Canadian Partnership for Public Policy-Oriented Consumer Interest Research (PPOCIR) Workshop

Initial Set of Views on Connecting PPPOCIR to Policy Discussions

In support of Workshop Session #5

The objective of the session is to discuss overarching (not subject-specific) issues and best practices related to the diffusion, access and use of consumer interest research in policy discussions.

In preparation for the plenary session, a small group of Partnership members with a diversity of backgrounds were asked to contribute some initial thoughts. They were invited to consider the following questions:

- What best practices have you experienced with respect to the diffusion, access and use of consumer interest research in policy discussions?

- From your experience, what are the main challenges that need to be tackled in order to enhance PPOCIR's connection to policy discussions?

Workshop participants are asked to read the following four submissions in advance of the December 7 plenary discussion.

Ken Whitehurst, Consumers Council of Canada

Q1. What best practices have you experienced with respect to the diffusion, access and use of consumer interest research in policy discussions?

1. Office of Consumer Affairs has a Consumer Policy Research Database, which has been helpful. However it needs to be modernized to include some new features such as supporting software that allows for automatic citation and document addition to reference management systems, an RSS feed to support notification of additions and enable automated ingestion of content into researchers content review workflows. (See below)

2. Some content management platforms support software that allows for automatic citation and document addition to reference management systems, an RSS feed to support notification of additions and enable automated ingestion of content into researchers content review workflows. However, the best current integrations of research tools and content management systems with meta-described content and automatic reference collection are not economical for consumer groups.

3. The New York Times is one of the few relatively economical sources of primary and secondary research to some extent in the public domain with meta-described content suitable for automated or instant reference access using content acquisition software tools. Canadian news sources do little to support direct day-to-day acquisition of content for fair use

4. Some U.S. Organizations are great at content aggregation, but weak at implementing 21st Century tools for content and reference acquisition. An example is Consumer Action http://www.consumer-action.org/

Q2. From your experience, what are the main challenges that need to be tackled in order to enhance PPOCIR's connection to policy discussions?

5. The methods used for diffusion, access and use of consumer interest research are pretty much stuck in the last century. There is a need to make it less expensive for consumer representative organizations to mobilize all research into consumer perspective research or advocacy cheaper and faster, for consumer groups to respond to the pace of change. Addressing this would help policy shops of all kinds in a practical way. Automatic reference/citation detection is not supported by web sites of government in Canada and even major international research institutions. (e.g. OECD) All public institutions website should support standard APIs for searching and retrieving reference data, and non-profit content publishers such as consumer groups should be eligible for public funding to add features to their web sites to do the same.
6. Research is published in online journals kept in online databases operated behind pay walls, making them unavailable to or time consuming to access for non-profit consumer groups.

7. Content creators need to learn to communicate with content mobilizers in policy circles, but they need to match communication to methods and capacity of recipients, especially in the area of consumer protection. Know your audience.

8. Consultants filter research to produce discussion papers in support of consultative processes, but these papers may not contain bibliographies, and referenced research may not be readily available, even when there are bibliographies.

9. The amount of academic research available through Internet search engines appears to be declining, particularly unabridged content.

10. Books go out of print, are expensive to obtain, and even though they are not available in any marketplace, for all practical purposes, they are held accessible only within research libraries, which are prohibitively expensive in time and money to access.

11. Double standards are applied by public finders of research, with penniless organizations expected to host content online for free, while publicly funded academic research costs money to obtain. In fact, some content aggregation services aimed at academics actually obtain content consumer groups must provide for free and then charge access to it, without permission, through their content acquisition sites. Because they layer on a "service" they make money on content a consumer group cannot charge money to deliver online, in order to obtain ongoing recovery of distribution costs. Perhaps government might recognize consumer groups have distribution costs, requiring them, perhaps, to provide service-fee access to the content during an initial release period and then allowing service charging for access after that period. Alternatively, governments could recognize the role consumer groups can play as independent knowledge mobilizers and fund that role through grants.

12. Consumer groups, as independent knowledge mobilizers, could focus more effort on aggregating and providing the public and stakeholders milestone information pertinent to researchers and the public concerning public consultations, information releases, open educational opportunities, etc. Stakeholders of PPOCIR initiatives and opportunities need to consider direct financial sponsorship roles and encouraging public interest financial support from suitable parties to make that happen, opening up a new 'information exchange' of PPOCIR initiatives. PPOCIR and its stakeholder community are largely invisible as a discipline in the public eye.

13. It would be helpful to researchers and policy makers to receive more early warning information about 'hot' consumer problems and opportunities to research potential consumer interest solutions. Consumer groups have natural brands for aggregating such raw evidence, which could then form the basis for more systematic research and analysis.

Michael Jenkin, retired senior public servant

First, let me say that I am approaching this issue from the perspective of a former public servant who spent his entire career largely in the management of policy development, so what follows is a reflection of that experience and perspective.

What struck me early on with respect to using PPOCIR in my work as a policy maker was the difficulty in finding academic research that was relevant to the issues we were dealing with both on a day-to-day basis and for longer term policy research. Part of this problem was the inevitable difficulty any policy maker faces when using research which is conducted in an academic environment. Curiosity based research, which is the primary focus of most research and writing at the university or college level, is precisely that, and is not necessarily undertaken to address the questions a policy maker might have. In this respect the challenge facing policy makers in the consumer protection domain is not all that different from other policy makers when surveying research work in the social sciences where often only a small portion of the work that is carried out intersects with their interests. You have to be creative in seeing the relevance of the research at hand and in how it can be used in policy making exercises.

One point should be stressed, however, and that is that regardless of the problem of policy relevance, there is certainly a considerable volume of consumer oriented research being carried out in Canada. In fact, a study some time ago indicated that consumer research carried out in Canada was of a significant volume compared to other countries when adjusted to the level of scholarly output. However, when compared to other countries a larger portion of the research carried out in Canada appeared to be conducted in the context of business and commerce studies where the focus is less on public policy issues, but rather on how to market goods and services to consumers or dealing with the role consumers play in corporate strategies for growth and development.

There are, in my experience, two additional specific problems in using curiosity based academic research for policy-makers in the consumer protection area. First, the inherent interdisciplinary nature of consumer research can make it very useful to policy-makers, but ironically, it can also mean that it is more difficult to identify, even to the extent that the word “consumer” may not appear in the work, replaced by terms and perspectives as varied as privacy or equity. Second, as a consequence, in the current academic environment a self-conscious orientation by researchers to consumer issues more generally, and public policy oriented issues more specifically, has been slow to emerge. This has reduced the likelihood that researchers with shared interests in public policy issues related to consumers would work together and form speciality research consortia, encourage the development of schools or institutes concerned with consumer issues, or even self identify their work as focussed on consumers. It was not always like this. For example, two or three generations ago there were a number of schools or departments of consumer studies in Canada where research and teaching in the area was encouraged.

Fortunately, at the international level there are a significant number of journals and university based or independent centres and institutes dealing with consumer research, including journals and institutions specifically directed at PPOCIR such as the *Journal of Consumer Policy*[1], and institutes and centres in the US, Australia, Asia and Europe such as Norway's SIFO, the Centre for Competition and Consumer Policy at Australian National University, and the Research Centre for the Policy and Law on Global Consumer Protection at Wuhan University in China. While international journals do act as important clearinghouses for research, as does the OECD's Consumer Policy Committee on international policy developments, they don't provide a great deal of incentive for the development of national networks of researchers nor encourage research about the particular circumstances of Canadian consumers or Canadian public policy issues in the consumer realm.

It appears that despite the fact that consumer issues are of prominence in public discourse today in Canada, researchers here do not seem to be organizing their work thematically around these issues in a significant way. So unlike economists, political scientists, or even sociologists who have well defined disciplinary perspectives and been expanding their self-conscious orientation to public policy issues in their disciplines, there have been no similar trends amongst those involved in consumer interest research. For example, there are no research journals or hardly any institutes or graduate programs dealing with public policy issues facing consumers.

The question then emerges as to what could be done to improve the situation. I have a couple of modest suggestions. First, I think policy makers need to reach out more comprehensively to the research community to communicate their research needs and demonstrate, in a concrete way, how academic research contributes to their work and can improve the public good. Perhaps producing materials that outline current research needs and demonstrate situations where PPOCIR that was undertaken contributed to policy action and an improvement in consumers' welfare, would be helpful in convincing researchers of the value in engaging in PPOCIR and in working with other academics and policy makers in the area.

Second, by funding the pilot exercise in creating a PPOCIR network SSHRC has provided policy makers with a vehicle to make their needs known to the academic community. They should be encouraged to actively use this opportunity. Further, perhaps more could also be done to raise the profile of PPOCIR by creating opportunities for research communication and publishing (e.g. a journal) in the area. Certainly the initiatives undertaken and planned in the SSHRC pilot such as the annual workshops and the publication of a list of active researchers in the area will assist in raising the profile of PPOCIR. But more initiatives to promote awareness among researches of both the extent of PPOCIR work, and the degree to which it has an audience in the broader public realm, would be of considerable help.

[1] Others include the *Journal of Research for Consumers,* the *Journal of Consumer Research,* the *Journal of the Association for Consumer Research*, the *Journal of European Consumer and Market Law,* the *Australian Journal of Competition and Consumer Law* and the *Journal of Consumer Affairs*, amongst others. Several of these have Canadians on their editorial boards.

André Allard, Director, Legal Department, Office de la protection du consommateur du Québec [Consumer Protection Board]

Consumer protection legislation was enacted during the 1970s and 1980s. The consumer market has undergone extensive changes since then: use of new trade practices, increasingly complex contracts, emergence of new technologies, opening of markets, trade agreements and the increase of transborder consumer contracts are good examples.

During the 1990s and 2000s, consumer and business associations, academics and in general, consumer market watchers, have demanded that Quebec consumer protection legislation be updated. A group of academics has even proposed an important document which would be the basis of an eventual Quebec Consumer's Code.

Instead of undertaking an overall reform of consumer protection legislation, it was decided to make necessary legislative amendments to settle the most urgent issues. Accordingly, during the 2000s, steps were taken to enact legislative and regulatory amendments. Each of those amendments was preceded by an extensive consultation process.

In 2006, the first step led to the enactment of measures basically dealing with consumer contracts entered into at a distance, including contracts concluded through Internet, the prohibition of compulsory arbitration clauses and the regulation of certain practices in collecting accounts.

The second step, in December 2009, led to the enactment of provisions concerning distance sequential fulfillment service contracts, mainly involving telecommunications contracts (cell and residential phones, Internet access, cable television, etc.), the obligation to advertise all-inclusive pricing, prepaid cards and the recourse to injunctions by consumer protection organizations.

The third step deals with consumer credit and consumer indebtedness. An important bill that was tabled by the government in 2011 unfortunately died on the order paper, as elections were called in the fall of 2012. The government has recently asked the Board to prepare a new proposal. Work is therefore continuing.

A fourth step was undertaken in 2013 with a new consultation. Following this consultation, it was decided to split this step, as there were too many issues to include them all in one bill. Among the issues studied at this step, we may mention as an example, mechanisms for the surveillance and enforcement of laws, consumer financial protection mechanisms and more specifically the sale of time-sharing holidays and the regulation of debt collection agencies.

Lastly, at the same time as this work was being carried on and over time, other issues requiring more rapid intervention were studied and led to legislative or regulatory enactments.

The consumer market is always evolving and legislation must be continuously updated. Because of this, we must be pragmatic in our approach to be able to intervene rapidly to settle issues which arise in the market. As a corollary, this approach has the disadvantage of postponing any in-depth revision of consumer protection legislation, in spite of many demands for such.

The following very short comments below may answer both questions which it is suggested that we deal with here. Best practices often have major challenges to be met and the purpose of these challenges is to establish best practices for policy development.

Q1. What best practices have you applied regarding the publication of studies about consumers' interests during discussions on policies, access to those studies and their use?

Studies which are a perfect part of the process of development of policies adopted by decision-makers are those which are most likely to influence decisions. This process must accordingly be well understood, as well as the imperatives with which government decision-makers are faced.

The development of policies is a long process which begins with the identification of issues in the consumer market, for example, through consumers' complaints received by the Board, by public denunciation of trade practices used by businesses or by continuous market surveillance. This information is compiled by our systems and allows identifying problem situations, the use of new commercial practices and the emergence of new business models.

Analyses are conducted on specific issues, according to the importance, the seriousness and the impacts which these issues may have on consumers. Once these analyses are completed, and if measures are required, the Board will consult stakeholders and academics. The purpose of these consultations is to obtain on one hand general comments about the problems and possible solutions and on the other hand, what precise solutions the Board considers proposing.

The Board also submits these issues, analyses and recommendations to permanent advisory committees, on which representatives from consumer and business associations and academics sit.

In our context, the development of policies is in reaction to concrete situations, market realities and through input by various actors on the market. For studies done by researchers to be of any use in such an initiative, they must be part of that initiative. A study of one of the issues which is being examined by the Board is likely to influence decision-makers about the corrective measures likely to be applied. The identification of issues which may be the subject of special studies should accordingly result from discussions with the organization which makes recommendations as to policy orientation and the specific measures to be applied.

Q2. Based on your experience, what are the main challenges to be met to strengthen the link between the PPOCIR and policy discussions?

These challenges concern basically two aspects. On one hand, a precise identification of problems and stakes and on the other hand, the capacity to suggest solutions which are part of the existing framework.

The environment in which policy development takes place is subject to all types of interventions from various actors in the economic, community, media and political fields. These initiatives lead decision-makers to prioritize the issues which, among those that are subject to analysis, must be dealt with immediately and for which corrective measures must be proposed. From the point of view of the Board, the challenges which researchers must meet are first and foremost to ensure that the studies they undertake are part of this initiative and deal with the issues which were identified by the decision-makers.

On the other hand, studies undertaken by researchers must result from well-documented findings about the existence and the nature of the stakes being dealt with. In our opinion, the capacity to identify these stakes is a real challenge to be met. Consumer associations and the Board are in daily contact with consumers and are accordingly able to identify the main stakes.

Lastly, any measure proposed by the Board to the government must be subject to a study of its financial impact on businesses as well as on consumers. Therefore, studies dealing with consumers' interests, which include this type of data, are more likely to be used by decision-makers.

Nicki Islic, CSA Group

Supporting Public Policy through Consumer Interest Research and Standards

Consumers frequently face challenges assessing the quality and safety of market offerings. Unexpected low quality or safety concerns can be a serious problem experienced by a consumer. Product or service compliance to a consensus-based standard with consumer stakeholder involvement, can help to provide a credible guarantee of performance and safety. The standard can help to solve the consumer's problem and also rewards a seller who provides the expected level of performance and safety.

CSA Group seeks and encourages collaboration with those involved in research. Research can help to identify emerging issues for standards development and can provide the evidence-based information needed for new and existing standards. National and international standards can be an effective way to enable knowledge mobilization through the development of a standard that reflects current research.

Consumer interest research (CIR) has supported the development of several national and international standards that have directly or indirectly supported public policies. Below are some examples where important consumer-related standards have been developed with the aid of CIR.

CAN/CSA-ISO 14021-00, *Environmental labels and declarations — Self-declared environmental claims*. This standard now provides the basic criteria the Competition Bureau uses in assessing environmental claims under the misleading advertising provisions of the *Competition Act*, the *Consumer Packaging and Labelling Act* and the *Textile Labelling Act*.

CAN/CSA Q830 *Model Code for the Protection of Personal Information* (1996). This National Standard of Canada formed the basis for Canada's current privacy legislation -*Personal Information Protection and Electronic Documents Act* (PIPEDA).

CAN/CGSB-32.315 -2004 *Voluntary Labelling and Advertising of Foods That Are and Are Not Products of Genetic Engineering* which was developed to address non-health and safety labelling (labelling for method of production whether a food has or has not been produced through genetic engineering). This standard is currently used by the Canadian Food Inspection Agency to provide industry with meaningful criteria for labelling, understandable messages for consumers, and a consistent policy to verify the truthfulness of labels.

CAN/CGSB-32.310-2006, *Organic Production Systems – General Principles and Management Standards*, and **CAN/CGSB-32.311-2006, *Organic Production Systems – Permitted Substances List*** form the basis of the Canadian Food Inspection Agency's Organic Food Regulations (2006).

ISO 10377 Consumer Product Safety: practical guidance for suppliers*; and *ISO 10393 — Guidance standard on consumer product recall and corrective action — Code of Good Practice. Referencing both standards will assist Canadian retailers, manufacturers and importers of consumer products in complying with the new general safety provision and incident reporting requirements in the new *Canada Consumer Product Safety Act*.

ISO 26000 (soon to be a National Standard of Canada) – *Guidance on Social Responsibility*. This guidance standard is used widely throughout the world as a reference document for organizations that wish to bring their policy development and operations in line with the principles of sustainable development.

Some standards under development that have potential to support public policies and have used CIR include:

CSA's **national home inspection standard** is being developed in response to consumer and trade complaints regarding the thoroughness, comparability and uniformity of inspection. The Technical Committee (TC) responsible for the development of this future standard includes several representatives of consumer interest from across Canada, including representative from Consumer Advisory Council for Technical Standards & Safety Authority, Consumers Council of Canada, The Homeowner Protection Centre, and government representatives from provincial ministries concerned with consumer issues. A number of research papers, guidelines, and consumer information guides have been considered throughout the standards development process. For example, the province of Ontario established an expert panel made up of consumers and home inspectors and produced a 72 page report that made recommendations for all aspects of the home inspection industry in the province. Also, a research paper titled, *Pre-Purchase Home Inspection in Real Estate Better Protection for Buyers and Sellers*, was produced by the Association des consommateurs pour la qualité en construction (ACQC) which is a consumer group concerned with residential construction work quality in Ontario and Quebec.

ISO TC 294 is developing an international standard that will promote uniformity, accuracy and clarity of **unit price shelf labelling** that helps consumers compare prices of consumer products. Option Consommateurs (OC) did a study on unit pricing under the Industry Canada, Office of Consumer Affairs contributions program. An ISO Consumer Policy Committee (COPOLCO) Task Group made numerous references to the OC study as they developed their New Work Item Proposal for the development of an international standard on unit pricing. The NWIP was accepted by ISO Technical Management Board and a Technical Committee, TC 294, was created. When completed the standard will provide guidance to business and regulators contemplating the introduction of unit pricing systems that help consumers compare prices between several size offerings of prepackaged products within and between brands. The OC study demonstrated that unit pricing is very important to low income consumers.

How else does research complement standards development work?

The Mental Health Commission of Canada launched a three-year, national Case Study Research Project to better understand how workplaces across Canada are implementing ***CAN/CSA-Z1003-13/BNQ 9700-803/2013 - Psychological health and safety in the workplace***. The goals of this project are to monitor progress, identify promising practices, as well as challenges and barriers to implementation, and develop tools that will enhance adoption of the Standard across Canada.

A group of researchers at Ryerson University are developing a guide on how to conduct post-occupancy evaluation (POE) of Canadian health care facilities, which includes observing patients interacting within the health care facility spaces that were designed and constructed based on ***CAN/CSA Z8000 – Canadian health care facilities***. The guide will be provided to CSA as a seed document for the development of a CSA Guideline and research results and results from future POEs, can then be used as input into improving the Standard.

CSA Group has partnered with researchers at McMaster University to submit a joint grant application for the development of a CSA Standard and associated implementation tools, using their research on ***Care-Giver Friendly Workplaces*** as a seed document. The CSA Standard and implementation tools will be the key knowledge mobilization piece for the research. Following publication of the CSA Standard, the intent is to conduct a research project on the implementation of the CSA Standard across Canada.

Nicki Islic, CSA Group
Nicki.islic@csagroup.org