

## Reflections on Consumer Advocacy: Past, Present and Future

keynote address by Ken Rubin (kenrubin.ca) September 19, 2017, A Presentation at the two day Consumer 150 Conference on The State of Canadian Consumers and Advocacy

The Public Interest Advocacy Center (PIAC) requested that I give a keynote speech on my past and present consumer advocacy experience and on challenges ahead. I have known PIAC since its 1976 inception including when Elizabeth May came through and have done research work for PIAC on identity theft and transparency issues.

Let me first take a minute to acknowledge that

one, we are on unceded Algonquin lands;

two, on this site a hundred years ago here at the now Canadian Museum of Nature, was Canada's House of Commons temporary home; and

three, although the conference is entitled "Consumer 150", it was only about 75 years ago that an organized housewives consumer movement began in Canada though Canada's cooperative movement has had a longer life.

And let me note while this luncheon that I am speaking at, as I just found out, is sponsored by the Insurance Bureau of Canada (IBC), my talk is not. And indeed I have crossed swords with IBC over their excessive influence on car insurance matters that has led to higher consumer costs.

My consumer action work dates back to the mid nineteen-sixties into the nineteen-eighties. I worked with PIAC, the Automobile Protection Association (APA), tenant groups, community neighborhood planning groups, civil liberty groups, food action, cooperative and environmental groups, and saw the Association cooperative d'economie familiale de Quebec (ACEF) at work dealing with credit debt and shoddy financial services as part of a separate and vibrant Quebec consumer movement.

Those tenant problems, lousy landlords, powerful developers, unresponsive utilities, lemon cars, a profit-hungry food and financial industry, poverty, and unjust and toxic conditions in poorly planned communities were some of the issues that turned me into a hard-hitting activist and public interest investigative researcher.

One consumer advocacy fight was against Bell Canada's none-too-friendly consumer practices. From 1973 to 1985, I served as coordinator of a citizen coalition, Action Bell Canada (ABC), that was composed of consumer, poverty, aboriginal, and civil liberty groups. ABC tried to make Ma Bell more consumer-service-oriented and less obsessed with profits, and intervened at Canadian Transport Commission and CRTC Bell hearings to stop them from continually increasing telephone rates.

We for instance exposed the practice that Bell employees got some 21,000 free phones, with top managers getting several free phones for their winter and summer homes, while some subscribers got poor or no service and were on four-party lines. Nowadays, similar issues are before the CRTC on internet services where high rates and inaccessible or poor service is on the table.

Helping APA and its flamboyant leader Phil Edmunston dig for and expose and sue car companies over their secret car warranties and faulty vehicles were some of the best of consumer action back then. We took on, for instance, a lemon of car, the General Motor's Firenza, included holding a demonstration on Parliament Hill complete with dozens of Firenzas, two of which caught on fire. My 1974 research

study, a *Counter-Report on the Canadian Department of Consumer Affairs*, shone a light on the failings of the federal consumer affairs department to help aggrieved Firenza car owners and other people who felt wronged by the marketplace.

The longest standing consumer advocacy work I have undertaken has been in monitoring and trying to expose food marketplace problems. It has meant looking into alternatives to junk food and large private supermarket chains, and involved working with food coops and helping run a citizen Canada Food Week initiative with over 300 events in 35 Canadian cities. It included joining the agri food campaign of Friends of the Earth and being on their board. It led me to self-publish a 1992 report, *Towards An Ecological Diet For Canadian Consumers*, which identified obstacles to widespread adoption of eating locally grown food.

It also involved making a personal commitment, by becoming an organic farmer. Over the last 40 years that has meant growing and harvesting crops and supplying area restaurants, hotels, individuals, day cares, and food banks with produce - vegetables, herbs and edible flowers.

Along the way . I went to court to get big meat packers' plant inspection reports released to the public. Records revealed that some plants had unacceptable ratings, with inspectors finding unsanitary and dangerous conditions. Then the meat packers with sadly the Consumers Association of Canada (CAC) in agreement fought back, getting government to change and sanitize the rating system so they would always look good, and ensured that meat inspection reports were no longer done.

One of my investigations into the food industry resulted into exposing how the food industry successfully lobbied for the prominence of their products in the development of the widely distributed Canada's Food Guide. Another probe exposed Monsanto's efforts to doctor its genetically engineered food crop trials and it's too-close relationship with regulators who were approving their applications.

Sometimes, efforts involved direct consumer action campaigns such as when I provided the research for the Canadian Organic Growers to organize demonstrations at public agricultural research stations across Canada to protest Agriculture Canada's growing in secret GE experimental crops for private interests.

As well, I delved into researching the then proposed Bill C-80 food safety legislation and its the anti-consumer and pro-industry stances. I presented my findings in a 1999 citizen discussion paper at a Canadian Health Coalition conference on Parliament Hill. That helped slow such one-sided legislation temporarily.

Another campaign that I was involved in was the anti-tobacco efforts of NGO's, digging up data on the Canadian government help to industry in its nicotine research and its role in promoting tobacco sales abroad. I also got involved in fighting to get air safety reports released and in exposing lax air safety enforcement and on the government move to abandon doing effective inspections and testing.

I gained insight into government and industry views on consumer protection while working in the early nineteen-seventies as the assistant director of the short-lived Canadian Consumer Council, an advisory group to the then federal department of Consumer and Corporate Affairs Ministry. The Council reviewed and pushed for better consumer labeling, hazardous products and fraudulent advertising measures and more. I helped them identify and promote consumer education programs and wrote studies on food aid marketplace practices, on self governing professions, and on regulatory bodies where the consumer perspective and representatives was very limited.

I also did contract work in parliamentary affairs and research at the controversial Metric

Commission of Canada. I was kept busy with constant public criticism about metrics and saw a top-down big government-big industry initiative that transformed a part of the marketplace from imperial measurements to metrics.

Reflecting back, it was the heyday of the Canadian consumer movement. But it was nothing compared to the consumer movement in the United States where Ralph Nader and others like the Consumer Union sought and partially got reforms on poorly made cars, lax air safety and other products and services.

In Canada, we had tamer, less-effective consumer groups like the Consumers Association of Canada (CAC) who were originally more militant but were purged early on shortly after World War II of their more leftist leaders in favor of upper middle class leaders tied to industry executives. As the main consumer group until the eighties, CAC did however introduce and work on consumer marketplace issues and have chapters and a following. There were also more militant consumer groups at work like APA or occasional groups like the Boycott Kraft one who readily fought against the company's greedy marketplace practices, and cooperative housing, credit and food groups who put consumer principles on everyday matters relevant to consumers into direct action as they sought a better marketplace.

With mainstream consumer groups spending an inordinate time and focus in one-sided regulatory hearings rather than in changing marketplace safety and quality problems, they increasingly lost touch with Canadian consumers. They then became less relevant as they tended to concentrate on traditional means to try and change marketplace habits without keeping up with the public's desire to challenge society's injustices and adopt conservation rather than consumption goals in what was becoming an era of climate change worries or combating a climate of privatizing health and other services that corporate interests wanted a share in.

The drying up of larger government funding that groups like CAC (and its regulatory intervention arm) depended on also helped in the demise of mainstream consumer groups as did the diminished role of government action for better consumer protection legislation and the ending of a Consumer Affairs department that was further integrated and submerged within a industry affairs bureaucracy.

The public and media turned to other issues including environmental, conservation and preservation ones exposed by groups like Greenpeace and the David Suzuki Foundation and the Sierra Club of Canada, and to groups including the Assembly of First Nations, Democracy Watch, the Canadian Health Coalition, the Environmental Defense Fund, Oxfam and Mining Watch Canada who worked on domestic and international social and economic justice issues of interest to Canadians.

My advocacy work continued on a wide variety of issues, and not just on the consumer front, as I took up a life-long concentrated effort at digging up Ottawa's secret ways, both as an independent crusader working with media, citizen groups, unions, trade associations, whistle blowers and citizens under duress.

One major effort meant working with civil liberty and citizen groups to get FOI laws passed. Unfortunately what was enacted was far too limited and still is. As an advocate, critic and user of access to information laws, I sought out consumer, safety and health and environmental government and corporate records. This has never been easy given fees, delays, exemptions and avoidance techniques. It has gotten so bad that consumer data like pesticide information can be withheld as "national security" exempt data, and options sought on better rail and drug safety are now totally excluded as cabinet confidences and policy advice.

But despite such barriers in making thousands and thousands of government, corporate and

institutional records requests, I have gotten data, for instance, on governments' questionable funding of the asbestos lobby for its marketing of its unsafe products abroad, on the government supporting growth hormone use, and on AquaBounty successfully pressuring the government for commercial export certificates to spawn their GE salmon eggs abroad even before official approval was given. Now unlabeled GE salmon fillets are coming into Canada for sale.

Access work has meant shining light on questionable wasteful multi-million dollar funding in the scandalous sponsorship program and on the enormous unaccountable subsidies given industries under the loosely-run technology partnership program.

Access work has meant, with their consent, helping people in duress like Maher Arar who was forcibly rendered to a Syrian jail and getting files for whistle blowers like Health Canada's fired scientist Pierre Blais who revealed information on faulty medical devices that his bosses wanted destroyed and kept secret.

Making access to information difficult and inventing ways to creatively avoid information being released in a timely manner has occurred under every Prime Minister since 1982. The Trudeau government is just the last in line of governments limiting public disclosures while promising change while in fact, passing legislation making more documents secret.

Same scenario goes for tougher consumer protection legislation and not delivering. In recent times, the Harper government talked the consumer line but their actions in areas like increased drug safety protection and transparency was not implemented. The current Trudeau government too is letting the Vanessa bill for greater transparency on drug safety be taken apart by vested Ottawa interest groups. Their handling of the airline industry poor passenger record is weak, with a limited passenger bill of rights and minimal compensation being offered.

Maybe their biggest "consumer" bill now will be how to label and package recreational pot! That's sure to suck the air out of dealing seriously with matters like labeling GE animal products coming on the market or putting in place tough penalties for massive data breaches and unwarranted surveillance of its citizens.

Sometimes, Ottawa appointees come forward like former CRTC Chair Jean Pierre Blais and adopt pro-consumer positions but they are rare and come and go.

Perhaps the the biggest tool modern day consumerism has acquired is not garnered from FOI searches or government activity but from being able to initiate class actions law suits. This has become the venue for fighting specific consumer shoddy and poor services and products' failings and can help in successful suits fund consumer action.

Another ever-growing tool consumers have at their command to get informed and act is social media platforms and apps: witness something like consumer problems with United Airlines and Air Transat.

Some of the main consumer work nowadays still is done by APA and Quebec consumer groups. Groups like Open Media have come to the forefront assisted consumers fight for better access to an unfettered and accessible Internet.

But also think of groups like Mining Watch Canada trying to activate Canadians concern about abusive action of Canadian mining companies abroad in dozens of countries. Think of the Canadian Health Coalition who has fought to preserve medicare services and assisted whistle blowers on drug

safety issues. Think of Canadians for Fair Taxation who has helped expose corporate tax havens and greed or of another group, the Canadian Taxpayer Association, who has monitored and publicized some of government's more wasteful expenses.

On the whole, however, the formal consumer groups these days outside of Quebec remain minor players in numbers and in strength. So it would have been helpful if more groups were here to take part in Consumer 150 like mainstream environmental groups and indigenous groups and other groups like APA and Food Secure Canada thus broadening what we are to hear in terms of models for consumer advocacy for the future.

NGO groups face many challenges, consumer groups included, as do other groups that are present here.

One challenge to moving consumer action forward is for consumers themselves to help fund consumer action through contributions, check-offs or personal foundations. Debbie and I created a public interest advocacy foundation through the Ottawa Community Foundation to provide some such modest funds to NGOs engaged in all kinds of issues, including on combating drug prices and letting consumers know about toxic food containers.

Another challenge is to gain allies however difficult this can be. I know that's hard to achieve in my recent battle with the car insurance industry in Ontario for its too high prices, its cutbacks of benefits and services for accident victims, and for its too cosy a relationship with rate regulators,.

A third challenge for consumer groups is to take on new issues to stay up to date and fresh. I know too that the many infrastructure projects underway from light rail transit to new hospitals require greater public vigilance and transparency to ensure these projects are cost effective, safe and environmentally friendly.

In conclusion, my message then is that consumer groups need to create broader coalitions, do much more effective networking, and be more militant in their approach and adept at keeping up with relevant issues to the public.

Government and corporate grants like this conference helped get people here and yes, this event has and will generate discussion and some interesting ideas. But will this in reality be a forum that reawakens consumers to take on excessive profit makers, get rid of shoddy products and demand the end to toxic unsafe communities?

Certainly, being effective consumers makes me and you want to challenge and change regressive corporate and institutional practices.

After a lifetime of advocacy, I have learned to never give up and continue to grow with the times and issues, to pursue answers from governments and corporations on misspending, safety issues and unaccountable local, national and international practices and to challenge and change unfair practices and policies.

We all can do much more to revitalize the consumer movement. Together, we can move forward!