

The “Right To Bare Arms” Drama: Dress Guidelines in British Columbia’s Legislative Assembly

Following a Legislative Press Gallery protest – about whether clothing that revealed bare arms was appropriate work attire in British Columbia’s Legislative Assembly – BC’s Speaker Darryl Plecas asked the Acting Clerk Kate Ryan-Lloyd to explore and update the institution’s largely unwritten dress guidelines. In this article, the author recounts the “Right To Bare Arms” drama, outlines the steps the Acting Clerk took to create new guidelines, and explains what kind of input her colleagues offered during the process. She concludes that revisiting the Assembly’s dress code and guidelines – especially in light of an increasingly diverse workplace and contemporary ideas about gender identity – was a valuable endeavour and encourages other parliamentarians to consider similar issues if they engage in a similar process.

Janet Routledge, MLA

Earlier this year, I was asked to present on a panel about dress codes in parliament at the Commonwealth Parliamentary Association’s Canadian Regional conference. A parliamentarian from another province at this event expressed incredulity that such a topic would be on the agenda in 2019.

Indeed, if I had been asked a year ago whether this was something we needed to address, I would have had a similar reaction. But, of course, that would have been before I and other members of the Legislative Assembly of British Columbia found ourselves involved in a “right to bare arms” drama.

In this article I will explain why the parliamentary dress code recently became a flash point in BC’s Assembly, how we chose to address a controversy, and what we learned from this episode.

First, it’s important to provide some context. As a first-term MLA, when I arrived at the legislature to begin representing my constituents, I received a thorough and detailed orientation to what was expected of me as an MLA. Never was I briefed about what to wear or not to wear. I simply observed women on both sides of the aisle and made my choices accordingly.



Janet Routledge

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I started wearing brighter jackets and avoided busy patterns. I had heard rumours about not being allowed to wear orange (my party's colour) or open toed shoes, but if it weren't for the drama that occurred in March 2019, I wouldn't have known about Standing Order 36.

Standing Order 36

In the Legislative Assembly of British Columbia, the dress code for Members is not explicitly set out in the Standing Orders. Instead, it's relied on administrative practices and memoranda issued by Speakers over many years to outline what is appropriate dress.

Our Standing Orders don't offer much guidance in this respect. Standing Order 36 simply states, "Every Member desiring to speak is to rise in his or her place uncovered, and address the Speaker." This Standing Order originates from the colonial Standing Orders of the Legislative Council of British Columbia that became the Standing Orders of the Legislative Assembly when BC joined Confederation in 1871. The provision of rising uncovered refers to men at that time, who could not wear their hats when participating in debate.

Outside of the Standing Order, *Parliamentary Practice in British Columbia*, 4th edition, our procedural guide in the Legislative Assembly, states, "In relation to Members' dress, apart from the usual 'jacket and tie' requirement for male members, there is little authority." It also notes a June 1980 Speaker's decision where the guidelines used in Beauséjour – "conservative contemporary standards" – is adopted. It is perhaps of note that, since the last publication of the 4th edition of our procedural guide in 2008, the requirement for ties in the U.K. House of Commons has been done away with.

Aside from this guidance, Speakers provided occasional administrative guidance, including guidance for various staff in the hallways adjacent to the Legislative Chamber. These guidelines have been enforced by Sergeant-at-Arms staff for many years. "Conservative contemporary standards" appears to be quite vague to me, however, and I don't envy the Sergeant-at-Arms staff whose job it has been to interpret and enforce what that means.

Right to Bare Arms Movement

BC had an interesting experience with dress code modernization earlier this year. On March 28, 2019, members of the Legislative Press Gallery raised

concerns about the dress expectations enforced in the Parliament Buildings, specifically in the Speaker's Corridor and in particular as they related to women. This was done through what members of the Press Gallery called the "Right to Bare Arms Movement".

I'd like to share the experience as recounted by Bhinder Sajan, a journalist with CTV News and a member of the Legislative Press Gallery, who was one of the individuals involved in the Right to Bare Arms Movement. In a series of tweets, Ms. Sajan said:

A staffer told us she was told to put on a jacket or leave the hallway. She was dressed in dress pants and a blouse. The blouse had short sleeves. From what I remember, her shoulders were covered, at least partially. She then challenged the rule and was told she needed to have sleeves.

For those of us in the gallery, we had been through this a few times. And the last time we were told there was no dress code per se, as long as we dressed professionally. So [my press gallery colleagues and I] talked about this, and we decided we were sick of this.

We decided we would wear something that showed arms. Sleeveless, different lengths, etc. to make a point. Last year, I remember women wearing sleeveless clothes with no issue. So [my press gallery colleagues and I] showed up and took a picture. It was weird to be 'protesting' a dress code. [...] The picture was then tweeted out.

One person in the picture was told her top wasn't appropriate. She was told to speak to the Acting Sergeant-at-Arms. A bunch of us went up and asked questions. He admitted the rules were old and maybe needed another look. A gallery member showed us a card that had been handed out recently that spoke about media conduct in the hallways. It said nothing about women. But apparently there was a dress code for women that said professional attire was needed. We hadn't seen the policy at this point.

Then Deputy Premier Carole James spoke to reporters and said it was ridiculous that this was being policed. She said she'd been around a long time and was not concerned about how women dressed and didn't think others should be. A review of the policy was underway she said.



Shannon Waters (second from the right) shared this photo on her Twitter account (@sobittersosweet) with the following caption: “Do we look unprofessional to you? Women in the @BCLegislature are being told our bare arms are unprofessional, do not constitute proper business attire for the halls of the House” #bcpoli

We spoke to Sonia Furstenau with the Greens who said one of their staffers was told once to wear a slip under her skirt because it was clingy. She also said she’s heard directly from women who were told to wear tights and cross their legs while sitting. [...]

We often hear stories about women feeling invisible in the workplace, except when it comes to dress codes. That’s when it seems we are more visible than the men. Men can wear the same suit and switch up their ties or shirts, with no one noticing (remember the story about the Australian broadcaster who wore the same suit for a year?!). I don’t think a woman could get away with that.

Maybe I’m wrong, but don’t think so. I’m not blaming the staff who are enforcing the policy. I mean the focus on what women wear goes beyond the Legislature. The recent debate around school dress codes in Chilliwack was an example of this.

The Review

Following this incident, Speaker Darryl Plecas issued a memorandum confirming that a “conservative contemporary approach” had been applied in the Legislative Assembly and announced that a review of modern parliamentary dress expectations would be undertaken by Acting Clerk Kate Ryan-Lloyd.

On April 1, 2019, the Acting Clerk provided the Speaker with initial recommendations which were accepted by the Speaker. These interim recommendations were:

- That any dress guidance at the Legislative Assembly should be principle-driven and not overly prescriptive. We recognize and respect the good judgment of all Members, staff, and Press Gallery members. All Members, staff, and press are encouraged to continue to wear professional business attire. Recognizing that the Legislature is a formal business environment, we are confident good judgment will be shown by all.
- That for women, professional business attire includes a range of contemporary conventional options, which may include sleeveless dresses, sleeveless shirts, and blouses. For men, jackets, collared shirts, and ties will continue to be the expected standard of dress.
- That Assembly dress guidelines will not be a responsibility of Sergeant-at-Arms or other Assembly staff to enforce. Each individual is capable of choosing appropriate professional business attire.

The Speaker asked the Acting Clerk to undertake further consultations and provide a fulsome report on this matter to him, as he is not in a position to unilaterally change dress code expectations himself without input from Members.

Fit to be tied

I was charged with consulting with my colleagues in the government caucus. I was surprised to discover that many of my male colleagues were passionately committed to getting rid of the requirement to wear ties.

More to the point, a primary criticism with the interim dress guidelines issued by the Speaker on the Acting Clerk's recommendation were that they were not gender-neutral at a time where gender nonconformity must be taken into account.

As a caucus we strongly endorsed the recommendation that the dress code should be self-policed. Apparently, no one was happier about this change than the Sergeant-at-Arms staff!

Acting Clerk's Report on Dress Guidelines

The final report by the Acting Clerk to the Speaker was released on May 28, 2019. It included 14

recommendations, and separated dress guidelines into four categories:

- Expectations for Members during proceedings of the House.
- Expectations for Members during proceedings of parliamentary committees.
- Expectations for employees within the Parliament Buildings.
- Expectations for visitors.

These categories are an important acknowledgement of the many expectations that may exist within a single work environment. To summarize at a high level across the four categories, the Acting Clerk's report includes recommendations that:

- Professional contemporary business attire should be expected for Members while participating in parliamentary proceedings in the House, and that this requirement should be formalized in an amendment to the Standing Orders.
- Indigenous attire, traditional cultural attire, and religious attire should continue to be considered acceptable dress.
- Religious headdress, coverings and other objects symbolizing faith, such as kirpans and ceremonial daggers should continue to be permitted.
- For MLAs who identify as a woman, professional contemporary business attire may include sleeveless dresses, sleeveless shirts and blouses.
- For MLAs who identify as a man, professional contemporary business attire may include jackets and collared shirts. Neckties are not required.
- For MLAs who do not gender identify, appropriate professional contemporary business attire shall reflect a range of acceptable options, including examples noted above.
- Clothing and badges with brand names, slogans, advertising or political messages should not be permitted in the Chamber.
- Each Assembly department, caucus or work group should enforce dress guidelines in their respective responsibility area.
- The Speaker should continue to have oversight of dress guidelines in the Chamber and formally retain discretion to authorize exceptions in appropriate circumstances.
- Professional contemporary business attire should also be expected of other individuals who work in the Parliament Buildings.
- Visitors to the Parliament Buildings or the public galleries should wear informal, casual or business attire, including footwear.

British Columbia's Successes

While the Legislative Assembly of British Columbia has learned a lot in reviewing dress guidelines and expectations over the past year, I do believe that we have had some successes, specifically as it pertains to Members and their dress during proceedings of the House.

For example, traditional cultural, Indigenous, and religious attire have long been deemed accepted dress without objection raised. This has, however, been a matter of accepted practice, and it may be good for the Assembly to consider formalizing this by way of an amendment to the Standing Orders.

Another success is the discretion that the Speaker has been allowed to maintain during proceedings of the House. For example, from time to time, in upholding a friendly wager or bet, a Member will wear a sports team jersey in the House while delivering a brief statement. Such diversions from dress code expectations have long been deemed acceptable as long as the Member has taken the time to seek the Speaker's permission in advance.

A strength of these guidelines is the focus on principles as opposed to strict rules. Providing the Speaker discretion to be flexible, affirming the need to be culturally sensitivity, and acknowledging the growing diversity of the Assembly community and its visitors have led to guidelines which better reflect contemporary needs and values.

Conclusion

I suspect many legislatures will revisit the topic of dress codes and guidelines in the coming years. Demographic shifts within a legislature's membership have prompted us to explore other gendered aspects of our workplaces.

If the rules are to be silent on dress expectations, then we should perhaps not be surprised to see a greater expression of individuality through attire. If, however,

expectations still exist – as they should in any workplace – then those expectations should be made known and communicated to all those to whom they apply.

British Columbia is moving in a direction where dress guidelines are not prescribed but basic expectations are communicated, and where we are sensitive to considerations that involve gender and gender nonconformity. In my view, this is a move in the right direction. I encourage other parliamentarians who may be having similar discussions in the coming years to consider gender nonconformity and sensitivity within your legislatures, if it makes sense within your jurisdiction.

Addendum

In the fall of 2019, the Speaker formally accepted all of the recommendations contained in the Acting Clerk's report. In October 2019, the Legislative Assembly of British Columbia unanimously adopted an amendment to Standing Order 36 to remove the word "uncovered", and also unanimously adopted a new Standing Order 17B, which provides certainty to Members with respect to dress guidelines and expectations. The new Standing Order 17B states:

- (1) Members shall dress in professional contemporary business attire for all proceedings of the House.
- (2) Indigenous attire, traditional cultural attire and religious attire are appropriate dress for Members.
- (3) Headdress must not be worn during proceedings of the House, except when worn under the provision of subsection (2).
- (4) Clothing and badges with brand names, slogans, advertising or messages of a political nature are not permitted to be worn during proceedings of the House.
- (5) The Speaker shall oversee dress expectations for Members, may provide guidance, and may authorize exceptions to dress guidelines in appropriate circumstances.