

IMPROVING THE  
**CONSUMER EXPERIENCE**  
WITH CONSUMER REPRESENTATION

**LISTENING**

**RESEARCHING**

**ENGAGING**

**BUILDING ON  
SUSTAINABLE  
SOLUTIONS**

**INSTITUTIONALIZING  
CONSUMER REPRESENTATION**

**ANNUAL REPORT  
OF ACTIVITIES  
2015-2016**

# NOTICES & CONTACT INFORMATION

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# PRINCIPLES

The Consumers Council of Canada works collaboratively with consumers, business and government, seeking an efficient, equitable, effective and safe marketplace for consumers by informing and advocating concerning the following consumer rights and responsibilities.



**Basic Needs** – *The right* to basic goods and services that guarantee survival. *The responsibility* to use these goods and services appropriately. To take action to ensure that basic needs are available.

**Safety** – *The right* to be protected against goods or services that are hazardous to health and life. *The responsibility* to read instructions and take precautions. To take action to choose safety equipment, use products as instructed and teach safety to children.

**Information** – *The right* to be given the facts needed to make an informed choice, to be protected against misleading advertising or labelling. *The responsibility* to search out and use available information. To take action to read and follow labels and research before purchase.

**Choice** – *The right* to choose products and services at competitive prices with an assurance of satisfactory quality. *The responsibility* to make informed and responsible choices. To take action to resist high-pressure sales and to comparison shop.

**Representation** – *The right* to express consumer interests in the making of decisions. *The responsibility* to make opinions known, to take action to join an association such as the Consumers Council, to make your voice heard and to encourage others to participate.

**Redress** – *The right* to be compensated for misrepresentation, shoddy goods or unsatisfactory services. *The responsibility* to fight for the quality that should be provided, to take action by complaining effectively, and to refuse to accept shoddy workmanship.

**Consumer Education** – *The right* to acquire the knowledge and skills necessary to be an informed consumer. *The responsibility* to take advantage of consumer opportunities, to take action by attending seminars and workshops, and to work to ensure consumer education takes place in schools.

**Healthy Environment** – *The right* to live and work in an environment that is neither threatening nor dangerous and which permits a life of dignity and well-being. *The responsibility* to minimize environmental damage through careful choice and use of consumer goods and services, to take action to reduce waste, to reuse products whenever possible, and to recycle whenever possible.

**Privacy** – *The right* to privacy particularly as it applies to personal information. *The responsibility* to know how information will be used and to divulge personal information only when appropriate.

The Council is committed to:

- Being a voice for consumers
- Listening to consumers
- Consumer Empowerment
- Integrity
- Stakeholder involvement
- Excellence in stakeholder and member services
- Financial sustainability



President Aubrey LeBlanc, listens intently at the Council's "In Touch with e-Consumer Protection conference in November.

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## PRESIDENT'S REPORT

To become a consumer representative for Canada is something like joining one of its internationally competing track and field teams.

Practiced and unpracticed amateur, semi-professional and professional feats of strategy, tactics, intelligence, courage, endurance, co-operation and competition are all required. And the preparation for every event must include an aspiration for the finish. Promoting world-class consumer protection for Canadians requires, as it has been said, to want to "own the podium" and to have the support of your country to accomplish that.



## Successfully completed major initiatives

The Council concluded two very successful and major project initiatives this year, one studying consumer impacts of residential intensification and the other helping consumer protection professionals get “in touch” with e-consumer protection.

Over two years, Council Director and Housing and Energy Issues Committee Chair Marshall Leslie conducted an expert panel, leading to a final report *Residential Intensification: The Impact on Consumers*.

Howard Deane, Council Director and Information Technology Issues Committee, developed a program for the Council’s successful conference entitled “In Touch with e-Consumer Protection,” which received the support of Consumer Protection Ontario, CSA Group and the Canadian Marketing Association.

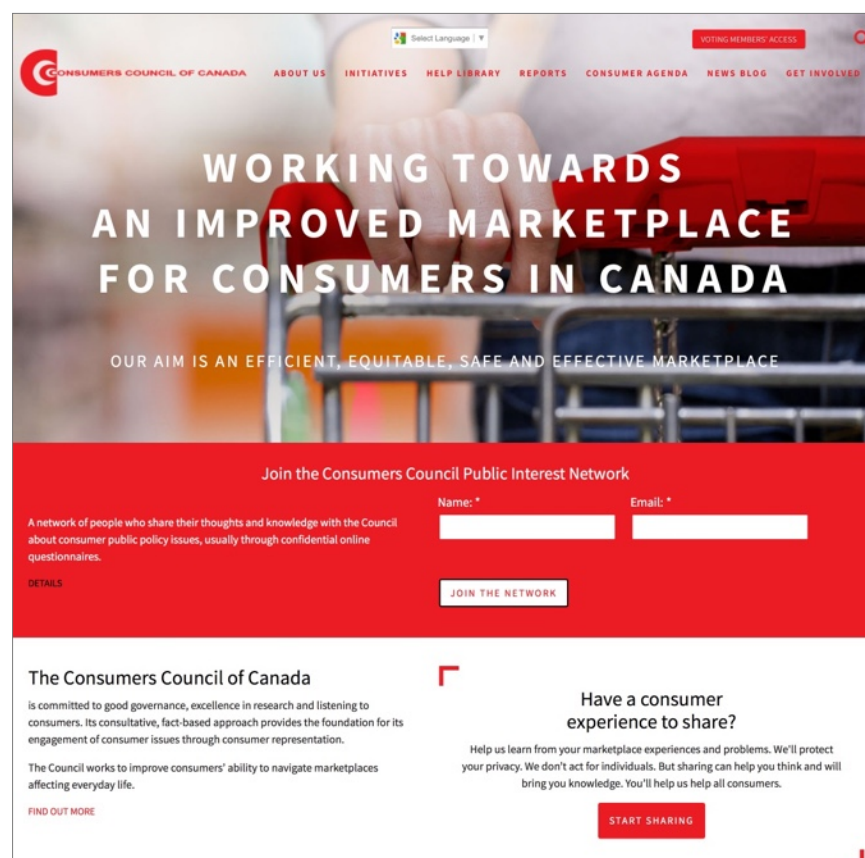
The conference report is essential reading for anyone faced with responding to the consumer protection opportunities and challenges posed by new developments on the Internet.

This report describes in greater detail these and the Council’s other work in the past year.

## Preparing for the future

However, the most important effort to highlight is the work the Council’s board and executive director commenced together to develop a strategy and tactics to address the need for growth of the Council’s core operating capacity.

The first step of that process began last year, with business strategy development, which was financially supported by the Contributions Program for Non-profit Consumer Groups, administered by the federal Office of Consumer Affairs.



“Listening” and “Engaging” have been moved to new positions of prominence on the homepage of the Council’s newly re-designed website.

A number of initiatives emerged from that process, reported on in the pages that follow.

## Innovative approach to national decision making

The board took steps to start adopting new methods of online decision-making, to facilitate its continuing vision to be a national organization. The challenges of conducting transparent, national discussion and democratic decision making including participants across Canada looms large.

The Council’s board turned to innovative Canadian developers of an online system designed for democratic decision-making as one way to conduct its business nationally, affordably and fairly.

This requires a ‘cultural’ shift within the Council’s governance and will take time to implement, but the work is underway and the board of directors conducted its first ‘asynchronously conducted’ online meeting this year. The system automatically

keeps meticulous minutes of meetings and it obviates the trouble and expense of meeting scheduling by allowing participants to engage decision-making on their own schedules, helping them work around personal and work obligations, time zones and distance.

This new approach, taken in conjunction with ‘live’ web/teleconference meetings, will significantly increase the Council’s capacity to conduct its business successfully on a national basis.

### **Improving the consumer experience**

Meanwhile, the Council is transforming its relationship with consumer protection professionals and consumers, themselves.

The Council’s strategy focuses its efforts on five featured events in the pentathlon of consumer representation presented later in this report.

### **A deep think about consumer representation**

A major research report of the Council entitled *Options for a ‘Sustained Institutional Role’ for Consumer Organizations in ‘Internal Trade’ Harmonization Initiatives*, supported by the Contributions Program for Non-profit Consumer Groups, administered by the federal Office of Consumer Affairs, enabled a deep-think about the Council’s relationship to government, business and consumers. It afforded a unique opportunity for the Council to conduct a discussion with some of the most experienced persons involved with public policy development in Canada. It enabled the Council to conduct a high-quality national survey of consumers, to learn about what they expect in their relationships with a consumer group.

This research also helped the Council learn much more about the rising disappointment with business and government of consumers, and the concern they have that consumer groups use a firm, capable hand amid changing legal and business conditions shaped by new domestic and global trade arrangements.

Consumers and public policy experts helped define the scope of the job ahead for consumer groups, and the enormous resource gap to be bridged between the Council’s current core administrative budget of less than \$60,000 a year (this net of commitments to special projects) and the level of revenue expenditure required to address the expectations of both the Canadian system of government and consumer expectations.

Some key findings of the Council’s analysis are summarized elsewhere in this report.

The Council, as frugal and innovative as it must be, nonetheless pursues its mandate with energy.

The Council makes an important national contribution to the public interest in Canada. However, it has been less successful at achieving its goals of greater institutionalization. This is not a problem unique to the Council. It is shared by other Canadian and international consumer groups.

A share of this shortcoming belongs to the Council, itself, and so it is acting to improve itself.

However, the biggest failing lies with business and government, which both wish to rely on systems to regulate the marketplace that by their nature anticipate a role for capable, institutionalized representation of consumer interests. Business and government have failed to provide for the less easy to recognize necessities of the Canadian system of

marketplace conduct. There are some ‘contracts’ with consumers that truly cannot be settled one by one, practically or with any expectation of fair outcomes. Resource provisions for this have constricted for at least two decades.

And consumers themselves have been complacent about this, both unaware and enjoying the benefits of past activism. They mistakenly expect that what they pay for goods and services from government and business will provision consumer representation, because that’s the system.

### **Trust in business and government has declined**

So, it should come as no surprise that trust in business and government is low and falling, as the effects of this neglect is felt in everyday life. Consumers may be unable to put their fingers on the exact source of the problem, but they experience the results. Call it middle-class angst, the spread between the rich and poor, or whatever. The symptoms of declining trust abound.

### **Board membership renewal**

The governance discipline of the Council determines that I will pass the baton to someone else after the Council’s annual general meeting. No clinging to the past is allowed at the Consumers Council of Canada.

I look forward to serving as a member of the Council’s board of directors for another year, however.

At the conclusion of this term, other Council board members will handoff, as well. Agni Shah, who has served ably on our board and as Secretary of the Council, leaves the board at our seven-term limit. We look forward to a greater share of his time being

spent on activism, as one of the organization’s devoted members.

Two other board members will leave the board, also.

Dr. Elizabeth Nielsen has decided to return her primary focus to consumer representation, having worked hard to raise awareness of the Council nationally in the area of global and domestic regulatory harmonization, among other things.

Dr. Les Jacobs, a busy Fulbright scholar, leaves the board, having enriched the Council’s connection with the Public Policy Oriented Consumer Interest Research community.

The new board and executive will be elected this summer. The Council and myself wish to thank departing board members for their service.

### **The responsibility to improve is taken seriously**

The Council is working to improve its game. It is re-honing its skills. Fixing its equipment. Training and flexing old muscles. Recruiting new team members. It is readying itself for assuming new responsibilities, preparing to do a better job of being the consumer’s champion.

The Council knows well that to sustain itself and keep fans in the stands, it must refresh its energy and aspirations.

But even so, the field of play must be kept fair, to ensure the integrity of the competition.

And the country and its institutions must have a commitment to a Canada that is the best it can be at ensuring consumer rights are considered, respected and nurtured.



**Improving the  
Consumer Experience  
with Consumer Representation**

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## A MULTI-YEAR COUNCIL AGENDA

The Consumers Council of Canada is pursuing four key strategies, with related goals, identified in its business planning process last year and based on five essential dispositions for action.

- Building an innovative business model to ensure financial sustainability. *Goal:* Financial sustainability and financial autonomy.
- Enhancing visibility with government, business and the Canadian public. *Goal:* Gain recognition by business, government, consumers and media.
- Quickly engaging on new, emerging consumer issues. *Goal:* To be recognized as the leader for designated consumer issues, current and emerging.

- Sustaining momentum on persistent, long-term consumer issues. *Goal:* Maximum impact on a small number of priority issues (defined as solvable issues that matter to consumers).

The Council is pursuing its strategy based on five key behaviours:

- Listening to consumers
- Engaging with consumers
- Conducting research
- Building its financial model based on sustainable business solutions consistent with its mandate
- Participating in consumer representation and advocating for its greater institutional capacity, independent of business and government



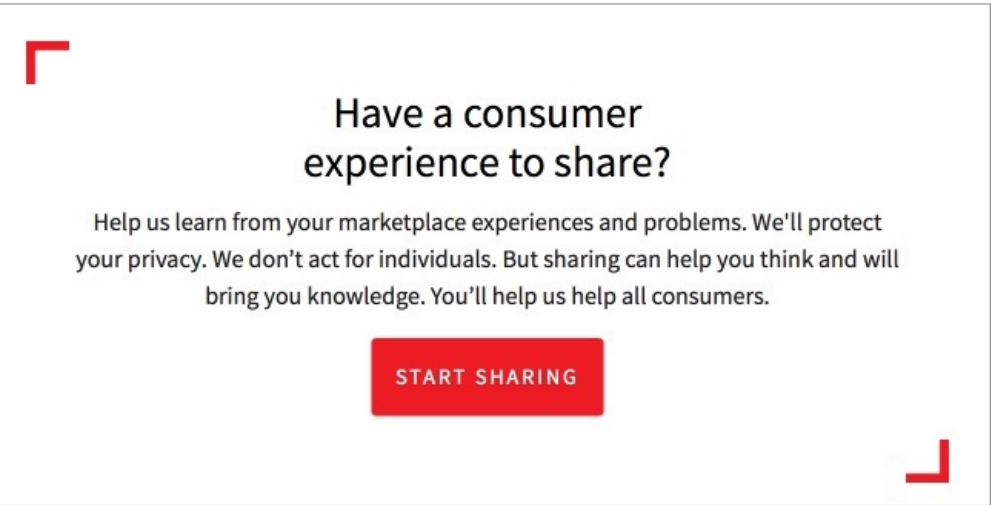
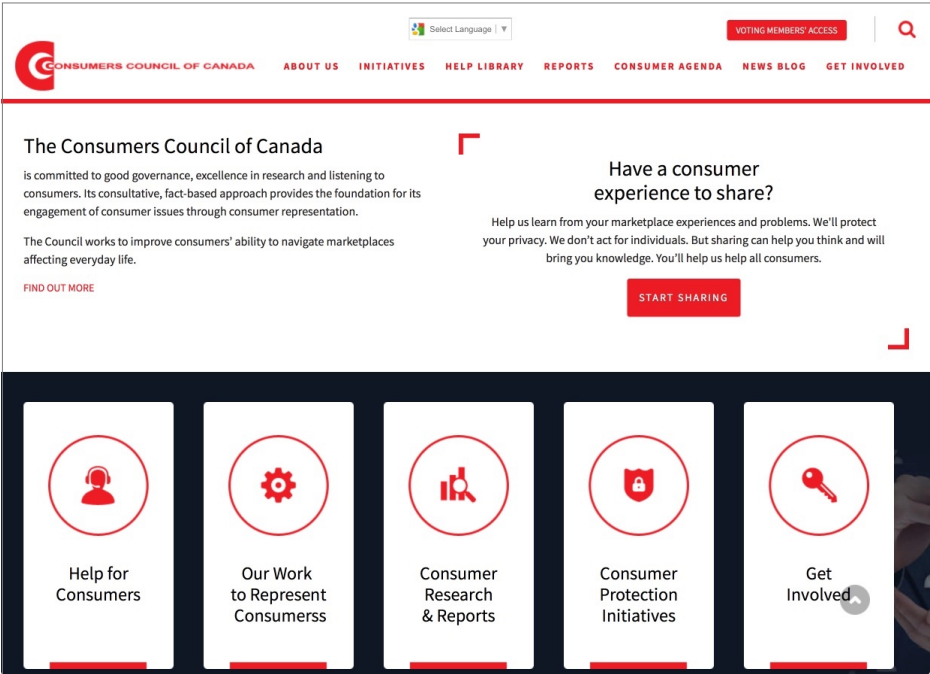
# LISTENING

Recent Council research, based on a nationwide poll of 2,000 Canadians, found the way the largest number of consumers wanted to support a consumer group was by sharing their experiences and problems by communicating it through an online form. The poll, part of the research conducted leading to the report *Options For A Sustained Institutional Role For Consumer Organizations In Internal Trade Harmonization Initiatives*, 2015, found this to be the preference of 73 per cent of those surveyed.

The Council has for many years accepted consumer experiences through a contact form on its website, but with the recent redesign of the site, the ability to share a consumer experience has been moved to a position of prominence on the Council’s homepage.

The Council’s new programmable Consumer Experience service will support the other key objectives of the Council, as it gathers input from consumers to empower its research, representation and future solutions, aimed at supporting the interests of consumers and helping the Council develop sustainable business solutions necessary to strengthen the Council financially.

An important new feature of sharing a Consumer Experience may be the opportunity for a Consumer Referral, based on a consumer’s unique experience.



Sharing consumer experiences now has a place of prominence on the Council’s homepage, reflecting the Council’s position as an active listener.



# RESEARCHING

The Council has been active for many years as an active research organization. It has produced and published publicly and privately funded consumer perspective research. Information about the Council’s research activities is provided later in this report.

The Council’s new, heightened posture of listening to consumers promises to strengthen an already existing dimension of Council research. So does the Council’s actions to expand its Public Interest Network. This is work that can assist the Council in developing the carefully constructed, often independently reviewed, research work it does.

The Council has been open to working with all stakeholders in conducting research that can inform and enable the Council to represent consumers.

Research is highly important to the Council’s engagement strategy.



The Council informs consumers about its representation and provides information to help them exercise their responsibilities.

# ENGAGING

Consumers and volunteers are increasingly under time pressure and prefer forms of engagement that are as easy as possible for them. A large group of consumers are interested in being engaged by consumer groups concerning consumer issues, and especially in ways that are time-shiftable for them.

## PUBLIC INTEREST NETWORK

Nearly as many Canadians are interested in sharing their insights about consumer issues through surveys as by sharing their personal experiences. About 68 per cent of Canadians say they will support a consumer group by volunteering time to participate in confidential surveys about consumer issues. The Council has collected the views of engaged consumers for many years by offering participation in its Public Interest Network.

The Council is highlighting this opportunity for Canadian consumers to engage with it by making sign-up for the PIN easy to find and easier to do, directly from the Council’s homepage. The Council will develop its capacity to reflect back to consumers what it learns from listening to them individually.

## CONSUMER EDUCATION

Consumers choose to learn through “engagement”, at times of maximum personal need or when their interests can be identified and addressed specifically. There are many ways to accomplish this kind of engagement, among them:



The Council is welcoming Canadians to engage it concerning consumer issues through its Public Interest Network.

## CONSUMER REFERRAL

The Council intends to make information and solutions referral an ‘engagement’ feature of its process for collecting consumer experiences, to target information delivery to consumers’ expressions of need. The Consumer Referral feature of the Council’s Consumer Experience service can be capable of immediately offering back value to a consumer, directing them on a context-sensitive basis to additional information or opportunities for dispute resolution and redress offered by the Council or qualified parties other than the Council. The structured process of sharing a complaint offered by the service may help a consumer clarify their best interests, understand their responsibilities and gain knowledge necessary for self protection.

## CONSUMER HELP PUBLISHING

The Council's listening, research and public engagement often puts it in a position to identify information needs to help consumers exercise their rights and responsibilities in the marketplace. The Council will work on developing its capacity to both produce such content and to connect interested audiences to relevant content and consumer experiences and engagement opportunities produced by others. e-Publishing will be one vehicle, and a new feature of the Council's website, "Consumer Agenda" will be another.

## INTERNET & SOCIAL MEDIA

In addition to using Internet services, Council research indicates consumers are interested in engaging with consumer groups through social media, if less so than complaining through online forms, participating in surveys or reading consumer group generated consumer protection news online. About 50 percent of Canadians can see themselves engaging with a consumer group through social media. Of course, social media is one way to bring consumers to the forms of engagement they prefer.

The use of the Council's internet services continues to grow. Unique sessions on the Council's website grew nearly 40 per cent year over year to 21,654. About 81 per cent of those were 'new visitors'. The top four operating systems used to access the Council's site were Windows (55.27 per cent), Apple iOS (15.41 per cent), Apple Mac OSX (13.57 per cent) and Android (12.58 per cent). About 30 per cent of all sessions were on mobile devices. About 51 per cent of visits to the site using mobile devices employed an Apple iPhone or iPad. The next closest share was Samsung's Android devices (7.2 per cent).

The interests being pursued on the Council's website appear to have broadened, as visits increased.

Information about class action lawsuits moved ahead of gasoline prices as a leading reason to visit the site, although the Council's pages seeking to explain gasoline prices were still of relatively high interest. Visitors showed higher interest, also, in the Council's e-consumer protection conference, housing intensification panel and report, and auto-related dispute resolution information.

'Organic search,' and Google in particular, continues to be the greatest source of referrals to the Council's homepage. However, Industry Canada, Canadian Fuels, CAMVAP, OMVIC, CFIA, the Toronto Star, CBC, Facebook and Twitter were notable sources of referrals, too.

Council director Simon Wong has led a volunteer initiative to expand the Council's use of Facebook. The regular addition of content by Council volunteers has brought the Council a slowly growing Facebook readership, to complement the 8 per cent increase to 800 followers on Twitter. The Council's Twitter followers include influential Canadian individuals and organizations.

Clearly the Internet and Social media offers opportunities to both offer and deliver engagement.

## ONLINE MEETINGS

A small share of Canadians will volunteer their time at the high level of commitment required to participate in consumer group policy making and governance. Council research has found that even among the significant majority of Canadians who value consumer representation by consumer groups to deal with complex consumer protection issues,

only about 3 percent would consider volunteer engagement at the level of participating in a group's governance. Volunteers of this kind are thus both exceptional and valuable to delivering the consumer representation Canadians expect. These volunteers appreciate especially the rewards of engagement.

However, as a national organization, the costs and challenges of bringing members together from across Canada are daunting. The Council has used online discussion forums, teleconferences and web conferencing to bring together its members.

However, to raise the meaningfulness of engagement, the Council has begun introducing the use of an "asynchronous meeting" system, complete with voting, into its arsenal of membership engagement. Among the benefits of meeting asynchronously online are:

- Closing the distance among a nationally dispersed membership
- Overcoming scheduling conflicts, bridging personal schedules and timezones
- Enhancing accountability, through automatic minute-taking and recorded voting
- Being able to selectively welcome guest participants into Council deliberations as information providers and observers



# BUILDING SUSTAINABLE SOLUTIONS

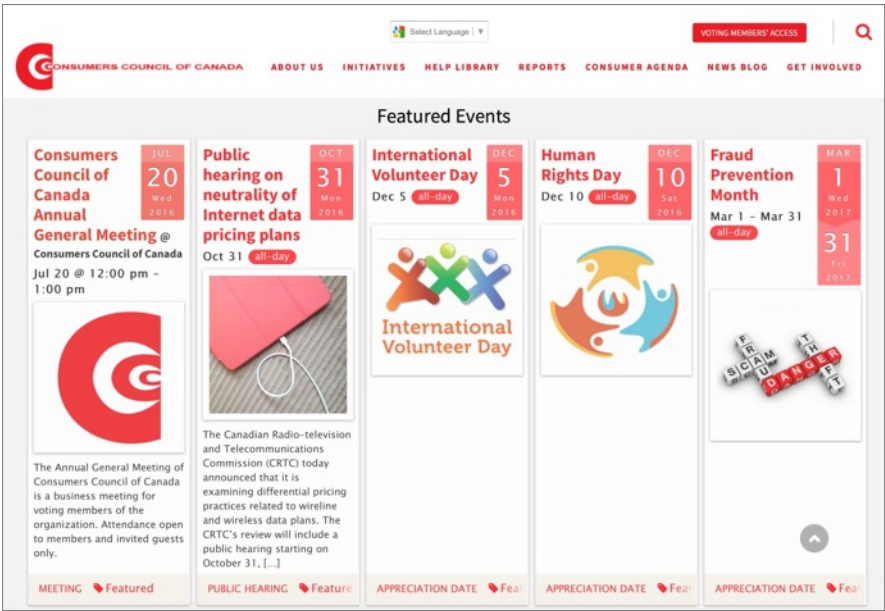
The Council has demonstrated an ability to sustain itself by attracting the financial support of government and sometimes business for its research, consultative and live event initiatives.

It has been able to involve other consumer groups to work on common initiatives, recent examples being the Consumer Group Panel on Food Information, Labelling and Advertising and the Panel on Consumer Impacts of Residential Intensification, which also included industry stakeholders. Both initiatives resulted in published reports.

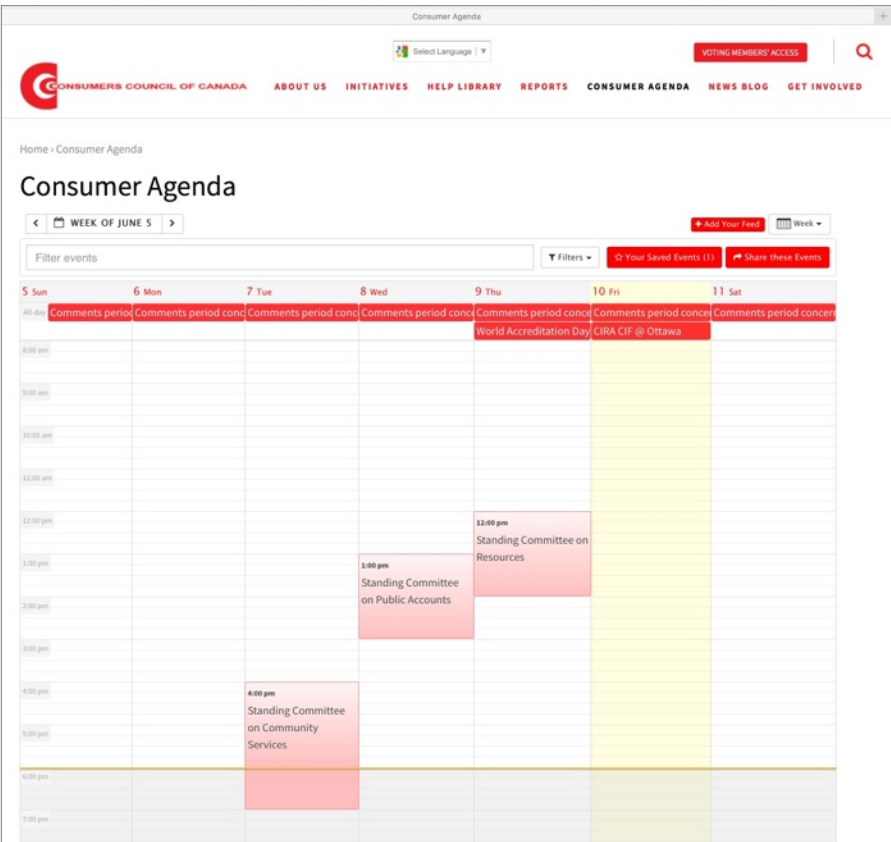
The Council is currently moving to enhance the value it delivers directly to both consumers and the consumer protection professional community.

The new “Consumer Agenda” feature of the Council’s website can connect members of the consumer protection professional community with each other and consumers. The “Consumer Referral” feature of the site’s Consumer Experience service can similarly connect consumers, based on the self identification of their experiences, with relevant service providers among the consumer protection professional community.

The Council is hopeful both these new platforms, with appropriate support from across the consumer protection professional community, can help create shared awareness within the consumer protection community and lead consumers to useful opportunities.



The new Consumer Agenda feature of the Council’s website creates an opportunity for the Council and consumer protection professionals and researchers to inform consumers and each other about consumer interest milestones and event-based opportunities.



Consumer Agenda can be displayed in a variety of formats convenient to users, who can filter for events and milestones of interest, and then link them to their own calendars on computers and mobile devices.

# INSTITUTIONALIZING CONSUMER REPRESENTATION

Globalization of companies and the ways they provide products and services to consumers, from supply chain, to distribution chain, through transaction and then to delivery provide special challenges for consumer protection in Canada.

Global companies may feel vulnerable to the judgment of a world of consumers, but often less so to those of a country that represents but a small component of their sales. They may feel the need to be even less responsive to market pressure from a region's worth of consumers.

Regardless of the head office domicile of product and service providers, increasingly consumers have a distant relationship with them, as well.

Regulation and regulatory processes, often created to offset the risks and effects of marketplace dominance within Canada's smaller community of businesses, require a measure of accountability to consumer groups independent of business and government to assure the public they are free from regulatory capture by the interests whose behaviour they are intended to influence.

Resolving problems in the economy today frequently requires capacities that exceed those of 'ordinary consumers', who, in fact, appreciate this to be the case and strongly favour the participation in public processes and directly with business of organizations that act as role players on their behalf.

Most Canadians also have a clear-eyed view that such role players need significant resources to stand on a fair footing in relation to business and government concerning the consumer relationships they have with both. And they are equally conscious powerful business and government institutions use the money consumers pay them to represent their own interests. Most Canadians share the view that some share of the resources collected by business and government rightly belongs devoted to consumer representation. The order of magnitude of that expectation exceeds today's reality.

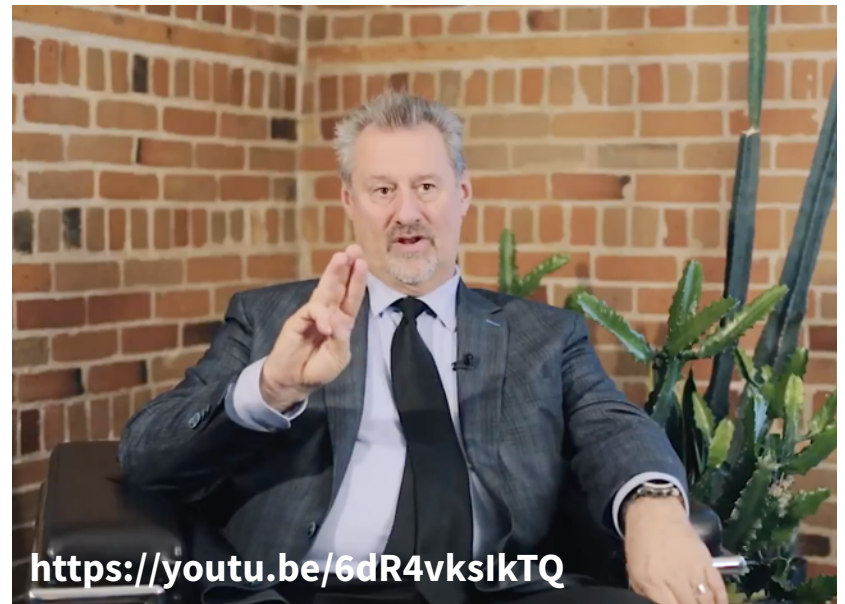
The Council believes business and government needs to address this gap in public expectations, and could start by better supporting through behavioural adjustments and financial support those organizations with demonstrated track records serving consumers in this way. These organizations are few but not hard to find. There are four Canadian consumer groups with a record collectively of consistently engaging public policy processes, and conducting related research, on behalf of consumers.

The Council is of the view that consumer groups must rise to the expectations of consumers, as well. The Council is addressing this, in part, through its aforementioned priorities and actions. But there is much more that must be done to build the institutional strength and role of Canada's consumer groups.

The Council has provided well-researched guidance about the costs and benefits of the institutional role for consumer groups. It has sought to address objectively through that research more than just the responsibilities of business and government to consumers, but also the responsibilities of consumer groups to consumers.

The governments of Canada and of the provinces should show leadership in the creation of an authentic role for independent consumer groups, funded in ways that enable these groups to set their own agendas and develop their own priorities.

The Consumers Council of Canada has resolved to give its best effort to envision and offer solutions to enable movement towards this goal, some of which are discussed within this report.



The Council works collaboratively with other organizations to enhance consumer education about how consumer protection works. Pictured above in a video prepared by Standards Council of Canada, Aubrey LeBlanc, President of the Consumers Council of Canada, talks about how standards help protect the health and safety of Canadians and increase consumer confidence. LeBlanc serves as the voluntary chair of SCC's Consumer and Public Interest Committee.





Council board member Howard Deane organized the program for the “In Touch with e-Consumer Protection” conference

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# IN TOUCH WITH E-CONSUMER PROTECTION

The Council continues to work to develop its capacity to represent consumers concerning e-commerce. Following on its successful conference in November entitled “In Touch with e-Consumer Protection” the Council will soon publish a report of the conference proceedings, which is rich in ideas and analysis concerning key themes related to the future of consumer protection in e-commerce.

This will further highlight the Council’s work on e-consumer protection through this conference, which was generously supported primarily by Consumer Protection Ontario, but also enjoyed small sponsorships by the Canadian Standards Association and Consumer Marketing Association.

Just ahead of the conference the Council released its report sponsored by Canadian Internet Registration Authority (CIRA) entitled: *Improving Online Agreements: “It’s Not Rocket Science!”* (CIRA manages the .ca top-level Internet domain)



Aspects of e-commerce are being dealt with within two Council research projects now underway:

- *Consumer Experiences with Rent-to-Own*
- *Strengthening the Marketplace Through a Consumer Protection Framework for Consumer Online Reviews*

The Council sought support from the contributions program for non-profit consumer and voluntary organizations of the Office of Consumer Affairs, Department of Innovation, Science and Economic Development for four e-commerce themed research projects in 2016-17, two of which have been awarded funding.

#### **Awarded financial support**

- *Consumer Redress, Chargebacks and Merchant Responses in Distant Transactions*
- *Dynamic Pricing - can consumers achieve the benefits they expect?*

#### **Not awarded financial support**

- *Are Silver Surfers being disconnected from e-commerce? – The technology challenges facing Canadian seniors and consumers in an e-commerce world.*
- *The Cost of Convenience: Fintech and Financial Consumers*

The Council continues to be interested in studying the impact on Canada's seniors of e-commerce and doing more to assess consumer impacts resulting from the rapidly developing 'Fintech' sector. It will continue to seek and welcome appropriate sources of funding to address these subject areas.



Download the conference report at:  
<http://www.consumerscouncil.com/InTouch-Report>





Residential intensification is transforming Canadian cities and consumer interests. One Cole Street is part of Toronto Community Housing's Regent Park revitalization project. Photo courtesy of Diamond Schmitt Architects. Photo by Tom Arban.

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## CONSUMER IMPACTS OF RESIDENTIAL INTENSIFICATION

The Council has maintained an active file concerning energy and housing for many years.

Recently marketplace developments in the Greater Toronto and Hamilton Area, Vancouver, Montreal and to some extent other larger Canadian cities have moved the Council's focus to the impacts on consumers associated with residential intensification. Some of the issues in this area overlap with an earlier and ongoing feature of the Council's interest in energy efficiency.

The Council's expression of its agenda in this area has been defined by responding to the impacts of policy developments aimed at managing climate change, without explicitly recognizing this. This probably seemed necessary during a time when whether or not one accepted scientific theory about human-caused climate change was defined as a partisan issue. And the Council has sought to address issue areas as much as possible in language considered 'non-partisan', as a result. Recent shifts in the partisan expression in Canada



of positions around climate change present an opportunity for the Council to redefine and expand its agenda in ways always consistent with its goal to advocate around consumer rights and responsibilities in the marketplace. The Council could consider whether to more directly frame more of its work in housing and energy as climate change initiatives. However the issue-area is expressed semantically, developments affecting consumers are significant. No economic sector is untouched.

The Council has addressed ‘sustainable consumption’ and ‘energy efficiency and conservation’ in the past through research and representation related to consumer responses to sustainable consumption promotion (Sustainable Household Consumption: Key Considerations for a Canadian Strategy, 2009 and the earlier Consumers’ Willingness to Pay for Climate Change), time-of-use electricity billing (The Ontario Smart Metering Initiative – What Does It Mean for Ontario’s Residential Consumers, 2009), consumer product energy efficiency labelling (Will Consumers Benefit from Enhanced Product Labeling on Energy-Efficient Products?, 2014), the National Building Code (The Impact of Higher Energy Efficiency Standards on Housing Affordability in Alberta, 2011 and the earlier Energy Efficiency and Building Codes), mass public transportation (hosted guest speech by the Ontario Minister of Infrastructure and Transportation) and most recently residential intensification.

The recently released report of the Council-hosted and RESCON-sponsored Panel on Residential Intensification, entitled *Residential Intensification: The Impact on Consumers* is well on its way to becoming the most-downloaded Council report

since at least 2008. The Council continues to seek out opportunities to introduce the report to the public and to parties interested in the consumer and public policy issues it touches on. The Council has an opportunity to consider the panel’s findings and recommendations in setting future priorities.

The Council developed one research project proposal related to this theme area for the 2016-17 contributions program for non-profit consumer and voluntary organizations of the Office of Consumer Affairs, Department of Innovation, Science and Economic Development, which has been awarded:

*Incenting Energy Efficient Retrofits: Risks and Opportunities for Consumers*



Download the report:  
<http://www.consumerscouncil.com/residential-intensification-panel-report>





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## RESEARCH

### 2015-16 RESEARCH NEARING COMPLETION

The Council had two research projects underway in 2015-16 funded by the contributions program for non-profit consumer and voluntary organizations of the Office of Consumer Affairs, Department of Innovation, Science and Economic Development. The final report resulting from this research are expected to be released in summer of 2016. Those projects have been:

#### CONSUMER EXPERIENCES WITH RENT-TO-OWN

The Council of Canada has examined the rent-to-own offerings available to typical consumers. The research will provide a perspective on two questions: 1) What information do rent-to-own providers deliver to potential customers prior to completing a rent-to-own transaction? 2) To what extent does this experience meet relevant provincial rules, including consumer protection rules?

## STRENGTHENING THE MARKETPLACE THROUGH A CONSUMER PROTECTION FRAMEWORK FOR CONSUMER ONLINE REVIEWS

This research will outline harms to consumers from misleading, fraudulent, inauthentic and inappropriate reviews, what consumers can do to protect themselves, what business and government can do to ensure consumers' rights are protected, as well as provide input into the ISO Technical Committee on Online Reputation, and more specifically the International Working Group on Consumer Online Reviews.

## 2016-17 RESEARCH

The Council has been awarded funding for three research projects by the contributions program for non-profit consumer and voluntary organizations of the Office of Consumer Affairs, Department of Innovation, Science and Economic Development:

### CONSUMER REDRESS, CHARGEBACKS AND MERCHANT RESPONSES IN DISTANT TRANSACTIONS

The Council will study consumer attitudes and merchant responses related to disputes in e-commerce (or distant) transactions. It will examine what consumers do to reconcile disputes with merchants, how merchants respond to what those consumers do, how the changing accounts management and debt collection practices affect and are affected by these trends.

### DYNAMIC PRICING – CAN CONSUMERS ACHIEVE THE BENEFITS THEY EXPECT?

This research will outline the possible harms to consumers from potentially exploitative pricing practices as retail business moves to more extensive

use of dynamic pricing, what consumers can do to protect themselves, how aware they are of the risks, and what business and government can do to ensure consumers' rights are protected.

### INCENTING ENERGY EFFICIENT RETROFITS: RISKS AND OPPORTUNITIES FOR CONSUMERS

This research will focus on the risks and opportunities for consumers of home energy efficiency retrofits and renovations that are driven by government and utility incentives. The Council will examine how consumers benefit from incentive programs and what risks they assume when renovations or retrofits are completed. The study will examine the safeguards governments and utilities have adopted to protect consumers from renovations that are not properly executed.

*Consumers Council of Canada receives funding from Innovation, Science and Economic Development Canada's Contributions Program for Non-profit Consumer and Voluntary Organizations. The views that are expressed in these reports are not necessarily those of Innovation, Science and Economic Development Canada or the Government of Canada.*





Council Vice President Don Mercer (left) meets with Lucie Tedesco (centre), Commissioner, Financial Consumer Agency of Canada, in Ottawa in February

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## CONSUMER REPRESENTATION

Members of the Consumers Council of Canada are highly active as representatives of consumers in a wide range of roles and forums. *Almost all of this work is unpaid volunteer work.* The Council is recognized as an experienced contributor to many important public processes that enable consumer protection. The Council continues to turn down more requests and opportunities to consult than it can pursue, for resource reasons.

# ADVERTISING

## ADVERTISING STANDARDS CANADA

Advertising Standards Canada (ASC) is a national, independent not-for-profit advertising self-regulatory body. ASC is committed to fostering community confidence in advertising, and to ensuring the integrity and viability of advertising in Canada through responsible industry self-regulation.

Christina Bisanz, a member and former director of the Council, serves on the ASC Board of Directors as the public representative. She was re-appointed in 2015 for a three-year term ending in 2018. The Council is a member of ASC.

The ASC Board oversees the strategic directions and activities of the organization, ensuring that ASC fulfills its mandate for responsible advertising self-regulation.

In 2015, ASC was active in a number of areas to ensure transparency, accuracy and accountability in advertising. These included:

1. Understanding Consumer Perspectives: ASC conducts annual consumer research to provide insights about consumer perspectives on advertising. Results confirm that consumers receive value from advertising, and that it is helpful in their decision-making. Consumers have more trust in traditional media than those in online media for products and services they know and like. A copy of the consumer research

report is available at

[www.adstandards.com/research](http://www.adstandards.com/research)

2. Responding to Consumer Complaints: The consumer complaints process is key to ASC's regulatory process. In 2015, 1,774 complaints were received—a significant increase over prior years. Drivers for this increase included unusually high complaints about ads by not-for-profit advocacy groups, among other things. The full report is available at [www.adstandards.com/complaintsReports](http://www.adstandards.com/complaintsReports)
3. Online Interest-based Advertising (IBA): the rise of Internet-based advertising prompted ACS to undertake responsibility for the accountability component of the Ad Choices Program (Canadian Self-Regulatory Program for Online Behavioural Advertising). ASC now monitors websites of participating companies, working with them to achieve compliance, responding to consumer complaints and publishing compliance reports. Please see [www.adstandards.com/AdChoicesReport](http://www.adstandards.com/AdChoicesReport) for more information.
4. Advancing Healthier Dietary Choices to Children: ASC administers the Canadian Children's Food and Beverage Advertising Initiative (CAI), involving Canadian companies committed to promote healthier dietary choices in ads directed to children under 12, or not to advertise to them at all. Details of the initiative

and its outcomes can be found at  
[www.adstandards.com/CAIReport](http://www.adstandards.com/CAIReport)

5. ASC Clearance Services: This service helps ensure that advertising in five regulated categories complies with government requirements as well as specific industry codes and guidelines. In 2015 over 10,000 advertising submissions were reviewed by ASC. In the coming year, ASC will assume responsibility for the Consumer Advertising Guidelines for Marketed Health Products (currently a Health Canada publication). Please refer to [www.adstandards.com/clearance](http://www.adstandards.com/clearance).

Through these, and other initiatives, ASC continues to raise awareness of the role and value of industry self-regulation in Canada. In order to ensure that it stays current and responsive to the needs and concerns of Canadian consumers, the ASC Board of Directors also undertook a review of the organization's mandate, setting the stage for ASC to enhance and expand its efforts to serve all stakeholders and to promote the value of effective advertising self-regulation. A copy of the year in review is available at [www.adstandards.com/AnnualReport](http://www.adstandards.com/AnnualReport).

## PHARMACEUTICAL ADVERTISING ADVISORY BOARD

Agni Shah has represented the Council on the board of directors of the Pharmaceutical Advertising Advisory Board. PAAB's board of directors has been considering revisions to its code concerning pharmaceutical advertising.



# BEREAVEMENT

Aubrey LeBlanc, currently president of Consumers Council of Canada, is independently appointed to the board of directors of Bereavement Authority of Ontario.

The Bereavement Authority is a relatively new delegated administrative authority of the Government of Ontario, with the responsibility to administer provisions of Ontario's Funeral, Burial and Cremation Services Act, 2002 (the Act) on behalf of the Ontario Ministry of Government and Consumer Services. It is the single regulator for the entire bereavement sector in Ontario.

# BROADCASTING & TELECOMMUNICATIONS

Don Mercer and Howard Deane, along with other consumer group representatives, met with the CRTC in March. There was a lengthy and productive session on how to improve the CRTC Communications Monitoring Report from a consumer representative perspective. This report with relevant data sets strives to provide industry, stakeholders including consumers, and the public “with a meaningful tool to better understand the communications industry and participate” in CRTC proceedings.

Subsequently in the meeting there was discussion of elements of the CRTC 2015-2018 Three Year Plan and the issues identified by the CRTC in two of their reports:

- “Prepaid wireless services – protection from bill shock” (June 2015)
- “The wireless code – who’s the winner”

# VEHICLE SALES

The Consumers Council of Canada works closely with the Ontario Motor Vehicle Industry Council to ensure consumer representation within this authority entrusted to regulate automobile dealers.

The Council has an objective to improve consumer representation and oversight concerning similar automobile dealer and sales regulatory organizations across the country.

Council member Gail Campbell, a Council member and former director, serves on the consumer advisory committee of OMVIC.

# E-COMMERCE

In addition to the In Touch with e-Consumer Protection conference highlighted earlier in his report, Council representatives Vice President Don Mercer and Director Howard Deane met with Office of Consumer Affairs in February. The meeting focused, among other things, on consumer privacy related to online behavioural advertising; the Government of Canada's open data and open information and how it can support the work of consumer groups; regulatory challenges of the emerging sharing economy (as exemplified by Uber and Airbnb amongst others); a presentation on the consumer decision-making process in the online marketplace; and an update with respect to changes to the Personal Information Protection and Electronic Documents Act (PIPEDA).

Having recently completed a report for the Council, funded by Canadian Internet Registration Authority, entitled *Improving Online Agreements: "It's Not Rocket Science!"*, Deane participated in a podcast interview by Ryan Saxby Hill of CIRA, [available on SoundCloud](#).



# ENERGY

Protecting consumers' rights and helping them to exercise their responsibilities in the energy marketplace is becoming a more complex and resource-intensive undertaking.

The Council desperately needs increased financial and in-kind human resources to play its role responsibly and in an informed manner as energy markets undergo significant transformation.

Canadian consumers have reason to be concerned about energy security, safety and choice. Consumers have a multivariate stake in energy markets, with many competing factors to consider which will affect their lifestyles, life expectations and pocket books.

The rate of energy exportation is increasing as energy prices fall. That energy markets are priced in U.S. dollars has curbed the benefits to domestic consumers paying in Canadian dollars. Oversupply funded by Canadian consumers has contributed to global oversupply and lower prices for international, in particular, U.S. consumers.

Canadians have experienced the extreme safety risks of an energy distribution system for crude oil that is underdeveloped for current levels of production. Flatly, the system of energy distribution has killed innocent people and decimated a municipality, and the public policy response has seemed equivocal – an example of why consumers may feel unsafe in the hands of government or business today.

The capacity to represent consumers in regulated energy markets is sorely stressed. The intervenor model of public interest representation before the Ontario Energy Board is arguably the best, in principle, in the country at achieving fairness for consumers. However the board and Ministry of Energy's approach recently to its review of consumer representation has clouded with uncertainty the future role for independent consumer representation before the board.

In addition, the changing nature of energy generation, how it is contracted and held accountable has placed that consumer protection model under pressure. The principal reason for this is that too few important decisions affecting regulated energy markets in Ontario are publicly and impartially reviewed within it, with an opportunity for adequately resourced role players for consumers to participate. Special interests – producer, distributor, business consumer and values-based – all are afforded an upper hand in legislative and regulatory decision-making as a result. And fittingly not all energy policy setting and review belongs before a quasi-judicial board. But resources for independent consumer representation outside of settings like that are about nil. Other models of representation are bureaucratized, even contracted out by governments in Canada. The National Energy Board makes decisions with little to no representation recorded coming from consumer groups with institutional capacity to act

independently. Similarly, independent consumer representation concerning energy pricing and policy is not at the level it should be in many provinces.

## ONTARIO ENERGY BOARD

The Council regularly participates as an intervenor in Ontario Energy Board (OEB or Board) natural gas and electricity utility rate applications. In addition, the Council participates in the OEB's consultation process and policy reviews that deal with a wide range of issues relevant to electricity and natural gas regulation. The following set out the major applications and reviews that the Council was involved in over the last year.

### ELECTRICITY

The electric utilities are regulated by the OEB under the Renewed Regulatory Framework for Electricity. That framework provides a number of multi-year rate-setting models that the utilities may choose to apply for. Over the last year the larger utilities have been on multi-year plans and applied for relatively simple one-year rate adjustments consistent with those plans. The Council participated in the proceedings for Hydro One Networks Inc. (Distribution), Enersource Hydro Mississauga Inc., and Horizon Utilities Corporation. In addition, it participated in the application by PowerStream for approval of rates for five years beginning January 1, 2016.

### MOVE TO 100% FIXED DISTRIBUTION CHARGES

In April 2015 the OEB established a policy that requires distribution utilities to move their rate structures (for residential ratepayers) from a combination of fixed and variable charges to a 100% fixed charge. The Council had originally opposed the

policy primarily because of its negative impacts on conservation efforts and small-volume customers. In July, the OEB directed utilities to phase the rates in over a four-year period (beginning in 2016), or over a longer period if the annual bill impacts for lower volume customers resulting from the implementation exceeded 10%.

### HYDRO ONE NETWORKS INC. (DISTRIBUTION) – 2016 RATES

Hydro One Networks Inc. (HON) applied to the OEB for approval of rates for the period January 1, 2016 to December 31, 2016. HON is currently on three-year rate plan for the period January 1, 2015 to December 31, 2017.

There were two major issues for the Board to consider. The first was whether HON's proposals to move to a 100% fixed charge were appropriate. The second issue was, whether consistent with a previous Board Decision, HON's should proceed with the elimination of its Seasonal Rate Class.

The OEB made some adjustments to HON's proposals for phasing in the 100% fixed charge approving a phase-in period from 5 years to 8 years depending on the bill impacts within each class. With respect to phasing out the Seasonal Class, the Board determined that it would be addressed in a further proceeding. The Council agreed with both of these findings.

### HORIZON UTILITIES CORPORATION – 2016 RATES

Horizon Utilities Corporation (Horizon) had a five-year rate plan approved by the OEB for the period 2015-2019. Horizon applied for approval of rates for 2016. Horizon originally applied to recover incremental costs associated with the introduction

of monthly billing, which would normally not be allowed under its approved rate plan. It withdrew the request. The Council was supportive of the majority of its 2016 rate proposals with one minor adjustment regarding cost allocation. The OEB was supportive of the Council's submissions.

## ENERSOURCE HYDRO MISSISSAUGA INC.

Enersource Hydro Mississauga Inc. (Enersource) is nearing the end of a four-year rate plan that simply adjusts its rates using a formula, incorporating inflation minus a factor for productivity. Under a specified set of rules utilities may apply to recover costs associated with incremental capital requirements during the four-year term. Enersource had requested additional capital funding of \$68 million for the 2016 year which would impact rates by an additional \$5.3 million.

The Council argued against the incremental capital request on the basis that it was not justified and not consistent with Board policy in terms of what incremental capital applies for cost recovery. The OEB rejected Enersource's request with the exception of a payment to Hydro One that the utility was required to make for transformation services.

## POWERSTREAM INC.

PowerStream Inc. filed for approval of rates for a five-year period beginning January 1, 2016. The application was for significant rate increases over the period largely related to its capital plan. At the time PowerStream filed its application there had been announcements regarding a proposed merger of PowerStream, Enersource, Horizon, and Hydro One Brampton. The OEB allowed parties to make submissions on whether the merger should be a

consideration for the Board in determining rates for PowerStream. The Council took the position that the merger was relevant and it would be inappropriate for the Board to set rates on a stand-alone basis with a pending merger. The OEB rejected those arguments and determined that it was appropriate and consistent with its own policies regarding mergers and acquisitions.

The hearing proceeded even though at the time the merger had been approved by all of the relevant municipalities. The Council and the other ratepayer groups challenged the proposed budgets for the five-year period in a number of areas. The Board's Decision is now pending.

## MERGER

PowerStream, Enersource, and Horizon have now applied to the OEB to seek approval to amalgamate and purchase the shares of Hydro One Brampton. No further steps in the process have been determined. It may be considered through a written or oral hearing process. If the OEB assesses this application within the context of its current merger policy the scope of the proceeding may be very limited. Future rate levels would be out of scope and the Council's ability to secure benefits for customers may be restricted.

## NATURAL GAS

### **Demand Side Management/Conservation for Natural Gas Utilities**

The OEB issued a report on December 22, 2014 setting out a framework and guidelines to be used by both Enbridge Gas Distribution Inc. (Enbridge) and Union Gas Limited (Union) to develop six-year DSM plans for the period 2015-2020. The proposed plans

were filed on April 1, 2015, and were considered by the Board through a hearing process in August 2015.

The Board developed the Guidelines in response to a directive from the Minister of Energy requiring it to establish a six-year framework for the gas utilities to enable them “to achieve all cost-effective DSM” in that natural gas sector. This would require a significant ramp of existing programs and budgets. The OEB proposed caps on the overall level of spending to mitigate adverse rate impacts on the customers that fund the programs.

Union and Enbridge proposed plans that would see their annual budgets going from approximately \$30 million a year to \$83 million for Enbridge and \$64 million for Union by 2020. Board Staff, and the environmental groups filed evidence which assessed the plans and provided alternative programs and budget levels. There was also a considerable amount of input during the proceeding, and with final argument, on how the programs should be designed and assessed, how they could evolve over the term, how target levels are set, how shareholder incentives are structured and how gas DSM and electric conservation initiatives should be aligned.

The Council focused specifically on the residential programs and budgets. It highlighted the need for cost-effectiveness and value for money. It expressed concern about the overall cost of the residential programs relative to the number of potential participants. It also raised concerns about the design of some of the programs and urged the OEB to reject those that were not cost effective or proven to actually deliver DSM savings.

The OEB, in large measure accepted the plans proposed by Enbridge and Union. It reduced

Enbridge’s budgets on the basis that some of the proposed programs were not appropriate. It rejected the arguments of environmental group intervenors to ramp up the budgets beyond what the utilities proposed. The Council had proposed some programs be eliminated on the basis that they were not adding value for money and the OEB agreed. A mid-term review will take place in 2018 when the Board will reassess the overall budgets and plans and adjust them if required.

### **Natural Gas Market Review**

The OEB undertook its annual review of the Ontario natural gas market in January 2016. The OEB’s review was to consider a number of topical issues regarding natural gas supply planning, pricing, market dynamics and the electricity and natural gas markets interface. The Council participated in the one-day session. It involved presentations by the natural gas utilities and experts. The OEB Staff issued a report on April 6, 2016, summarizing the discussions and stakeholder comments.

## **CAP AND TRADE**

On March 10, 2016, the OEB initiated a consultation process to develop a natural gas regulatory framework to support the implementation of Ontario’s proposed Cap and Trade program. The focus of the process will be to develop approaches to assess compliance plans developed by the natural gas utilities and methods for recovery of costs from ratepayers.

## **OTHER INITIATIVES**

### **Independent Electricity System Operator**

Julie Girvan continues to be a member of the Stakeholder Advisory Committee to the Board of



Directors. This stakeholder group advises the IESO's independent Board.

### **Ontario Power Generation Inc. – 2017-2021 – Payment Amounts**

Ontario Power Generation Inc. (OPG) will apply in May 2016 for approval of payment amounts for the period January 1, 2017 to December 31, 2021. The Council will intervene in this proceeding. The consumer impact arising from OPG's application could be significant as it intends to apply for approval to recover the initial costs of the Darlington Nuclear Refurbishment Project. Need for the project has been determined through regulation, but the initial costs impacts will be considered in this proceeding by the OEB.

## **ONTARIO LONG-TERM ENERGY PLAN**

In response to an invitation to the Council, Marshall Leslie, chair of the Council's energy and housing committee, and Council Executive Director Ken Whitehurst agreed to participate in the Fuels Sector Working Group associated with Ontario's review of its Long-term Energy Plan.

# FINANCIAL SERVICES

## PAYMENTS

Council Vice President Don Mercer represents consumers on the Stakeholder Advisory Council of the Canadian Payments Association, as of June 15, 2016 renamed Payments Canada to reflect a revamped governance model that includes an independent board and enhanced regulatory role. Because of the dynamic requirements of adapting a new international messaging standard for payments, ISO 20022, and movement towards modernization of the system that will be implemented in about 2020, the commitment of time and intellectual consumer representation energy has increased substantially, virtually double that of previous years. This is because, to be effective, it is essential to participate also in the related working groups dealing with modernization, ISO 20022, governance and concomitant issues, which has necessitated a second series of meetings as the CPA moves forward towards defining the new systems and bringing both member banks and stakeholders who use the systems on board by accommodating their needs. The year 2020 may seem a long way off, but it is a short time frame in which to consult on and design new systems suitable for accommodating new technologies as they emerge rapidly now and for the next 25 years following 2020. The CPA is by necessity a consultative organization as it operates the core systems of payments in Canada.

In addition, every two years in June, the CPA holds a Payments Panorama Conference for which it funds

the attendance and travel-related costs of consumer representatives. This conference, in Calgary in 2016, is a tremendous opportunity to be educated and informed about all things payments as well as to network with experts from around the globe. For this Conference there will be over 90 speakers.

## FINANCIAL CONSUMER PROTECTION

The Council, again represented by Don Mercer, met with the Financial Consumer Agency of Canada at a meeting organized through the federal Office of Consumer Affairs, Ministry of Innovation, Science and Economic Development.

While financial literacy continues to be a preoccupation of the FCAC, Commissioner Lucie Tedesco has listened to concerns expressed by the Council and other consumer organizations about the need to be active in, and consult on, its priorities for administration and enforcement activities regarding consumer protection. A stakeholder advisory committee is expected to be set up shortly to replace the External Stakeholder Advisory Council formerly active under the previous FCAC Commissioner. Presentations in the day-long session on February 12, 2016 were made and advice was provided about non-traditional lending using computer algorithms; payments and consumer protection in a rapidly evolving financial services market; auto finance and increasingly long payment terms, up to 10 years; and an update on Financial Literacy programs.

## INVESTOR PROTECTION

Alison Knight, a Council member and former board member, is a member of the Investor Advisory Panel of the Ontario Securities Commission. The Investor Advisory Panel (“IAP” or “Panel”) is an independent body formed by the Ontario Securities Commission in August 2010. It is charged with providing input on the Commission’s policy initiatives, including proposed rules and policies, the annual Statement of Priorities, concept papers and specific issues. Its mandate is to represent the views of investors and make recommendations to the Commission on matters affecting investors.

In 2015, the IAP provided input on number of issues. These are detailed in the annual report that can be found at

[http://osc.gov.on.ca/en/NewsEvents\\_nr\\_20160420\\_investor-advisory-panel-annual-report.htm](http://osc.gov.on.ca/en/NewsEvents_nr_20160420_investor-advisory-panel-annual-report.htm)

The IAP commissioned an independent study of the methods used by investment and mutual fund dealers to assess a client’s risk profile. The study showed that many tools that are being used are not fit for purpose. The CCC urged the OSC to respond to the deficiencies uncovered in the study in a letter in December.

The IAP continues to follow up on the implications of this research. A copy of the study, *Current Practices for Risk Profiling in Canada And Review of Global Best Practices* can be downloaded at

[http://www.osc.gov.on.ca/en/Investors\\_iap\\_initiatives\\_index.htm](http://www.osc.gov.on.ca/en/Investors_iap_initiatives_index.htm)

The Council wrote Monica Kowal, Acting Chair, Ontario Securities Commission, to express the need to urge every investor, the investment industry, its

regulators, and provincial and federal governments to read and respond to the research report. Kowal replied by letter, acknowledging receipt and thanking the Council for its letter. She said among other things: “We agree that the report is important. In late November the OSC’s Investor Office ... offer[ed] briefings on the research findings to members of the Canadian regulatory community (including self-regulatory organizations) and to industry representatives.” (An important side note: Kowal has since been succeeded by Maureen Jensen, who becomes the first woman to lead Canada’s largest capital markets regulator. Jensen will hold the positions of chair and chief executive for a two-year term.)

Over the past several years, the IAP has urged the OSC to introduce a statutory best interest standard to govern the relationship between registrants/advisors and their clients. Recently, the Canadian securities regulators issued a request for comments on enhancing the obligations of advisers, dealers and representatives. This can be found at [http://osc.gov.on.ca/en/NewsEvents\\_nr\\_20160428\\_csa-seek-comment-enhance-obligations-advisers-dealers-representatives.htm](http://osc.gov.on.ca/en/NewsEvents_nr_20160428_csa-seek-comment-enhance-obligations-advisers-dealers-representatives.htm)

All interested individuals and especially members of the Consumers Council of Canada should consider providing input to this important issue.

# FOOD & CONSUMER PRODUCTS

## FOOD

What had been a promising new relationship among consumer organizations, the Canadian Food Inspection Agency and Health Canada concerning food issues stumbled before the most recent federal election and has not regained its feet since.

Commitments to convene the Consumer Association Roundtable of CFIA even by teleconference have been made and postponed. The occasional briefing sessions by the agency concerning food system issues, often held between face-to-face meetings of the Roundtable, ceased. Even e-mail briefs on controversial subjects making the news stopped happening.

It seems even internal scheduling mishaps at the agency are now reason enough to derail plans to talk with national consumer groups, usually on short notice.

Treasury Board guidelines concerning best practices for consulting consumer groups mostly have fallen by the wayside.

The tragedy in this has been the loss of what has been a constructive dialogue as the agency restructured its approach to risk management.

Maybe a new story about how Canadian consumers of food will be protected will emerge from the hiatus.

For certain, there are more voices that should be heard through the roundtable. And with discussion

on in earnest with the United States about further regulatory harmonization – being driven by trade considerations – it would be timely to discuss consumer impacts and whatever evidence the federal government can bring to the table concerning them.

Health Canada contacted the Council sounding out support for regulation permitting the irradiation of processed meat. However, this was not accompanied by evidence or insight into how the marketplace might react or a risk assessment of indirect consequences of taking this action, affecting such things as public confidence, product quality and value resulting from retail practices, animal husbandry practices, etc. The Council was not offered a comprehensive consumer impact assessment, in either draft or final form, to support a rationale the practice should be allowed.

Industry will seek economical ways to lower its exposure to liability for poor food safety practices and errors, because CFIA's new enforcement emphasis is to move more of the accountability from CFIA-operated on-site inspection to the safety plans and initiatives of food producers.

Council director Elizabeth Nielsen and executive director Ken Whitehurst have represented the Council at Health Canada and CFIA. Nielsen, working in partnership with Jenny Hillard of Consumer Interest Alliance Inc., represents consumers also on



the Committee on Organic Agriculture of the Canadian General Standards Board.

The Council continues to monitor food information, labelling and advertising issues, having produced in 2013 the *Report of the Consumer Group Panel on Food Information, Labelling and Advertising*. As a member of Advertising Standards Canada, the Council, Canada's self-regulatory organization for advertising, the Council took note of sharp criticism by a number of national organizations this year of the self-regulatory regime as it applies to the advertising of food products aimed at children.

Some of the participant organizations on the Council-hosted panel in 2013 were among those who formed the "Stop Marketing to Kids Coalition". This included: Heart and Stroke Foundation and Dietitians of Canada. Notably no major consumer group associated with the Canadian Consumer Initiative was involved with this Coalition.

None of the health professional organizations or charities involved in the initiative consulted with the Council to obtain its perspectives on advertising self-regulation and how well it is working.

Readers can learn more about the Council's role at Advertising Standards Canada in the "Consumer Representation" section of this report.

## CONSUMER PRODUCTS

Council director Elizabeth Nielsen continues to be active on behalf of the Council concerning the subject of nanotechnologies and consumer products. Nielsen acts also as a consumer representative within standards development processes at CSA Group involving consumer product safety. She presented to a conference in Montreal

last winter concerning nanomaterials and implications for human and environmental health. She was the author of *Nanotechnology and Its Impact on Consumers*, 2008, a report prepared by the Council and frequently speaks on the subject.

# FRAUD PREVENTION

The Council continues to participate in Canada's Anti-Fraud Forum, hosted by the Competition Bureau and the Canadian Anti-Fraud Centre. The major activity of Forum participants is the promotion of Fraud Prevention Month, in March.

The Council usually promotes Fraud Prevention Month on its website and through its presence on social media, working in conjunction with a wide range of business and consumer interests and agencies of government, federal, provincial and local.

# HOUSING

The new *Protecting Condominium Owners Act* for Ontario updates condo legislation to reflect both the changes in the sector and the importance of condominium ownership for Ontario homeowners. There are an estimated 700,000 condominium units in Ontario today, and the number continues to grow.

With the new legislation, the government will designate two new administrative authorities. Both will be not-for-profit corporations, independent from, but overseen by, government.

- One authority will be created to provide a registry of all condominiums and to provide an accessible dispute resolution forum for condominium owners or corporations.
- The second authority will be created to license and oversee condominium managers.

In early 2016, the Ontario Ministry of Government and Consumer Services established two advisory groups – one for each new authority – to provide expertise and guidance to ministry staff as its works towards the creation of interim boards of directors and ultimately, the launch of the new authorities.

Alison Knight was appointed to and served on the Condominium Authority Advisory Group.

Aubrey Leblanc served on the Condominium Manager Licensing Authority Advisory Group. Subsequently, he has assumed the Chair of the

Interim Board of Directors of the Condominium Management Regulatory Authority of Ontario.

# REGULATION OF THE TRADES & PROFESSIONS

## ONTARIO COLLEGE OF TRADES

The Ontario College of Trades is a regulatory body that seeks to protect the public by regulating and promoting the skilled trades in Ontario. One of the main responsibilities of the College is to ensure that individuals performing the skills of compulsory trades have the training and certification required to legally practise this trade in Ontario.

Of particular interest to consumers, the College manages a system of discipline and maintains a public registry of qualified tradespeople. The College's website at <http://www.collegeoftrades.ca> provides free access to the skilled trades registry and form for filing complaints against registrants. Consumers seeking skilled persons to do work for them can use the registry as one way to verify trade credentials.

The following trades are credentialed by the college:

- Alignment and Brakes Technician
- Auto Body and Collision Damage Repairer
- Auto Body Repairer
- Automotive Electronic Accessory Technician
- Automotive Service Technician
- Electrician — Construction and Maintenance
- Electrician — Domestic and Rural

- Fuel and Electrical Systems Technician
- Hairstylist
- Hoisting Engineer — Mobile Crane Operator 1
- Hoisting Engineer — Mobile Crane Operator 2
- Hoisting Engineer — Tower Crane Operator
- Motorcycle Technician
- Plumber
- Refrigeration and Air Conditioning Systems Mechanic
- Residential (Low Rise) Sheet Metal Installer
- Residential Air Conditioning Systems Mechanic
- Sheet Metal Worker
- Steamfitter
- Transmission Technician
- Truck and Coach Technician
- Truck-Trailer Service Technician

Howard Deane, a board member of the Council, is a member of the Board of Governors of the College.



# STANDARDS

Two Consumers Council of Canada members were 2015 honourees by Standards Council of Canada for their contribution to consumer representation in standards development.

Elizabeth Nielsen was recognized for her work on SCC's Consumer and Public Interest Committees, National Mirror Committees and ISO technical committees to reduce injuries caused by consumer products, especially among children and seniors. On behalf of SCC, she was the International Chair of ISO Technical Committee 243, Project Committee: Consumer product safety. She also led the development of ISO 10377, Consumer product safety -- Guidelines for suppliers.

Christine Simpson was recognized for her contribution to several national technical committees, as well as to a National Mirror Committee for ISO Technical Committee 181, Safety of Toys. She is well respected for her expertise in injury prevention and product safety.

Consumers Council of Canada President Aubrey LeBlanc has served as chair of SCC's Consumer and Public Interest Committee. Consumers play a role in Canada's standardization network. CPIP members represent Canadian consumers and provide feedback on consumer issues that impact standards development, both nationally and internationally.

This past year, for example, Council director Howard Deane continued his work as Convener of ISO's international Working Group on Consumer Online



Elizabeth Nielsen receives award from Standards Council of Canada for consumer representation



Christine Simpson receives award from Standards Council of Canada for consumer representation

Reviews. This Working Group was created within the framework of work on ISO/TC 290, an ISO Technical Committee on Online Reputation. This representation is a component of the Council's focus on e-commerce, elaborated earlier in this report.

# TECHNICAL & ELECTRICAL SAFETY

Council members serve in consumer representative roles at the Technical Standards and Safety Authority and the Electrical Safety Authority, administrative authorities mandated by the Government of Ontario.

TSSA delivers public safety services on behalf of the government of Ontario in four sectors:

- boilers and pressure vessels, and operating engineers;
- elevating devices, amusement devices and ski lifts;
- fuels; and,
- upholstered and stuffed articles.

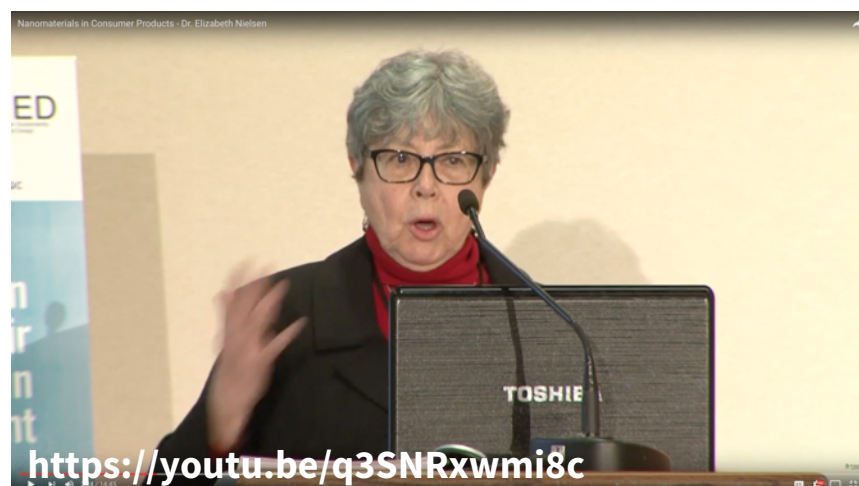
TSSA is a not-for-profit, funded by charging fees to industry.

The Electrical Safety Authority works to enhance public electrical safety as a safety regulator and advocate. Its powers and duties derive from The Electricity Act and The Safety and Consumer Statutes Administration Act including responsibility for four regulations:

- The Ontario Electrical Safety Code, which defines how electrical work will be done;
- Licensing of Electrical Contractors and Master Electricians, which sets requirements for those doing electrical work;

- Electrical Distribution Safety, which defines safety accountabilities for Ontario's Licensed Distribution Companies; and
- Electrical Product Safety, which addresses approval of electrical products before their sale, and response to unsafe industrial and commercial products in the marketplace.

ESA's primary activities are: identifying and targeting leading causes of electrical safety risk; ensuring compliance with regulations; promoting awareness, education and training; and collaborating with stakeholders to improve electrical safety in Ontario. ESA is organized as a private, not-for-profit corporation.



Consumers Council of Canada director Dr. Elizabeth Nielsen represents consumers at TSSA. She is pictured here speaking at an event hosted by Trottier Institute for Sustainability in Engineering and Design (TISED) and Pollution Probe's National Consultation on Nanomaterials and Their Implications on Human Health and the Environment.

# TRAVEL

Many consumers act as their own travel agents these days, using the Internet to transact directly with many travel service providers of transportation, accommodations, meals and tours. This may mean consumers are assuming risks from which they might be protected if they chose instead to make their purchases through a registered agency. This is a value decision each consumer makes for themselves, but a growing number of people appear to be unfamiliar with the kinds and boundaries of consumer protection available to them in Ontario, based on their changing habits.

The Travel Industry Council of Ontario (TICO) administers consumer protection for Ontario residents when they purchase their travel services from Ontario's 2,400 registered travel agencies and tour operators. TICO administers the protections under the Travel Industry Act, 2002 which includes an industry-financed Travel Compensation Fund.

Travel agencies and tour operators operating in Ontario are required to be registered with TICO. When a consumer purchases travel services in person, over the telephone or online from a TICO registered travel agency, TICO exists to help resolve problems a consumer may encounter.

Ontario travel agencies pay into an industry financed Travel Compensation Fund. Subject to the provisions of the legislation, this fund reimburses consumers for travel services purchased from Ontario travel agencies when they are not provided due to closure

or bankruptcy. When your airline, cruise line or even your Ontario registered travel agency or Ontario tour operator fails to provide the travel services purchased through a registered travel agency or tour operator due to bankruptcy or insolvency, the fund reimburses consumers up to \$5,000 per person. In certain circumstances, the fund will also reimburse consumers who are stranded and bring them home.

To determine whether a travel agency is registered with TICO, look for the TICO logo or a TICO registration number. For more information about the consumer protection available through TICO to consumers, including a Travel Agency Search feature go to [www.tico.ca](http://www.tico.ca)

Tricia Jensen, a member of the Consumers Council of Canada, is a ministerially appointed representative on TICO's board of directors.

# WASTE MANAGEMENT

Alison Knight, a Council lifetime member, serves on the board of directors of Waste Diversion Ontario, which provides oversight for the development, implementation, and operation of diversion programs for waste designated by the Minister of the Environment and Climate Change. WDO was created in 2002 through the Waste Diversion Act as a non-crown corporation and is funded by non-crown Industry Funding Organizations (IFOs) and an Industry Stewardship Organization (ISO) that are responsible for operating the programs. IFOs and the ISO are funded by the industries whose products are being diverted from Ontario landfills.

Information about WDO activities can be found on its website, <http://wdo.ca>

Over the past year or so, the government of Ontario has been developing new legislation to update the waste diversion sector. In fact, the thrust and focus of new legislation is that of waste reduction which is generally applauded by those in the sector. Two things of note in the new legislation are: the introduction of extended producer responsibility; and the transformation of WDO into an administrative authority with enhanced oversight and monitoring capabilities.

While the new legislation is a good step forward, the fact that waste is managed provincially and yet commerce takes place federally, makes it challenging to grapple with the ways in which a more sustainable economy could be developed

including product obsolescence, design and packaging.



# ONGOING CONSUMER REPRESENTATION

Organization	Role	Sector
Advertising Standards Canada	Board of Directors	Advertising
Advertising Standards Canada	Children's Clearance Committee	Advertising
Independent Electricity System Operator	IESO Stakeholder Advisory Committee	Energy
Hydro One Networks	Customer Advisory Board	Energy
Canadian Payments Association	Stakeholder Advisory Council	Financial Services
ICANN	North American Regional At-Large Organisation	Internet
Canadian Food Inspection Agency	CFIA Consumer Association Roundtable	Food
Competition Bureau	Fraud Prevention Forum	Fraud Avoidance
Pharmaceutical Advertising Advisory Board	Board of Directors	Health
Condominium Management Regulatory Authority of Ontario	Chair, Interim Board of Directors	Housing
Bereavement Authority of Ontario	Interim Board of Directors	Bereavement
Standards Council of Canada	Consumer Panel	Standards
Technical Standards and Safety Authority	Consumer Advisory Council	Standards Enforcement
Commissioner for Complaints in Telecommunications Services	Consumer Representatives Working Group (Unofficial)	Telecom
Travel Industry Council of Ontario	Board of Directors	Travel
Canadian Standards Association	Consumer Representation	Many
Waste Diversion Ontario	Board of Directors	Waste Management
Ontario Securities Commission	Investors Advisory Panel	Financial Services
Canadian Partnership on Public Policy-Oriented Consumer Interest Research	Partner/Executive Committee	Academia



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## ABOUT THE COUNCIL

The Consumers Council of Canada works towards an improved marketplace for consumers.

Working together, our members form Canada's most active, multi-issue consumer group. A non-profit, voluntary organization, the Council works with consumers, business and government towards efficient, equitable, safe and effective markets, in which consumers know their rights and understand their responsibilities and in which strong consumer protection exists when they do not.

# BOARD OF DIRECTORS & EXECUTIVE

## 2015-16

### **Aubrey LeBlanc**, President and Chair

Aubrey LeBlanc is currently serving as the Chief Administrative Officer of the Ontario Building Officials Association (OBOA). He also has been principal of his own building and residential consultancy, with services that include: strategic planning, government relations, negotiation and dispute resolution, crisis management, research and policy analysis, training and association management. His clientele has been: governments and agencies, builders and developers, consumer groups, political parties, start-up businesses, construction materials and innovation enterprises, and industry and professional organizations. He has provided executive management services to a major energy services company, and national home inspection franchisor.

Aubrey was Senior Associate in Public Affairs at Hill & Knowlton Canada, specializing in the areas of building, urban development, infrastructure, and conservation. He was the Chief Operating Officer of the Ontario Association of Home Inspectors, Executive Director of the Association of Architectural Technologists of Ontario, and created training platforms for the Ontario Building Officials Association.

For a decade, Aubrey was CEO and Registrar of one of the consumer protection delegated administrative authorities of the Government of Ontario - the Ontario New Home Warranty Program (now TARION). He also served as Director of the branch in the

Ministry of Municipal Affairs and Housing responsible for the Ontario Building Code, and was Chief Building Official for Ontario. His relationship with the building code and standards authorities continues to today via several technical project contracts, chairmanship of the Part 9 Technical Advisory Committee for the Ontario Building Code, member of the Building Advisory Committee to the Minister of Municipal Affairs and Housing, and Vice Chair of the Canadian Standards Association's Construction and Civil Infrastructure Strategic Steering Committee, responsible for all built environment standards.

Internationally, Aubrey has represented the Canadian building industry and the Governments of Canada and Ontario as a conference keynote speaker, representative or consultant in Washington, Holland, Germany, Chile, Great Britain, Australia and most Canadian provinces, and provided counsel to several other national jurisdictions around the world.

As a volunteer, in addition to serving as President of the Council, he has been Chair of the Board of the Hearing Foundation of Canada and served on the Board of Alumni Western.

Aubrey has an Honours BA in Geography from Western University (formerly UWO), M.Sc. from the University of Wisconsin (Madison), and an MBA from York University (Schulich).

He resides in Toronto, Ontario.

**Dennis Hogarth**, Vice President

Since entering the audit and accounting profession, Dennis Hogarth has been a pioneer and leader in the innovative uses of digital information in large organizations and in the management of the associated risks. Dennis has more than 38 years of experience working with KPMG, including 27 years working in international leadership positions as a Partner. Starting in the Toronto Office in 1973, he moved to KPMG's National Office in 1984 where he headed up the Computer Audit and Audit Automation initiatives for the Canadian firm. In 1994, Dennis moved to KPMG's International Headquarters in The Netherlands to form and lead the firm's first Global Technology Group. After returning to North America in 1999, he continued working for KPMG International as a Partner in KPMG's U.S. firm, where he formed and led a global team devoted to the assessment and mitigation of risks associated with the emerging uses of IT, focusing on cross-border personal data privacy and client confidentiality issues in particular.

Dennis' primary focus for the past decade has been in the area of Information Risk Management, concentrating on emerging issues surrounding Personal Data Privacy, Information Risks, IT Security and Data Governance.

As an avid sailor, Dennis participated as a member of the Canadian Admiral's Cup Sailing teams in 1979 and 1983. From 1982-1986, he served as a director of Toronto Brigantine Inc, a not-for-profit organization dedicated to building character in youth through sail training. In 1987, he was elected as a member of the Committee of Management of the Royal Canadian Yacht Club, and went on to serve as Vice-Commodore, Finance and Administration from

1990-1993. He also served as a Trustee of the RCYC Capital Trust Fund, and a member of the RCYC Long Range Planning and Canada Cup Committees before moving overseas in 1994. Dennis currently serves as Treasurer of the Port Hope Branch of the Architectural Conservancy of Ontario, a Trustee of the Capitol Theatre Endowment Trust Foundation and as a member of both the Risk and Audit Committees for the Port Hope Community Health Center.

He resides in Cobourg, Ontario.

**Howard Deane**, Treasurer

Howard Deane is the owner of Acme Metric Company Ltd., a Greater Toronto Area based consultancy in social media, web analytics, knowledge management and search engine optimization.

He has recently been involved in providing research assistance for projects through the Consumers Council of Canada. He is a Chartered Accountant with more than 30 years of experience, most of it with KPMG, where he was the Chief Knowledge Officer of the Canadian firm, managing significant portions of the firm's knowledge and research functions. He also ran the IT Consulting Group for KPMG in the Bahamas.

He resides in Pickering, Ontario.

**Agni Shah**, Secretary

Agni Shah has been a professor teaching package development, pharmaceuticals quality assurance and Quality Fundamentals at Seneca and Sheridan Colleges for 15 years. He worked for more than 23 years in the pharmaceuticals industry in quality assurance, systems administration and regulatory affairs after similar positions in Food Industry in UK and Africa for thirteen years. He has served as Vice



Chair with Consumer and Public Interest Panel of the Standards Council of Canada, been a Chair and member of various working groups, Reviews and Mirror Committees. He has volunteered with United Way in Citizen Review Process, Canada Revenue Agency in the Community Volunteer Income Tax Program and a number of Social Agencies as a Mentor / Trainer. He has held Board level positions with Halton-Peel District Health Council (Order in Council Appointment), Community Care Access Center, Pharmaceutical Advertising Advisory Board and Leadership Peel. He has been on Consumer/Community Advisory Committees with Travel Industry Council of Ontario, Trillium Health Center and Peel Newcomer Strategy Group. He has mentored immigrants through STEM and HOST programs, students and those starting economic life in Canada. He is a Member of DiverseCity on Board and a Senior Member of American Society of Quality. He resides in Mississauga, Ontario.

**Paul Bates, Director**

Paul Bates has extensive experience in high-stakes business litigation, class actions, and appeals, including commercial relationships of every kind, securities litigation and shareholders remedies, franchise and distribution law, financial services, real estate development, intellectual property, professional liability, and class proceedings.

In his 30 years of professional experience, Paul has appeared at all levels of the Canadian court system, including the Federal Court of Appeal, and the Supreme Court of Canada, generating countless reported decisions.

Paul has extensive experience in the full range of interlocutory and permanent extraordinary

remedies, including mandatory and prohibitory injunctions, Anton Pillar orders, Mareva injunctions, Norwich Pharmacal orders, receiverships, and special statutory remedies.

Paul is experienced in complex international reinsurance claims and disputes, including AIRROC and ARIAS-U.S. practice.

Paul is a frequent presenter at continuing legal education programs sponsored by The Canadian and Ontario Bar Associations, the Law Society of Upper Canada, the Advocates Society and commercial providers of CLE. Paul's papers have been published in numerous professional journals, including the prestigious Advocates Quarterly, on diverse topics.

**Dolly Gerrior, Director**

Dolly Gerrior is a project manager for the non-profit industry, and, over the past few years, she has centred her work on youth focused issues. She has been actively involved in the development of Consumers Council of Canada's youth network, has advised on middle school policies and has been actively promoting employment training to at-risk youth. Dolly is an active consumer representative as a member of the Consumers Advisory Council for the Technical Standards and Safety Authority and has served as a public representative on the Children's Advisory Committee for Advertising Standards Canada. She has developed and assisted on a number of research projects for the Consumers Council of Canada including the feasibility of a national consumer assembly, energy efficiency in the building code, and a comparison of new home warranty programs across Canada.

She resides in Toronto, Ontario.

**Lesley Jacobs, Director**

Lesley Jacobs is a Full Professor in Law and Society and Political Science at York University. He is former Executive Director of the Canadian Forum on Civil Justice, one of the country's leading independent think tanks on civil justice reform and access to justice. He was the founding director of the York Centre for Public Policy and Law. He has a PhD from Oxford

University. He has lead numerous research projects on access to justice and public policy issues using legal consciousness methodology supported by funders including the Law Foundation of Ontario, Social Sciences and Humanities Research Council of Canada, Pro Bono Alberta, Office of the Privacy Commissioner of Canada, Law Commission of Ontario, Ontario Literacy Coalition, and Elections Canada.

Professor Jacobs is a resident of Toronto.

**Marshall Leslie, Director**

Marshall Leslie is the owner and principal of M. Leslie Inc., a consulting firm in Toronto, Ontario, Canada. Since 1985 – employing a project based business model – the firm has helped integrate the market plans, competitive analyses, market research, forecasts, and distribution plans of manufacturers, and other organizations, that serve the construction industry. Clients include some of North America's largest manufacturers of building products, Canadian and American trade associations, independent power generators, First Nations, and standards development organizations.

He resides in Toronto.

**Sherry Monahan, Director**

Sherry Monahan has spent 25 years as President or Vice President of organizations directing consultations with health care organizations across Canada and internationally. She is experienced in professional staff recruitment, team building and delivery of services, aimed at achieving superior client satisfaction. She has led interdisciplinary health teams, with service providers from the full care continuum, to implement best practices, improve patient flow, reduce length of stay and improve benchmark performance. Expertise in performance improvement, process redesign and change management, applied to processes in the clinical setting. Her clients have included academic health science centres, community general hospitals, provincial ministries of health and community-based agencies. Sherry has a BSCN, Nursing, from the University of Washington, Seattle and an MBA from Concordia University, Montreal.

She resides in Toronto.

**Elizabeth Nielsen, Director**

Dr. Elizabeth Nielsen, who holds a Doctorate Degree in Chemical and Material Sciences, has been involved in improving the safety of products since the late 1970s. As a Canadian government scientist, regulator, policy analyst and senior executive, she has been responsible for investigating and testing consumer products and radiation emitting devices for compliance with safety regulations and standards. She has held various executive positions in Health Canada's Healthy Environments and Consumer Safety Branch and the Health Products and Food Branch, where she was responsible for the development, renewal and implementation of policies, regulations and legislation related to the

safety of consumer, industrial and medical products under the Hazardous Products Act, (HPA), the Food and Drugs Act, and the Radiation Emitting Devices Act. As the former Director-General of the Office of Regulatory and International Affairs for Health Canada's Health Products and Food Branch, she was also involved in the implementation of trade agreements related to food, drugs and medical devices.

Elizabeth is an expert member of the Canadian Advisory Committee to the ISO and IEC Technical Committees on Nanotechnology. She chairs ISO's International Committee developing a new standard on Consumer Product Safety: Practical Guidance for Suppliers.

She has extensive experience in providing consulting services related to analysis and option development for product safety policies, guidance documents, legislation and regulations, national and international standards, injury prevention, risk analysis and research related to the impact of nanotechnology on consumer products and human health. As a consultant for Ontario's Electrical Safety Authority, Elizabeth was responsible for the drafting of background papers and facilitating the development of mandatory reporting, corrective action and public notification guidelines to assist in the implementation of the new provisions under Part VIII of the Electricity Act 1998 and its new Product Safety Regulations. In addition, she carried out a comparison of the new Ontario legislation and the Canada Consumer Product Safety Act to manage the safety of consumer electrical products and another project to develop a national approach to electrical product safety. Not only has she extensive experience in product safety legislation and regulations at the national level but she also has

experience in, and is knowledgeable about, international legislation and regulations.

She resides in Richmond, Ontario.

#### **Andrea Rosen, Director**

Andrea Rosen has more than 30 years experience in law enforcement and regulation. She was a senior executive in the Canadian public service, and has deep and extensive experience in law enforcement and fostering compliance with regulations. Andrea is now President and CEO of Andrea Rosen & Associates, and draws on this experience when providing private sector firms with advice on how to design compliance programs to ensure adherence to laws and regulations and demonstrate due diligence. She also provides advice and technical assistance to governments that seek to optimize their legal and regulatory regimes, providing blueprints for concept and design, mounting and operating enforcement programs, and advising on strategic direction.

Andrea Rosen resides in Ottawa.

#### **Simon Wong, Director**

Simon Wong is an information professional who focuses on the complex interplay between business needs and information systems. He has been involved in the design and implementation of a variety of information system projects, including the Public Policy and Governance

Portal spearheaded by the University of Toronto, and the OCREB Online system under the Ontario Institute for Cancer Research. Simon established the Consumers Council of Canada's Facebook page, and works with other committee members on social media and research initiatives of interest.

Simon Wong resides in Markham, Ontario.

**Ken Whitehurst**, Executive Director

Ken Whitehurst has served as Director of Research and Communications and then Executive Director of the Consumers Council of Canada since 2008. He has 30 years of senior-level general and project management experience in consumer representation and research; news media; sales, marketing and regulated disclosure communications; business information systems; management consulting; and financial services.

He has served as manager for Canada of news agency United Press International, vice president and general manager of broadcast news network Standard Broadcast News, director of media services for Global Strategy Financial Inc., and editor-in-chief of Metroland North Media.

He resides in Aurora, Ontario.

**Don Mercer**, Vice President, Outreach & Federal Affairs

Don Mercer is the immediate past president of the Council. He retired in April 2007 after a long career in Ottawa, Toronto and Vancouver with Competition Bureau Canada, which administers the Competition Act, the Consumer Packaging and Labeling Act, the Textiles Act and the Precious Metals Marking Act. These laws, intended by Parliament to foster healthy competition and a trust in the marketplace, interdict anti-competitive behaviour, such as price-fixing and abuse of dominance among marketplace players and help ensure trust in Canada's marketplace by outlawing misleading advertising, misrepresentations, fraud and deception.

Don and spouse Susan are ardent boaters, hikers, walkers and global travellers. Don is past Commander, Vancouver Power and Sail Squadron, a Unit of Canadian Power and Sail Squadrons (CPS), and is currently national MAREP (marine reporting re navigation chart and aids to navigation issues), officer of CPS as well as holding CPS Pacific Mainland District and Vancouver Island North District positions.

He resides in Ladysmith, B.C.



# SUPPORTERS

Canadian Fuels Association

Canadian Life & Health Insurance Association

Consumer Health Products Canada

Credit Union Central of Canada

Electrical Safety Authority

Enbridge Gas Distribution

Interac

Investment Funds Institute of Canada

Ontario Motor Vehicle Industry Council

Procter & Gamble

Real Estate Council of Ontario

Residential Construction Council of Ontario

Retail Council of Canada

Technical Standards & Safety Authority

Visa Canada