



Submission

To the

Standing Committee on Families and Communities

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*Bill 203 – Fair Trading Amendment Act, 2016
(Motor Vehicle Pricing Protection for Consumers)*

Presented by

Canada's Building Trades Unions

September 29, 2016
Ottawa, Ontario

Suite #1902, 130 Albert Street, Ottawa, Ontario, K1P 5G4

Who are We?

This submission is made on behalf of Canada's Building Trades Unions (CBTU), we are the International Unions that have jurisdiction in the construction, maintenance and fabrication portions of Canada's Construction Industry (we will use Construction as the generic for the Industry even though it is much more than simply the 'building' of something). This industry is found in every Canadian city, town and village and our more than 500,000 members are employed constructing everything from a garden shed through to the biggest buildings in Canada, virtually every refinery, generating station, nuclear plant and such commercial and institutional construction that it includes roads, bridges, hospitals and all forms of civic infrastructure. Our work is not just done on site but is done in a number of facilities that provide modules or other components that are incorporated into the structures that we work on. Finally, once structures are built we are employed in their renovation, maintenance and repurposing.

Some 75,000 of our members live and work in Alberta while thousands more have worked in Alberta on an interim basis (and who continue to do so notwithstanding the downturn). Our members are hardworking skilled tradespeople who add much to the building and maintenance of the province and who are the backbone of the middle class.

The International Craft Unions that compose CBTU are:

International Association of Heat and Frost Insulators and Allied Workers / Association internationale des poseurs d'isolants

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers / Fraternité internationale des chaudronniers, constructeurs de navire en fer, forgerons, forgers et aides

International Union of Bricklayers and Allied Craftworkers / Union internationale des briqueteurs et métiers connexes

United Brotherhood of Carpenters and Joiners of America / Fraternité unie des charpentiers et menuisiers d'Amérique

International Brotherhood of Electrical Workers / Fraternité internationale des ouvriers en électricité

International Union of Elevator Constructors / Union internationale des constructeurs d'ascenseurs

International Union of Operating Engineers / Union internationale des opérateurs-ingénieurs

International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers /
Association internationale des travailleurs en ponts, en fer structural, ornemental et
renforcement ferrailleurs

Labourers' International Union of North America / Union internationale des journaliers
d'Amérique du Nord

International Union of Painters and Allied Trades / Fraternité internationale des peintres et
métiers connexes

Operative Plasterers' and Cement Masons' International Association of the United States and
Canada / Association internationale des ouvriers plâtriers, cimentiers applicateurs et tireurs de
joints

Sheet Metal, Air, Rail and Transportation Workers / Association internationale des travailleurs
du métal en feuilles

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America /
Fraternité international d'Amériques des camionneurs, chauffeurs, préposés d'entrepôts et
aides

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of
the United States and Canada / Association unie des compagnons et apprentis de l'industrie de
la plomberie et de la tuyauterie des États-Unis et du Canada

Why are we involving ourselves??

There are a number of reasons that we are choosing to provide input to the Standing Committee on Families and Communities in respect of *Bill 203 - Fair Trading Amendment Act, 2016*. They include:

a). We represent a significant number of Albertans who also work within the skilled trades sector and whose occupations have similar patterns of employment and business.

b). We are supportive of consumer protection legislation that balances the interests of consumers with those of service providers.

c). We are respectful of the professionalism and high standards that are reflected in the automotive repair sector.

d). There is a need to ensure that Albertans, as consumers, are as well-educated in respect of their consumer rights as they can be and that the process of regulation assists in supporting that iterative process

We will deal with each of these thematic areas set out above.

What happens here will surely follow elsewhere:

As indicated above we are in the skilled trades sector of the economy and while significant portions of our work takes place at large industrial sites many of our members operate storefront businesses, repair facilities and provide service in the homes of our fellow citizens. Consumer protection legislation such as is advocated in *Bill 203* will in some form or other be reflected in the work of that we provide across Alberta. Suffice to say that both legislation and regulation should have some commonality and consumer protection fit well within the industry standards for warranties, guarantees and performance. We feel that any consultation that is done ought to be both broadly based and reflective of the skilled trades' community rather than reflect a silo driven approach which could result in a patchwork approach to this important area.

To this end we would respectfully submit that the approach taken in *Bill 203* leaves much to be desired; it has brought application over motor vehicles, recreational vehicles, auto body and similar skilled trades but it is still within a relatively narrow silo. Our review of the contents of the *Bill* indicates that it is essentially a "cut-and-paste" from Ontario and Manitoba. There needs to be a more thoughtful approach in determining this important area.

Our members are also consumers and consumers of automotive repair shop facilities services and products. Like most Albertans they are never really completely clear as to what their rights under either the current or proposed legislation entail. For example, a skilled construction worker who is working in the Oil Sands and living in Southern Alberta will drive a vehicle from home to the job site, on the job site to accommodations and eventually return home. The reliance on that vehicle is extreme. It is not infrequent for that construction worker to be told that to maintain the currency of the warranty on his motor vehicle that he has to have it serviced or repaired at a particular location. This is incorrect and a business practice which is designed to ensure that that worker always returns to have work done. If the vehicle was purchased in Southern Alberta and it fails in the Oil Sands the tow to the point of origin is onerous. As a consumer, that skilled construction worker ought to be able to have the repair and maintenance work (including warranty work) done by any competent and licensed technician that the province of Alberta has certified. This "right to repair" needs to be enshrined in regulation and in any educational materials that arise as a result of this proposed change.

We support consumer protection legislation

It goes without saying that consumer protection is a laudable goal and one that ought to be pursued in support of the "public good". Consumer protection legislation and the regulation that

arises therefrom needs to be well thought out and supported by both consumers and the parties that are to be regulated. There needs to be an efficient vehicle to deal with disputes that is simple, economical, easy to access, inexpensive and final. Respectfully, the proposed *Build 203* is deficient in that regard. It would be better to have this *Bill* withdrawn and a government *Bill* that results from a fulsome consultation be introduced.

The automotive trades know their business

We understand that the rigour and the process of training that produce the journeymen technicians who work in this field. While our training may be in different trades the apprenticeship system, the courses of study, the technical institutions and the required standards are equally high. As the title of this section suggests we believe that the automotive trades know their business and are at least as professional as the crafts that we represent.

To that end we have been provided with and reflected upon the submission made by the Canadian Independent Automotive Association Alberta Chapter dated October 23, 2016 together with the comparison charts that accompanied that submission. We adopt, fully and completely that submission as our own. In the interests of brevity we will not repeat the submissions but simply ask that you review them and accept them as if they were set out below and repeated completely.

Consumer education

There is a very real need for education of the consumers of Alberta. As was set out above the issue of the “right to repair” needs to be set out. There is a need that best practices be utilized and where there is a dispute that the dispute be handled efficiently and effectively. Consumer protection or regulation needs to be thought out and laid out in a way that consumers can access the information without undue difficulty. That ought to be one of the goals of the review of the current *Fair Trading Act*. In our view this is not adequately dealt with in the proposed *Bill* and it ought to be so dealt with. Simply put, consumer protection and consumer education ought to move hand-in-hand and ought to provide real comfort to the community that is served by services such as automotive repair (and other similar skilled trades).

Relief sought

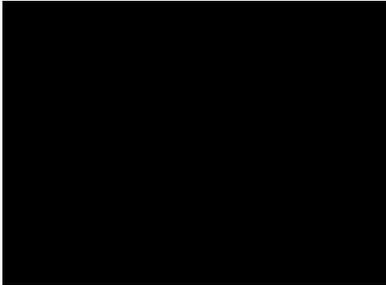
As indicated throughout we are supportive of consumer protection legislation and education. That is an important goal and one that ought to be pursued with some vigour of by the Government of Alberta.

We would respectfully ask that the proposed *Bill* be withdrawn, that consultations be undertaken and that a more robust and better thought out series of proposals be brought forward in a reasonable time. This opportunity is too important to be wasted or to be dealt with in a “lick and a promise” way!

FURTHER SUBMISSIONS

With respect, we would seek the further opportunity to make oral submissions in respect of the matters above captioned if the Committee desires to hear from the Public in this respect.

All of which is respectfully submitted



Robert R Blakely QC