kobayashi

ABSTRACT

Employment equity policy in the province of British Columbia has undergone a corrosive, back door backlash, compared to Ontario's more classic, or front door, backlash under a similar neoliberal government shift. Using interviews and policy analysis, we document the process. Understanding local variations in the backlash phenomenon is important to strategies to combat oppression and systemic discrimination.

RÉSUMÉ

La politique sur l'équité en matière d'emploi de la Colombie Britannique a passé par un contre-coup de derrière corrosif, comparée à la politique plus classique de l'Ontario, ou le contre-coup de devant sous un changement de régime néolibéral similaire. En nous servant d'entrevues et d'analyse de politique, nous documentons ce processus. Comprendre les variations locales du phénomène de contre-coup est important aux stratégies pour combattre l'oppression et la discrimination systémique.

INTRODUCTION: BACKLASH

Employment equity policies are designed to redress inequalities in the workplace, to identify and eliminate unfair barriers in recruitment, retention and promotion, and to improve the workplace environment for women, members of racial minorities, persons with disabilities and indigenous peoples,¹ for whom a growing body of international literature confirms the reality of inequality (Agocs 2002). Insofar as such policy is grounded in a discursive recognition of systemic processes of discrimination and a concomitant recognition of the need for proactive initiatives to achieve redress for such discrimination, "employment equity is concerned with social justice and the social rights attached to a post-war understanding of citizenship" (Abu-Laban and Gabriel 2002, 131).

The concept of equity in employment has been debated in Canada for several decades. Rosalie Abella (1984) coined the term, "employment equity," to describe a concept of fair and equitable access to employment that has become the basis for federal government policy. Despite severe limitations in implementation, Canada's federal employment equity program is one of the best in the world. Although it applies only to the public service, federally regulated employers and federal contractors, these bodies employ a significant portion of the Canadian labour force and set a standard for other employers (Bakan and Kobayashi 2000).

Provincial governments reflect a very different picture. While all provinces have *some* form of equity policy, and employment is often affected by other policies for women or persons with disabilities, there is currently no provincial employment equity legislation that compels

employers either to develop proactive programs for achieving equity, or to provide redress for systemic discrimination. This lack reflects a general context among provincial governments of neo-liberal, market-driven priorities, where employment equity is considered within target range of restructuring agendas. The elimination or pulling back of employment equity provisions at the provincial level in Canada in recent years is not the result of accident or benign neglect, but the product of an ideological and legislative backlash against employment equity legislation.

"Backlash" is a term widely employed, but minimally theorized (Bakan and Kobayashi 2002). In general, as Peter Li has stated in the context of immigration policy, backlash "implies a public disapproval of a policy direction that produces a widely perceived undesirable social change" (2003, 174). There is little doubt that employment equity policy has been particularly prone to attack, including aggressive backlash (Bisoondath 1994; Gairdner 1993; Gywn 1996; Loney 1998). The example of the challenge to employment equity legislation during the election campaign and first term of government of the Ontario provincial Conservatives under the leadership of Mike Harris has now been the subject of extensive study (Bakan and Kobayashi 2003; Eboe-Osuji and McIsaac 2002; Henry and Tator 2002; Mensch 2002, chp. 9). The British Columbia (BC) experience, following a suggestively similar election pattern under the leadership of Liberal Party Premier Gordon Campbell, has yet to be analyzed from a similar perspective.

British Columbia is notable as the only province that has enacted, and maintained, not only employment equity policy but a legislative directive applicable to the provincial government sector. Following a 1991 policy commitment, the "Public Service Act Directive on

Employment Equity" (hereinafter the Directive) was passed three years later (February 1, 1994) under the New Democratic Party (NDP) government of Mike Harcourt, and updated in 1998 under the NDP government of Glen Clark, specifically to address systemic discrimination experienced by the same designated groups identified at the federal level. The *Public Service Act* was again amended in August, 2001 by the Liberal Party government under Gordon Campbell, to include the office of the newly established Merit Commission, but the Directive was retained in the amended legislation. The BC Directive is not as comprehensive in scope as the legislation enacted in Ontario under Bob Rae's NDP government, and then repealed by the Ontario Conservative Party government. It applies only to the public service (whereas the Ontario legislation had applied to all employers in the province), and it depends upon voluntary cooperation with no consequences for non-compliance. The policy does include a mandatory reporting process, however, and regular audits under the direction of the Equity and Diversity Branch of the Public Service Employee Relations Commission (PSERC).

As of April 1, 2003, PSERC was replaced by a centralized BC Public Service Agency. Even prior to this change in government structure, the reporting process had not been operative since the election of the BC Liberals in May, 2001. Prior to severe cutbacks in the public service under the Liberal government, the employment equity program included thirty-four full-time employees within the public service, committed to enactment of the directive and an extensive voluntary training program. Since the recent election, these structures that ensured the operation of employment equity policy and practices within the public service have been dismantled. The employment equity positions have been eliminated through job loss, retirements or reassignments, within a restructured public service. In contrast to Ontario, however, where the backlash against employment equity was based on arguments that it was a "quota system" that favoured unqualified applicants and produced an atmosphere of reverse discrimination (Government of Ontario 1999), in BC, government officials have insisted that the commitment to employment equity policy is continuing in a new, updated form.

While the backlash phenomenon is commonly seen as a single process, our research indicates that in fact backlash comes in a variety of forms. The BC experience suggests a pattern of corrosive backlash, a kind of backlash through the back door, in contrast to the frontal assault on employment equity that characterized the activities of the Harris government in Ontario. The Campbell government, however, is proceeding with a formally and ideologically more cautious approach, while eroding implementation in practice. We maintain that such distinctions, while they may have superficially similar outcomes, have important implications for policy advocacy and assessment of the effects of policy outcomes.

Our research is based on extensive policy review and seventeen face-to-face interviews with current and former senior public servants, public service employees in the BC provincial government, and employment equity advocates among various communities committed to an anti-oppression and social justice agenda.² Interview subjects were sought with a view to obtaining personal experiences and opinions of those who were well situated to witness the changes in the employment equity infrastructure around the period of transition from the NDP to the Liberal governments in BC. While our interview data are not quantitatively representative, those we interviewed were or are in a variety of public positions of authority and advocacy, and their experiences and opinions suggest qualitative developments in the BC context.

The two provincial contexts have more in common than differences regarding employment equity policy in general. In both provinces, employment equity was only one of a wide range of policies and practices that were the subject of a general, neo-liberal backlash. But differences in the discourse and policy perspectives specifically associated with employment equity are significant and have implications for future policy debates and outcomes, and for strategic advocacy regarding the politics of anti-oppression and social justice. These differences are rooted in distinct conditions within the political cultures of the two provinces regarding the contested terrain of human rights and equity issues in general (Bakan and Kobayashi 2002).

What follows is an analysis of the corrosive backlash against employment equity policy in BC under the provincial Liberal government of Gordon Campbell, viewed from the perspective of a comparison with the Ontario case of more classic, or front door, backlash. A detailed consideration of the BC policy history and subsequent corrosive backlash is followed by a comparison with the frontal backlash against employment equity that occurred in Ontario. We conclude by suggesting some of the strategic and policy implications of such a comparative study of backlash politics from the perspective of employment equity advocacy.

BACKGROUND: EMPLOYMENT EQUITY POLICY IN BC

The NDP in BC had for many years insisted that employment equity policy was central on the platform in repeated government mandates. The goals of the BC Directive on Employment Equity were explicitly stated as consistent with those of federal employment equity legislation,³ and with human rights policy and practices in the province of BC. They included a proactive stance towards removal of discriminatory barriers to equity in employment, and the mandate of the Directive therefore extended to include a long list of potential forms of discrimination (British Columbia 1994 and 1998).

Elimination of barriers to equitable conditions of employment was to be measured on a regular basis, based on data on representation, determined by self-identification. Responsibility for implementation of the policy and for voluntary training programs rested with the 34 employees working directly in employment equity, administered by the Equity and Diversity Division of the public service, under the Commissioner of the PSERC. The presence of these employment equity practitioners within the various units of the provincial government was a central element in the establishment of an institutional culture of employment equity as an accepted norm of operations.

The program was overseen by a joint Union/Management Steering Committee on Employment Equity (UMSCEE), comprised of representatives from the BC Government Employees Union (BCGEU), the BC Nurses Union (BCNU), the Union of Psychiatric Nurses (UPN), the Professional Employees Association (PEA), Public Service Employment Relations Commission (PSERC) including the Equity and Diversity Division, and the government ministries. The Steering Committee was responsible for ensuring that the goals of employment equity were regularly monitored within the ministries, and they reported progress to the Commissioner of the PSERC, who in turn reported results to the Cabinet. The Steering Committee was also to play an interventionist role in all of the government ministries, with a view to advising on the needs for education and training associated with the removal of discriminatory barriers (Bakan and Kobayashi 2003; British Columbia 1994 and 1998; Dagdick 1995).

By the end of the NDP tenure, nonetheless, there was concern that employment equity goals had not yet been accomplished. By the time the last progress report on the employment equity action plans was submitted in 2000, the policy had been most successful in the employment of women and persons with a disability, but not as successful regarding Aboriginal peoples, or visible minorities (BC Stats 2000). The reasons suggested for this failure included the failure by certain ministries to create the mandatory employment equity plans or audits, an absence of targets, or resistance to suggested remedial measures.

CORROSIVE BACKLASH

The BC election on May 16, 2001 yielded a Liberal majority of seventy-six out of seventy-nine seats. A wave of rapid and dramatic cutbacks to the BC public service and a series of legislative repeals accompanied the first months of the Campbell government. Hospital services, education, childcare, workers' compensation, health and safety, employment standards, and services for women were all targeted in the government's agenda to eliminate "waste" and promote efficiency. *Bill 53*, tabled one year after the election, rendered BC the only province in Canada without a Human Rights Commission. The only remaining arm of the human rights infrastructure was a

Tribunal, which could hear complaints but had no investigative mandate. Moreover, with cutbacks that reduced accessibility and legal aid, critics argued that those most in need of intervention to offset discrimination were the least able to use the Tribunal (Canadian Centre for Policy Alternatives 2002).

To date, there has not been any overt ideological challenge to the concept or principles of employment equity, nor has the employment equity directive been repealed. Nonetheless, employment equity policy implementation within the BC civil service has been virtually eliminated, rendering a policy without teeth, in the wave of cutbacks and restructuring. Key to the demise of the employment equity program was the collapse or removal of the designated employment equity advocacy positions within the public service. Sandra Sandhu, currently the Diversity Advisor for Transport Canada in the Pacific Region, was formerly the Equity and Diversity Advisor for the Liquor Distribution Branch in the BC provincial government. The Branch had a workforce of 3500 full- and part-time employees across the province. Her experience of finding her position squeezed out of operation in the provincial government was typical of the experience of other equity advisors. At first, the message was informal:

[I]n about October/November of 2001, there was an e-mail that went around that stated that the provincial government did not believe that the employment equity director was required any longer because the provincial government had met its objective of creating a representative workforce....It didn't necessarily come out to everyone. It kind of went out to a select group of people and then through the employment equity network, and it found its way out to the employment equity advisors. (Sandhu 2003)

By January of 2002, Employment Equity advisors throughout the provincial service were sharing stories and meeting to discuss the erosion of their positions (Sandhu 2003). We spoke to more than one who took early retirement during this period. Some equity positions associated with public service provision were retained longer, but were made ineffective in terms of an advocacy agenda. Pat Danforth, hired in June 2001 as the Manager of Employment Equity and Discrimination Prevention with the BC Ministry of Children and Family Development, later learned that her position would be terminated by March 31, 2003. During the period of her employment, her duties were shifted away from a concentration on employment equity. This shift was not presented as a formal change of governmental priority or policy, but only as a matter of efficiency and avoiding "redundant" efforts (Danforth 2003).

During the Liberal government's first two years,

several other changes occurred in the public service. One of the signals of change was a memorandum circulated to government personnel on September 13, 2001, removing the footer on provincial letterhead, which had stated "The Government of BC is an Employment Equity Employer."⁴ Further, with the elimination of the position of Director of the Equity and Diversity Branch, the joint Union/Management Steering Committee on Employment Equity ceased to meet.⁵ Although the role of BC Statistics in monitoring representation of the four designated equity seeking groups has been retained, there has been a change in the process of self-identification that makes such data available for public consideration. Previously, the standard application form for the BC public service included a self-declaration section, designed to encourage members of designated groups to identify themselves. Self-identification was a necessary precondition for processing applicants for designated positions, or to ensure equity of representation in the next phase of recruitment of qualified applicants. On November 25, 2002, Martha Kenney, Director of PSERC Policy Planning and Workplace Innovation, circulated a signed memorandum addressed to "Directors of Human Resources/Personnel," regarding the government employment application form: "This is to advise you the government employment application form will be reprinted without the Self Declaration section. BC Statistics will continue to gather equity information for new hires through the separate existing processes" (Kenney 2002). The position held by Brian Dagdick, Director of the Equity and Diversity Branch responsible for implementation of the employment equity Directive, was one casualty of the Liberal government's neo-liberal restructuring of the BC public service.

Notably, there was no formal indication that these changes were associated with an ideological challenge to employment equity policy (Dagdick 2001). According to Joy MacPhail, one of only two NDP Members of the Legislative Assembly (MLAs) to survive the election, and leader of the BC NDP, employment equity policy was at no time an issue of public debate, during the election or in the House under the new Liberal government:⁶ "In Ontario the conservative government made getting rid of employment equity a major, major, part of their platform. Well, this government sneaked it through. It never even mentioned it in the election" (MacPhail 2001). And further: "This issue of employment equity is not on their radar screen...There are a lot of issues that they are taking on front and centre, but I don't think this is one that they feel they need to" (MacPhail 2003).

This view was also shared at the level of management in the public service. Jan Rossley, Director of Policy and Legislation in the Ministry of Skills Development and Labour, summarized the general change in the climate regarding equity issues since the election of the Liberals:

The principles around employment equity have never been problematic for me as a manager at all, and I have actually found them useful for certain purposes...It is fair to say that there has been a sensibility that the priorities are now economic recovery, and so the other things are just less important. But I have not heard anyone say "None of this employment equity nonsense."
(Rossley 2003)

RESTRUCTURING EQUITY AND MARKETING DIVERSITY

On April 1, 2003, the structure of the provincial service was changed. Instead of the Public Service Employee Relations Commission, the new British Columbia Public Service Agency, at the time of this writing, operates in a "partnership" with various ministry Strategic Human Resources Units and the BC Leadership Centre. Ministries have the opportunity to "buy in" to specific services associated with human resources, which include issues related to employment equity. Along the way, the Equal Opportunities Secretariat has been effectively dissolved, moved from the portfolio of the Minister of Multiculturalism to that of the Minister of Management Services.

The position of Minister of Women's Equality has been dissolved, replaced by a junior Minister of State for Women's Services in the Ministry of Community, Aboriginal and Women's Services. Various training programs on diversity and cultural acceptance are on the books, but none was scheduled at the time of writing. There is no mention of employment equity or the designated groups throughout the BC Public Service Agency public material or statements on hiring. Judy Gibson, former Equity Advisor in the Ministry of Health Services and a long-standing employment equity expert within the BC public service, noted the process of selection and recruitment of officers for the new Public Service Agency.

Starting April 1st there is a new human resources agency in government, and they are downsizing the human resources component by a little bit more than half. And unfortunately, with the process they used of selecting people by profiles and competencies, the new agency, it seems, hasn't selected any of the people who were previously equity managers within the Ministry.
(2003)

The BC Human Rights Commission was also an arena for the monitoring and promotion of employment equity policy. Mary Woo Simms, former BC Human Rights Chief Commissioner, another senior-ranking advocate of employment equity, lost her job under the sweep of government cuts and restructuring. She had come to BC

from Ontario, where she had worked as the Vice-Chair of the short-lived Equity Tribunal under the NDP government. The BC Human Rights Commission in 1997 was made:

...responsible for investigating complaints of discrimination, but also for trying to mediate resolutions to them...On employment equity specifically, there was a report produced through the Commission called "Not Good Enough." It was an assessment of the employment equity initiatives of the previous government, where we indicated that through a number of focus group meetings with staff of the government throughout the province, and especially visible minority staff, people were saying that the government was not doing enough to promote visible minorities in the public service. (2003)

Simms explained the Liberal government's dismantling of the Human Rights Commission in the broader context of Campbell's pro-market agenda, combined with particular circumstances surrounding changes to the Human Rights system in 1997 (BC Human Rights Coalition 2002): "I think all of that conspired with the ideological bent of the government. We had in place a sort of unfettered capitalism, free enterprise they would like to call it" (Simms 2003; see also British Columbia Human Rights Coalition 2002).

The BC Liberal government's New Era policy sets the priorities on eliminating waste and red-tape, deregulation of government services, and the principle of individual merit (British Columbia n.d.). An employee (name withheld, interview 2003) in the office of Martha Kenney, Director of PSERC Policy, Planning and Innovation, prior to the launch of the new Public Service Agency, reiterated to us the BC government's approach to changes in employment equity practices within the public service as a feature of efficiency. She described the new plans to have managers choose which Human Resource (HR) policies they will adopt, under the assumption that employment equity concerns represent *one* choice among many, on a voluntary basis. Moreover, the less proactive term, "diversity," has increasingly been used instead of "employment equity" in the new packaging of the policy. While a change in terminology alone does not necessarily imply a change in policy, this aspect of the BC backlash is suspiciously similar to the Ontario model (Cameron and White 2000; Ibbitson 1997; MacGregor 1997; Montgomery 2002; Reiter 1997). A new *Public Service Act*, passed August 27, 2001, describes the BC Public Service as "representative of the diversity of the people of British Columbia," but the term "Employment Equity" has been eliminated from most of the government's material.

Vince Collins, Deputy Minister of the Public Service Employee Relations Commission and filling the new position of Merit Commissioner, indicated that

employment equity issues were not a central subject of discussion. The office of Merit Commissioner, introduced in the *Public Service Act*, is broadly defined. But debate regarding merit developed in regard to charges of political patronage from the Liberal Party against the former NDP government, not implementation of employment equity policies in hiring (MacPhail 2003): "To tell you the truth since I have been here, there really has not been any engagement with me around how we should redirect employment equity" (Collins 2003).

Employment equity was promoted as a market adaptation to changing demographic factors, and in this sense part of the "conventional wisdom" of public service workplace management (Collins 2003), but, importantly, redress for systemic discrimination is not considered part of the expected employment equity policy outcome. Instead, the notion is that employment equity has been fully integrated and no longer needs to be a particularly central concern:

It's never been an issue in terms of systemic discrimination. I mean, clearly, there have been barriers to certain groups of people in past time. "Systemic" sounds too oppressive to me...To have a specialist around employment equity kind of misses the point because it is your job and my job as managers of human resources to make that part of what we do. (Collins 2003)

These issues are related. If discrimination is not a systemic condition, but an issue of an historic lack of education, then equity concerns disappear over time and need no longer be addressed. Equity advocates, however, see it differently. Pat Danforth put it this way:

I know that if you leave something untended, like your garden, no matter how lovely your garden was, it is going to get weeds in it. That is what is going to happen here. I believe this very strongly, and I can already tell you that I have seen some of those symptoms already.
(Danforth 2003)

ONTARIO AND BC: VARIATIONS IN BACKLASH

Despite arriving at a similar outcome, the differences in the overt ideologies of backlash against employment equity policy in BC and Ontario are important. In Ontario (Bakan and Kobayashi 2000 and 2001), the *Act to Provide for Employment Equity for Aboriginal People, People with Disabilities, Members of Racial Minorities and Women* was passed in December, 1993, and proclaimed in early 1994, in a provincial legislature governed by a majority New Democratic Party under Premier Bob Rae. During the provincial election of 1995, the Progressive

Conservatives (PCs) under the leadership of Mike Harris explicitly targeted the Employment Equity Act as an indication of the unfair and incompetent governance of the Rae administration. The PCs were aided by a media barrage against the new legislation that included the editorial backing of the *Globe and Mail* (Henry and Tator 2002). In the first sitting of the new Progressive Conservative majority government, Bill 8, *An Act to Repeal Job Quotas and to Restore Merit-based Employment Practices in Ontario*, was quickly tabled, moved through three readings in the legislature and enacted into law in December, 1995.

The title of the bill, referred to in short form simply as the "Job Quotas Repeal Act," expresses its principles and content. Though the Employment Equity Act had not required quotas for the designated groups, its opponents had continually insisted on presenting it as the "quota law." The repeal explicitly challenged any notion of historic or systemic oppression. Not only did it withdraw the law, it also reversed all policy directives of the Employment Equity Commission and the Employment Equity Tribunal retroactively. Further, the repeal act required that all departments, as well as management offices in the private sector, that had compiled information on employment equity "shall destroy the information as soon as reasonably possible after this Act comes into force" (Ontario 1995). A process of paper-shredding was subsequently initiated throughout the Ontario public service.

In many respects, the outcomes of both policy and public discourse have been more similar than different. Both backlash transitions have been associated with electoral change and landslide victories at the polls of small "c" conservative parties, in opposition to failing NDP provincial governments. The infrastructural support within the public service to enable proactive redress for systemic discrimination has been seriously challenged in both provinces. In both cases, there were indications that the seeds of backlash against employment equity are evident in a weakening of political will within the NDP leaderships themselves, possibly in response to growing public pressure. One difference is that in Ontario, opposition to employment equity was justified on grounds that positive democratic practices of the Human Rights Commission were sufficient to uphold equity, while in BC, the highly visible Human Rights Commission received a full frontal challenge, indicating that the backlash effect can occur in conjunction with fairly overt management of public discourse, as particular individuals or units are targeted. But our concern is with the significant difference that the explicitly normative challenge to employment equity characteristic of the backlash in the Ontario context has been absent in BC, while employment equity policy has been eroded without being overtly opposed.

Management of the public issue of employment equity in the lead-up to government transition is significant in both provinces, especially in retrospect. In Ontario, Bob

Rae's government spent years on consultation prior to enacting employment equity legislation, appearing to stall the actual implementation of the law, and as a result drawing criticism from senior NDP party ranks (Bakan and Kobayashi 2000). In BC, in 1999, the NDP had created a new office, the Equal Opportunities Secretariat (note the absence of the term, employment equity), with the mandate of extending the concept of employment equity from the public sector to all employers, for persons with disabilities, members of a visible minority and Aboriginal persons. The fourth target area for redress of systemic discrimination, women, was under the mandate of the Ministry of Women's Equality. The Equal Opportunities Secretariat coordinated a community liaison program with the assistance of an advisory committee. The designated groups had provincial associations that worked closely with the ministries (Khaki 2003). But the actual motivation for the creation of this office was unclear. Bhagwant Sandhu, Executive Director of the Office of the Equal Opportunities Secretariat, saw his role as increasing equal opportunities for employment in the business community and influencing the highest offices within the system, but did not see the historic advocates for employment equity as significant players (Sandhu 2001). Nor did he have a mandate for specific actions.

Judy Gibson identified a trend that threatened the employment equity policy before the Liberal government came in. She was a member of an inter-ministry project committee that released its draft preliminary findings on May 15, 2001, one day before the provincial election (Rana 2001). This working group, under the direction of the Equity and Diversity Division of PSERC, was responsible for considering "repositioning employment equity in the provincial government." The committee devoted much of the last year of the NDP government in BC to "analyzing what was going on in the other provinces and making recommendations" (Gibson 2003). Keith Jeffers, who had experience in the Ontario NDP government, had been appointed Assistant Deputy Minister of PSERC in August, 2000. One of his principle responsibilities was considering the repositioning of employment equity (Gibson 2003).

These are among the indications that the change in political will regarding employment equity in the last years of the NDP governments in both Ontario and BC were portents of coming changes, even though it was with the change in the governments in both provinces that the full scale backlash was unleashed. However, the fact that in BC, employment equity policy has not been dismantled nor targeted in normative discourse since the election, despite evidence of what we have called corrosive backlash, shows that the backlash phenomenon is not a monolithic thing or ideology, or the domain of any particular group, but a terrain of perspectives and practices which is itself prone to contradictory pressures, and subject to strategic political management. More importantly, in BC, space exists for a very different form of resistance politics, in which it is the means, rather than the ends, of the employment equity

principle that are at stake.

LESSONS AND FUTURE CONSIDERATIONS

We have attempted to demonstrate that the backlash against employment equity in BC has followed a distinctive path, specifically shaped by local political and policy decisions. What remain to be considered in greater detail are the precise and nuanced variations in political cultures between BC and Ontario. These differences may imply different future policies, and certainly imply different strategies to mobilize political support to revitalize employment equity programs. Such an in-depth assessment goes beyond the scope of this article, but is suggested by the findings presented here.

A common misconception regarding the politics of backlash, in the limited literature and more widely in the "common sense" among employment equity advocates, (Bakan and Kobayashi 2000 and 2002) regards advocacy for increasing rights of women, Aboriginal people, members of visible minorities, disabled persons, or any other equity-seeking group, as a dangerous game, likely to cause, or at least provoke, a backlash that will result in even greater discrimination. Our earlier work with provincial public services across Canada found that many employment equity practitioners were reluctant to push for stronger legislation, for fear of "going too far" and ending up, as happened in Ontario, with less in place than before they had started to press for legislation (Bakan and Kobayashi 2000). We propose that such reactions are in fact part of the larger backlash phenomenon, and that the backlash effect is therefore much greater than the immediate measures taken by a new government. Indeed, we see elements of such thinking within both NDP governments prior to the elections that ended their times in office.

The evidence suggested by a comparison of our studies of BC and Ontario indicate, however, that in BC, where there was a longer and more established tradition within the public service of employment equity policy implementation, the backlash effect has been moderated, if only in its discursive presentation. There may have been less political leverage in mounting a public campaign against employment equity than in Ontario, which suggests that the public discourse in BC casts employment equity in a very different light. Campaigns to reestablish previous employment equity policies - whether initiated within the formal political process or from the grassroots - will need to be implemented in this context. Place-specific public debate regarding what constitutes fairness, and what people value as an expression of human rights, needs to inform advocacy for greater equity. Effective policy implementation also needs to be geared specifically to provincial political cultures, taking into account various social, political and labour histories, and the forms of discourse through which civil society has defined itself.

Our work in both provinces confirms findings internationally, which indicate that political will and local context are critical elements in the development and application of employment equity policy (Agocs 2002). More advocacy against systemic discrimination tends to provoke greater equity, not greater backlash against equity. The movement to improve employment equity provisions, therefore, needs to occur on a number of fronts, aimed both at those who provoke a backlash through a direct frontal assault, and those who respond by pulling back their efforts while rendering policies ineffective, all the while proclaiming support for the principle of equity. For equity advocates, the ability to chart a strategic course that takes account of the nuances of the political struggle, from backlash in a variety of forms, is crucial to achieving effective social change.

ACKNOWLEDGEMENTS

This paper is part of a larger research project on employment equity policy and the politics of backlash, funded by the Social Sciences and Humanities Research Council of Canada. We would like to acknowledge the expert research and administrative assistance of Susanne Cliff-Jungling, Shanti Fernando, Alberta Danso, Clara Ho, Shaun Tanaka and Ann Marie Murnaghan. We would also like to acknowledge the invaluable support and candour of our interviewees, and the constructive comments of anonymous *Atlantis* reviewers. This paper is equally and jointly written by both authors.

ENDNOTES

1. The term "employment equity" is used officially in the Canadian public policy context, although the term "affirmative action" is sometimes used in everyday language. In the US, "affirmative action" policies generally apply to educational institutions as well as workplaces. On the use of these terms and their various contexts, see: Agocs and Burr (1996); Bakan and Kobayashi (2000); Jain (1990); Leck and Saunders (1992).

2. The methodology for this research was approved by the Queen's University General Research Ethics Board. All participants signed a waiver form, with the option to be identified in print or not. The guiding principle in identification of informants was that those in high-level public positions could not be quoted anonymously without obscuring their identities to the point that analysis would be impossible. Similarly, we identify individuals who have made public or published comments. Others remain anonymous.

3. The most comprehensive statement of the federal employment equity guidelines remains the Royal Commission Report that led to the enactment of the original legislation (Abella 1984). For a discussion of policy context surrounding the Commission and the implementation of its findings, see Timpson (2002, ch. 6,7,8). On the BC policy, see Employment Equity - Policy Directive 2.2 and 1.7, *Personnel Management Policies and Procedures Manual* (British Columbia 1994, 1998).

4. Forwarded e-mail. September 13, 2001, personal correspondence on file with the authors. This issue was referred to in several interviews, including with Dagdick (2001) and MacPhail (2001).

5. According to Gayle Nye, Equity Officer, BCGEU, as of February, 2003, there had been no meetings between the main public service union and any representative of the government concerning employment equity since the election (Nye 2003).

6. The other NDP Member to be elected was Jenny Kwan. When NDP Premier Ujjal Dosanjh called the election in April, 2001, the NDP held 39 seats, the Liberals 32, and independents four. Four new ridings were created through redistribution since the last election, for a total of 79 seats in the 2001 election.

REFERENCES

- Abella, Rosalie S. *Equality in Employment: A Royal Commission Report*. Ottawa: Minister of Supply and Services, 1984.
- Abu-Laban, Yasmeen and Christina Gabriel. *Selling Diversity: Immigration, Multiculturalism, Employment Equity and Globalization*. Peterborough: Broadview Press, 2002.
- Agocs, Carol. "Systemic Discrimination in Employment: Mapping the Issue and the Policy Responses," *Workplace Equality: International Perspectives on Legislation, Policy and Practice*, Carol Agocs, ed. New York: Kluwer Law International, 2002, pp.1-33.
- _____ and Catherine Burr. "Employment Equity, Affirmative Action and Managing Diversity: Assessing the Differences," *International Journal of Manpower*, 17 (1996): 4-5.
- Bakan, Abigail B. and Audrey Kobayashi. *Employment Equity Policy in Canada: an Interprovincial Comparison*. Ottawa: Status of Women Canada, March 2000.
- _____. "Employment Equity and the Ontario NDP: The Legacy of Defeat," Paper presented to Canadian Political Science Association Annual General Meeting. Quebec City, May, 2001.
- _____. "Employment Equity Legislation in Ontario: A Case Study in the Politics of Backlash," *Workplace Equality: International Perspectives on Legislation, Policy and Practice*, Carol Agocs, ed. New York: Kluwer Law International, 2002, pp.91-107.
- _____. "Ontario: Lessons of the Rise and Fall of Employment Equity Legislation from the Perspective of Rights Advocacy," *Employment Equity Policy in Canada and the Politics of Regional Context: Two Case Study Reports*, Abigail B. Bakan and Audrey Kobayashi, ed. Toronto: Canadian Race Relations Foundation, March, 2003.
- BC Human Rights Coalition. *BC Human Rights Coalition Response to Consolidation of the Human Rights Amendment Act, 2002 (Bill 53)*, August 2002. www.human-rights-coalition.bc.ca/ResponsetoBill53.pdf
- BC Stats. *Labour and Social Statistics. Workforce Profile, Executive Summary*. Victoria: Ministry of Management Services, July 2000 and November 6, 2000.
- Bisoondath, Neil. *Selling Illusions: The Cult of Multiculturalism in Canada*. Toronto: Penguin, 1994.
- British Columbia. Ministry of Competition, Science and Enterprise. Deregulation Office, n.d. <http://www.gov.bc.ca/deregulation>
- British Columbia. British Columbia Government, Public Service Act Directive on Employment Equity, 1994, amended 1998. <http://www.mcf.gov.bc.ca/publications/diversity/diversityguide17.htm>
- _____. Human Rights Coalition. "Chronological History of Representation Under the Human Rights System and the Development of a Clinic in Human Rights," British Columbia Human Rights Coalition, 2002 <http://www.human-rights-coalition.bc.ca/Chronolegprep.pdf>
- Cameron, David C. and Graham White. *Cycling into Saigon: The Conservative Transition in Ontario*. Vancouver: UBC Press, 2000.
- Canadian Centre for Policy Alternatives. "BC's draft human rights legislation a giant step in the wrong direction - As deadline for submissions on draft legislation passes, human rights expert says proposed changes no improvement to system," Press Release, September 16, 2002. www.policyalternatives.ca

- Collins, Vince. Personal Interview. February 13, 2003.
- Dagdick, Brian. Director, Equity and Diversity Branch, "Guest Comment: Employment Equity," 1995. http://www.ombud.gov.bc.ca/publications/reports/report_1995/finance_and_employment/employment_equity.html
- _____. Personal Interview. December 6, 2001.
- Danforth, Pat. Personal Interview. February 17, 2003.
- Eboe-Osuji, Chile and Elizabeth McIsaac. "Repeal of the Ontario Employment Equity Laws: Denial of Equal Protection of the Law," *Workplace Equality: International Perspectives on Legislation, Policy and Practice*, Carol Agocs, ed. New York: Kluwer Law International, 2002, pp.109-37.
- Gairdner, William. *The War Against the Family*. Toronto: Stoddart, 1993.
- Gibson, Judy. Personal Interview. February 13, 2003.
- Gwyn, Richard. *Nationalism Without Borders: the Unbearable Lightness of Being Canadian*. Toronto: McClelland and Stewart, 1996.
- Henry, Frances and Carol Tator. *Discourses of Domination: Racial Bias in the Canadian English-Language Press*. Toronto: University of Toronto Press, 2002, pp. 93-107.
- Ibbitson, John. *Promised Land: Inside the Mike Harris Revolution*. Toronto: Prentice-Hall, 1997.
- Jain, Harish. "Affirmative Action/Employment Equity Programs in Canada: Issues and Policies," *Labor Law Journal*, 41 (1990): 487-92.
- Kenney, Martha. Memorandum. November 25, 2002.
- Khaki, Aziz. Personal Interview. February 18, 2003.
- Leck, Joanne D. and David M. Saunders. "Canada's Employment Equity Act: Effects and Employee Selection," *Population Research and Policy Review*, 11.1 (1992): 21-49.
- Li, Peter S. *Destination Canada: Immigration Debates and Issues*. New York: Oxford University Press, 2003.
- Loney, Martin. *The Pursuit of Division: Race, Gender and Preferential Hiring in Canada*. Montreal: McGill-Queen's University Press, 1998.
- MacGregor, Sherilyn. "Feeding Families in Harris' Ontario: Women, the Tsubouchi Diet and the Politics of Restructuring," *Atlantis, Special Issue on Feminism and the New Right in Canada*, 21.2 (1997).
- MacPhail, Joy. Personal Interview. December 5, 2001.
- _____. Personal Interview. February 13, 2003.
- Mensch, Joseph. *Black Canadians: History, Experiences, Social Conditions*. Halifax: Fernwood Publishing, 2002.
- Montgomery, Byron. *The Common (Non)Sense Revolution: The Decline of Progress and Democracy in Ontario*. Creemore: Mad River Publishing, 2002.
- Nye, Gayle. Personal Interview. February 13, 2003.
- Ontario. News Release. "Government to Oppose Job Quotas Coalition," February 5, 1999. <http://www.web.net/~allforee/govt90205.htm>
- Ontario, Legislative Assembly. *An Act to Repeal Jobs Quotas and to Restore Merit-based Employment Practices in Ontario*. 1995.
- Rana, Jeet. "Draft Program Modifications and Repositioning of Employment Equity in the BC Public Service," British Columbia Public Service Employee Relations Commission, Equity and Diversity Division, unpublished document, May 15, 2001.
- Reiter, Ester. "Undoing the Canadian Health Care System: The Privatization of Medical Laboratories in Ontario," *Atlantis, Special Issue on Feminism and the New Right in Canada*, 21.2 (1997): 81-91.

Rossley, Jan. Personal Interview. February 17, 2003.

Sandhu, Bhagwant. Personal Interview. December 6, 2001.

Sandhu, Sandra. Personal Interview. February 19, 2003.

Simms, Mary Woo. Personal Interview. February 19, 2003.

Timpson, Annis May. *Driven Apart: Women's Employment Equality and Child Care in Canadian Public Policy*. Vancouver: UBC Press, 2002.