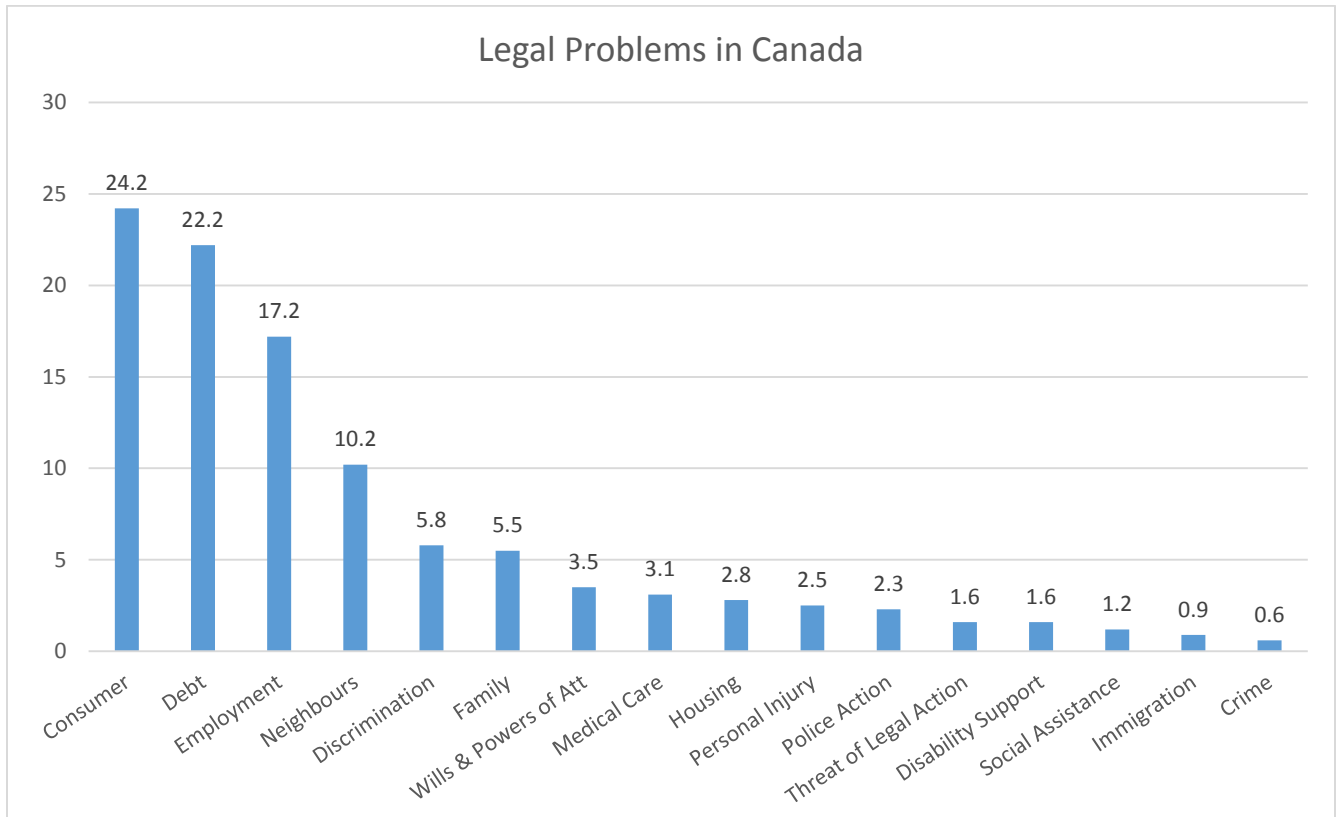


Access to Consumer Justice – What we need to know. By David Kryszajtys.

One of CFCJ’s primary mandates is improving [access to justice](#). How do consumer issues relate to access to justice? For consumers, access to justice is partly about holding retailers and suppliers accountable for the promises they make and for the safety of their products and services. In 2014, the CFCJ conducted the “[Everyday Legal Problems and the Cost of Justice in Canada](#)” survey with over 3000 participants across Canada. According to the CFCJ data, access to consumer justice is an issue. While formal justice mechanisms for consumers exist, for example the [Canada Consumer Product Safety Act](#), substantive justice in this area is lacking. Every day, people are experiencing issues with products and services but these issues are rarely resolved with satisfaction.

The CFCJ data points us to the story of why consumers rarely see a happy ending. According the CFCJ data, nearly all Canadians (96.5%) who experience a consumer problem try to take one or more steps to resolve it. Many options are pursued, with contacting the party perceived responsible for the issue being the favorite (83% pursue this path), and contacting a friend being the second (41.6%). Surprisingly, only three in twenty (15%) contact an outside organization! This is a major area of concern. Agencies to protect consumers exist, and they can help consumers deal with their consumer problems. The question is: why don’t consumers contact them?

The lack of communication between consumers and consumer protection agencies represents a serious issue for access to justice concerns. The CFCJ data indicates that consumer problems and debt problems are the most common legal problem experienced in Canada (see graph below). One quarter of Canadians (24.2 %) who experience a legal problem experience a consumer legal problem.



To be fair, this finding is only meaningful once it is put in context. As [Professor Les Jacobs](#) articulated at the [PPOCIR](#) workshop, these results may be due to the survey's methodology. The CFCJ survey is similar to Hazel Genn's 1999 legal needs survey which appears in her seminal book *Paths to Justice*. It asks the respondents questions using threshold language to collect data only on problems which can be considered legal. As a result, the respondent's understanding of the legality of their problem is not a part of the equation. This means that some of the respondents in the CFCJ survey with a consumer problem may not understand their consumer problems in legal terms. If you don't understand your problem as legal, it stands to reason that you may not be inclined to seek legal or even serious redress such as contacting a consumer protection agency. So it might just be that not enough people understand their issues as worthy of contacting a consumer protection agency.

On the other hand, it could be that people are not aware of consumer protection agencies. At the PPOCIR conference, I had the opportunity to listen to and talk to representatives of consumer protection and interest agencies. Some will readily admit that their existence is relatively unknown to consumers. Of course, without data it is hard to gauge how accurate this assessment is. It would be great to ask a question on the next survey about this. Nonetheless, the data indicates an issue in awareness, either a lack of awareness in the legality of a consumer problem or in the agencies which can help resolve that problem to satisfaction.

The CFCJ data suggests that seven in ten (69%) consumers who experience a consumer legal problem resolve their problem. Not bad. However, this result is overshadowed by the fact that only close to half (47.5%) of these respondents evaluated the resolution of the problem as being fair. What's more is that three in ten (29.3%) of these respondents experience difficulty carrying on with normal life after experiencing their consumer problem. The data suggests that consumer problems are not dealt with appropriately and that one of the barriers to accessing justice might simply be a lack of awareness.

To improve access to justice for consumer issues, I'd like to end this article with one easy to implement recommendation. Let's measure awareness, of both peoples understanding of their problems as legal and of the methods they can use to solve their problems with satisfaction. If the problem is identified as one of awareness, then the solution is clear: education.

In the meantime, if you are a Canadian and experience a consumer problem of any sort, there are a number of resources and organizations you can contact to help you resolve that issue. Even if your problem doesn't seem worth pursuing, reporting it to an agency may help protect someone else.

For general consumer issues in Ontario, you can file a complaint at Consumer Protection Ontario (<http://www.ontario.ca/page/filing-consumer-complaint>).

In Quebec, to file a complaint against a merchant, you can contact the Office de la Protection du Consommateur Quebec (<http://www.opc.gouv.qc.ca/en/consumer/complaint-against-merchant/how-to-file/>).

For health and safety issues concerning a product in any province, the Health Canada website can help direct you to a number of different portals (<http://www.healthycanadians.gc.ca/report-signalez/index-eng.php>).

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