

**Ending the Employment Discrimination Against the  
Citizens of Vancouver Island, Bowen Island and the Gulf Islands**

**Prepared by**

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<p><i>Definition: Discriminate – to make a distinction in favour of, or against a person on the basis of the group or class to which the person belongs, rather than according to merit.</i></p>
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The purpose of this study was to document the employment discrimination carried out by the Vancouver office of the Public Service Commission (P.S.C.) against the residents of Vancouver Island, Bowen Island and the Gulf Islands by setting overly restrictive areas of selection for federal employment opportunities in the Vancouver area. This discrimination, which also affects graduates of the University of Victoria, and Malaspina University-College, has been going on for many years despite previous complaints about its unfairness.

The Vancouver office of the P.S.C. routinely restricts who can apply for federal government jobs (permanent or temporary) in the Vancouver area by where a person lives or works. People living outside these prescribed areas are forbidden to apply, even though they might have skills and experience greater than those of people living/working in the designated geographic area.

The geographic designations that the Vancouver office generally uses are:

- Greater Vancouver Regional District
- Fraser Valley
- West of the Rockies
- National

Residents of Vancouver Island, the Gulf Islands and Bowen Island are not allowed to apply for federal employment in Vancouver unless they already have employment in Vancouver, or are willing to lie about their mailing address by using a friend's Vancouver address. Only when the employment area is designated as "West of the Rockies" or "National – anywhere in Canada" can Islanders apply for work. The Islands are not recognized as a geographic area.

The following employment advertising data was acquired through an Access to Information Request. According to the rules governing such requests, the identity of the requester is to be kept confidential. In this case, my identity was released to the Vancouver office. In a conversation with John Reid, Information Commissioner of Canada, he asked that I put in a formal complaint against the P.S.C. for apparently violating these regulations. This will be done.

### Geographic Employment Restrictions

The table below describes the geographic restrictions put on 497 advertisements for federal employment in the time period April, 2002 to October, 2004 in the Vancouver area. In some cases the advertisements were for more than one employment position.

Geographic Region	\$30k		\$30-40		\$40-50		\$50-60		\$60-70		\$70-80		Totals	
	P	T	P	T	P	T	P	T	P	T	P	T	P	T
Greater Vancouver Regional District Only	0	1	39	74	22	17	6	7	1	0	0	0	68	99
GVRD plus The Fraser Valley (includes Hope)	0	13	23	51	28	44	29	10	5	1	0	0	85	119
West of the Rockies (Targetted groups)	0	2 (1)	2	0	9 (2)	17 (7)	14 (4)	14 (6)	5 (1)	0	0	0	30 (7)	33 (14)
National (Targetted groups)	0	1 (1)	0	0	0	0	11 (4)	8 (2)	21 (4)	6 (1)	9 (1)	2	41 (9)	17 (4)
Totals	0	17	64	125	59	78	60	39	32	12	9	2	224	273

P – permanent; T – temporary. Salaries indicated are the minimum starting salaries advertised for the job.

Targetted groups consist of employment set aside for either Aboriginals or persons with disabilities.

As can be seen from the table, of the 497 “jobs” that were advertised, only 121 (24%) were open to residents of Vancouver Island or the Gulf Islands. These 121 jobs were also open to residents in other parts of B.C. or Canada, while residents of the Vancouver lower mainland had access to 167 jobs that were not subject to competition from people in other parts of B.C. or Canada. Expanding to include the Fraser Valley, raises the number of jobs not subject to competition from other parts of B.C. or Canada to 371.

As noted earlier, residents of Vancouver Island, Bowen Island or the Gulf Islands, (or anywhere in B.C.), who are already working in the Vancouver area and/or the Fraser Valley are allowed to apply for the Vancouver jobs.

## **Special Geographic Designation Restrictions**

### **Vancouver Island and the Gulf Islands**

Only a very few of the employment advertisements analyzed departed from the four standard geographic categories mentioned above.

One job for a Project Engineer in Vancouver (\$41,521.-\$48,586.) did include, in addition to residents in the GVRD and the Fraser Valley, residents on Vancouver Island but only if they lived in the Greater Victoria Metropolitan area up to and including Duncan. Residents of Nanaimo, for example, were excluded. Another advertisement restricted applicants to the GVRD, Fraser Valley and Metropolitan Victoria.

Three advertisements for an Associate Alternate Dispute Resolution Coordinator (\$58,094.-66,370.), a Manager-Administration (\$51,358.-\$55,495.), and a Occupational Health Nurse (\$58,388.-\$66,370.) included residents of all Vancouver Island as well as the GVRD and the Fraser Valley.

Only three employment advertisements explicitly mentioned the Gulf Islands, in addition to Vancouver Island, the GVRD and the Fraser Valley.

Thus Vancouver Island residents who live north of Duncan were only eligible to respond to six advertisements, in addition to those whose area of selection was designated as “West of the Rockies” or “National”.

## **Bowen Island**

One advertisement for a service delivery assistant for a temporary job in North Vancouver included not only the GVRD but also Howe Sound, Squamish or Sunshine Coast. An advertisement for a “Capital Specialist” (\$51,358-\$55,595) included not only the GVRD and the Fraser Valley, but also Bowen Island, Howe Sound, Squamish and the Sunshine Coast. Four other advertisements for a Ministerial Services Liaison Officer (\$39,364-\$44,026), a Environmental Specialist (\$49,308. - \$59,468), an Estates Officer (\$43,863.-\$47,260.) and a Capital Administrator (\$39,840.-\$43,132.) also explicitly mention Bowen Island, Squamish, Howe Sound and the Sunshine Coast, in addition to the GVRD and the Fraser Valley.

The fact that Bowen Island is explicitly mentioned puts into question the P.S.C.’s response obtained under access to information that Bowen Island is routinely considered part of the GVRD. Clearly it is not.

## **Canadian Charter of Rights and Freedoms**

According to Section 6 of the Canadian Charter of Rights and Freedoms, citizens and permanent residents have the right to move to and take up residence in any province and to pursue the gaining of a livelihood in any province. The Charter provisions apply to all federal government staffing actions, internal and open to the public.

## **P.S.C. Authority to Determine the Area of Selection**

Under Section 13.(1) of the Public Service Employment Act, the P.S.C. has the right to determine the criteria that prospective candidates in open competitions must meet in order to be eligible for appointment. Where recruitment authority is exercised by the P.S.C., the final authority to determine the area of selection rests with the P.S.C. (Bulletin #8E, RPPAD – PSC, May 18, 1999).

Decisions on area of selection involve weighing and balancing a number of staffing values and principles, and other considerations, such as: to give preference in appointment of qualified candidates who reside in the locality of the position whenever it is in the best interests of the Public Service to do so.(P.S.C. Letter 00-35, Q 9).

## **P.S.C. Reasons for Not Including Vancouver Island, Bowen Island and the Gulf Islands**

The local Vancouver office gives several reasons for not including residents of Vancouver Island, Bowen Island and the Gulf Islands when they do allow citizens of Hope, 150 km away to apply:

1. there is a large enough pool of people in the Vancouver/Fraser Valley area and so it would be a waste of taxpayer's money to extend the area of competition to the Islands;
2. they would be overwhelmed with applications for jobs from citizens of Vancouver Island , Bowen Island and the Gulf Islands if they were to open up the area of competition;
3. the ferry system in B.C. is too unreliable for people to live on the Islands and commute, either daily or weekly to Vancouver. In addition to hearing this view from a lower level official of the Vancouver office of the P.S.C., David Beckman, Western Regional Director General of the P.S.C. , in an interview for the Nanaimo News Bulletin (February 15, 2005) is quoted as saying "Excluding Vancouver Island residents from federal jobs in Vancouver is justifiable if the ferry ride prevents them from getting to work on time".

In a meeting with three representatives of the P.S.C. in Ottawa on December 1, 2004, I asked them how they justified excluding citizens of Vancouver Island from applying for jobs, when they allow people in Hope, 150 km away from Vancouver, to do so. They could not provide any satisfactory answer except to say that it was within their authority to limit the area of competition in order to save time, money and the effort that would be needed to look at a greater number of applicants. When I suggested that for the senior level (higher salary) or specialized scientific jobs that the number of additional applicants from the Islands would most likely not exceed 12 - 20, they were unmoved.

The Ottawa P.S.C. officials were adamant that citizens of Vancouver Island, Bowen Island, and the Gulf Islands would not be included when the area of selection is restricted to Vancouver and/or the Fraser Valley.

They could not make a distinction between developing some future system that would allow more competitions to go national, and simply allowing citizens who lived close to Vancouver to apply for jobs.

One of the officials suggested that I write to Reg Alcock, President of the Treasury Board to ask him to give the P.S.C. more money so that they might then include Islanders. I will be doing so.

They further stated that it was the responsibility of the local departmental staffing officers in Vancouver to request that the geographic area include Islanders.

In conversations with some local staffing officers of government departments in Vancouver, the attitude that they need not expand the area of competition to Vancouver Island, for example, seems to be entrenched. They fear they will be inundated with unnecessary applications. They see it as their duty not to waste taxpayer's money by opening up the area of competition to Islanders.

Several senior personnel officers in federal departments believed that it was the officers in the Vancouver office of the PSC that determined whether Islanders could apply, and that they could only suggest they be included.

It also appears that the guidelines established by P.S.C. setting forth the minimum geographic area of competition for a particular job classification has become the maximum area, unless there is some special reason to enlarge the geographic area. Fairness to the citizens of the Islands does not appear to be an adequate special reason.

A manager in a client department can ask that the area of competition be expanded beyond the minimum, but clearly this rarely happens, and when it does it jumps to “West of the Rockies” or “National”. **Vancouver Island, Bowen Island and the Gulf Islands are not on anyone’s radar.**

### **Rebuttal to the P.S.C. Reasons for Excluding Islanders**

The following statements are put forward to refute the arguments of the P.S.C.:

1. Saying that limiting the area of selection is saving taxpayers, money implies that the residents of the Islands are charity cases and do not pay taxes themselves. Island residents do pay taxes and have paid for the right to apply for federal employment in Vancouver.

For specialized occupations such as, for example, science librarian, the pool of candidates in the GVRD and Fraser Valley may be woefully small and one might expect a larger area of selection. Last year, a job for a science librarian for Agriculture and Agri-Food Canada’s research lab in Saskatoon (maternity leave replacement) had as its area of selection, candidates living/working within a 500 km radius of Vancouver, Calgary, Edmonton, Saskatoon and Winnipeg. The winning candidate lived in Nanaimo. That person in Nanaimo could not apply for a similar science librarian replacement position in Vancouver that was advertised for the Geological Survey of Canada in October, 2004, because of geographic restrictions. This seems to be an inconsistent application of the rules.

As noted, above, if “locality of the position” is a legitimate selection criterion, then how does the Vancouver office of the P.S.C. justify that White Rock, 48 km away is in the locality of Vancouver, while Nanaimo (48 km) is not.

According to Chapter 4 – Area of Selection of the P.S.C/ Staffing Manual “Basic Principles and Examples for 4.6.3 – Use of the Geographic Criterion A) iii, An area of selection would likely be contrary to the mobility provisions of the Charter if:

it corresponds to most of a province or territory (e.g., the area of selection includes all of Alberta except for Red Deer)

For the purposes of population density, setting the area of selection as the GVRD and the Fraser Valley takes in most of the population of B.C., except for Vancouver Island. This is no different from setting the area of selection as all of B.C., except for Vancouver Island, Bowen Island and the Gulf Islands. I would suggest that this goes against the mobility section of the Charter.

The merit principle in hiring should not be subservient to saving a small amount of money, when government waste in other areas in Central Canada is so rampant. Fairness, like democracy, costs taxpayers' money.

As noted above, other offices of the P.S.C. in Canada appear to use a “radius around a city” system to designate a geographic area of competition, but not the Vancouver office. The Vancouver P.S.C. office uses a “corridor” approach defining geographic areas of competition by either the Greater Vancouver Regional District (GVRD), or the GVRD and the Fraser Valley. One job, for example for an Official Languages Specialist (\$47,161.-\$50,814) had as its designated area of selection for applicants, persons residing within a “radius of 100 kilometres of Winnipeg, Calgary, or in the GVRD and the Fraser Valley. There was no radius designation used for the Vancouver area. Again, an inconsistency in the application of the rules.

### **Distances Relevant for this Discussion**

The Greater Vancouver Regional District includes, in addition to North, and West Vancouver, the following cities/towns (Driving distance from Vancouver in km):

Village of Anmore	26
Village of Belcarra	31
Bowen Island Municipality	25*
City of Burnaby	10
City of Coquitlam	26
Corporation of Delta	27
City of Langley	47
Langley Township	44
Village of Lions Bay	18
Maple Ridge	45
New Westminster	25
Pitt Meadows	38
Port Coquitlam	31
Port Moody	22
City of Richmond	10
City of Surrey	30
<b>White Rock</b>	<b>48</b>

\* Despite being listed, the actions of the P.S.C. Vancouver office clearly excludes residents of Bowen Island.

The towns included in the definition of the Fraser Valley include:

City of Abbotsford	68
City of Chilliwack	103
Cloverdale	
Langley	47
Langley Township	44*
Harrison Hot Springs	115
<b>Hope</b>	<b>150</b>
Kent	

116

\* Please note that according to the ATIP reply, the citizens of the Township of Langley are considered to be in both the GVRD and the Fraser Valley.

**Five of these cities/towns are further away from Vancouver than Nanaimo.**

Distance from Vancouver for a sample of Vancouver Island major cities/towns:

Courtenay/Comox	151
Duncan	99
Ladysmith	71
<b>Nanaimo</b>	<b>48</b>
Parksville	81
Port Alberni	126
Victoria	94

**Six** of these Island cities/towns are less than the 150 km distance from Vancouver to Hope. (Twenty-five km have been added to the driving distance to take into account the Strait of Georgia).

If the citizens of White Rock and the citizens of the Fraser Valley, most of whom are farther away from Vancouver than citizens of Nanaimo, are allowed to apply for federal employment in Vancouver, why does the federal government continue tolerate the geographic discrimination against the citizens of Nanaimo, in particular, and the Islands in general despite these inequities being brought to their attention in the past.

2. As noted earlier, it is a stretch of the imagination to believe that by including candidates from the Islands, that the Vancouver office of the P.S.C. will be flooded with hundreds of applications, especially for the senior, specialized, or term positions. Is the Vancouver staff so overworked that they cannot handle a dozen or so more applications?



3. Since people who are already commuting to jobs in Vancouver via the so-called inadequate ferry system are allowed to apply, why can't those who are not presently working in Vancouver apply? The concept of commuting on a weekly basis, travelling over on Monday morning and returning to their island homes Friday night, appears to be lost on the P.S.C. officials. This argument falls apart completely if a person is willing to move, at their own expense, to the Vancouver area on a permanent basis for a permanent job.

The ferry service between Nanaimo and Vancouver is supported by two independent ferry systems. The HarbourLynx ferry carries approximately 30 daily commuters and 130 weekly commuters to their jobs in Vancouver (1 hour and 40 minutes, downtown to downtown). B.C. Ferries out of Nanaimo estimates that it carries approximately two dozen daily commuters and around a couple of hundred weekly commuters (1 hour and 40 minutes Nanaimo to Horseshoe Bay plus 30 minutes to downtown Vancouver).

In the 1996 Census, 550 people were identified as living in the Nanaimo area, but working in the Vancouver area. So much for the unreliability of the ferry system.

A representative of the HarbourLynx ferry service states that with respect to the Vancouver P.S.C. officials complaining about ferry reliability, "I don't know what they are talking about. I would suggest that our on time delivery of our morning commuter passengers is (now) in the region of 98-99%". He also states that the early morning departures and arrivals from all three Vancouver bound departure ports for B.C. Ferries is the same.

There is also an adequate ferry system between Victoria and the Mainland.

Surely, someone commuting, even daily from Nanaimo via a ferry, will be more well rested and ready for work, than someone who has to fight traffic for a couple of hours before they get to the office. Weekly commuters are obviously more prevalent and employers in the Vancouver area do not appear to have a problem with this arrangement which is similar to M.P.s living in their ridings, but having to work in Ottawa.

### **Views of Island M.P.s**

Several Vancouver Island M.P.'s also agree that the actions of the Vancouver office of the P.S.C. in excluding residents of the Islands are questionable:

Ms. Jean Crowder, M.P. Nanaimo-Cowichan

"... the mandate (of the P.S.C.) for seeking a qualified applicant should not be restricted based on where the person lives. The **current hiring practice is discriminatory** and needs to be reviewed now, not sometime in the future".

Dr. James Lunney, M.P. Nanaimo-Alberni

“... to deny people on Vancouver Island the opportunity of serving in the federal government when they live a short ferry ride away from Vancouver is **tantamount to discrimination**”.

Dr. Keith Martin, M.P. Esquimalt-Juan de Fuca

“There are individuals who live on the Islands who would like to apply for these jobs and **I cannot see a rational reason for their being prevented from doing so**”

### **Nanaimo City Council**

Nanaimo City Council has added their voice to the protest against the hiring discrimination by passing a motion in council on February 7<sup>th</sup> to write to Maria Barrados, President of the Public Service Commission asking that Vancouver Islanders be allowed to apply for federal employment in Vancouver. The letter from Mayor Korpan states, "Our Council feels that Nanaimo's residents should have equal access to Federal employment opportunities in the Vancouver area and therefore passed a motion requesting that the Public Service Commission change its current hiring practices to ensure inclusion of Vancouver Island and Gulf Island residents in their area of selection".

## Conclusion

Taxpayers on Vancouver Island, Bowen Island and the Gulf Islands are clearly being discriminated against by officials in the Vancouver office of the Public Service Commission by virtue of the fact that they live on an island, and not on the mainland. This hiring discrimination also applies to graduates of Vancouver Island's universities.

People who live farther away from the federal jobs in Vancouver are allowed to apply for employment while people who live closer, but on an island, are not. Distance is clearly not a factor, seawater is. This is systemic discrimination of Islanders.

Hundreds of people, most likely including some federal public servants, live on the Islands and commute either daily or weekly to their jobs in Vancouver. If the ferry service is reliable enough for them to keep their jobs, why not for new job applicants.

Only people who are employed by the P.S.C. and some of the departmental staffing officers argue that saving taxpayers a few dollars trumps fairness to Canadian citizens. They do not consider that allowing only 24% of jobs to be open residents of Vancouver Island, Bowen Island and the Gulf Islands is discrimination. This is not an opinion shared by local M.P.s. who believe it is a form of discrimination, and Nanaimo City Council. Residents of the Islands are also tax payers and deserve the right not to be treated as second class citizens.

I further believe that setting geographic limitations on potential candidates to federal employment is a direct violation of Canada's Charter of Rights and Freedoms. It also makes a joke of the merit hiring system in the Vancouver lower mainland. The actions of the P.S.C. should be challenged in court and they should lose their legal ability to set such geographic restrictions. It should be the responsibility of an applicant to give assurances that they will turn up on time for work, and not on the P.S.C. to pre-judge the situation.

If geographic limitations must be set, and I do not believe they should be, then the Vancouver Public Service Commission office should immediately apply the system used in most other cities in Canada and set the geographic area of competition in terms of radius around the city, and not a narrow corridor. If the staffing area for a job is restricted to the GVRD, then the radius should be 50 km; if it includes the Fraser Valley, then the radius should expand to 150 km around Vancouver. This is the only fair solution for the majority of citizens on the Islands.

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THIS DISCRIMINATORY POLICY WAS SUBSEQUENTLY REVOKED SEVERAL MONTHS LATER, AS A RESULT OF THIS REPORT AND PRESSURE FROM AN EAST COAST M.P.