

CO-MANAGEMENT AND PERFORMANCE MEASUREMENT IN THE JEWELLERY INDUSTRY: A GOLDEN OPPORTUNITY?

A Report on the Industry Canada/IPAC Roundtables

By:

Ann Rauhala

Professor, Department of Journalism,

Ryerson Polytechnic University, Toronto



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IPAC/IAPC
1075, rue Bay Street
Suite/bureau 401
Toronto, Ontario
M5S 2B1 CANADA

Tel./tél: (416) 924-8787
Fax: (416) 924-4992
e-mail/courriel: ntl@ipaciapc.ca
Internet : www.ipaciapc.ca

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Thank you

Abstract

Le but de ce cadre, entre les consommateurs et les gens d'affaires, vise à examiner les mesures de rendement et la co-gestion. Le projet visait à identifier des questions importantes dans l'industrie canadienne de la bijouterie afin de trouver comment il serait possible d'amener les bijoutiers à mieux respecter les règlements et de réaliser de meilleurs résultats par le biais de la co-gestion.

This case study on performance measures and co-management – between consumers, business and government – focuses on the Canadian Jewellery industry. It was concerned with the means by which eroded confidence in the industry could be revived through co-management measures. A key recommendation was the creation of an accreditation program for the training and testing of appraisers.

A Golden Opportunity? Executive Summary

Can consumers and business people work with government to create fair, practical regulations? And if so, can they show that co-management produces better results?

Those were the questions raised in a project exploring performance measures and co-management jointly sponsored by Industry Canada and the Institute of Public Administration of Canada. And the answer to both questions, with input from industry, consumers and government, seems to be: "Yes, we could try."

The project focused on the Canadian jewellery industry, with an eye to identifying important issues in the hope that there might be an opportunity to improve industry compliance and produce better results through co-management.

And there may be good news. While its exact scope remains to be determined by key stakeholders, a training program now run by the Canadian Jewellers' Association (CJA) seems a candidate for adaptation to a co-managed, results-based pilot project.

One participant called it "a golden opportunity."

Over the course of three gatherings, representatives of consumer, industry and government heard presentations from IPAC, Industry Canada, Revenue Canada, the Royal Canadian Mounted Police and the Government of Ontario. Each one sparked group discussion about the industry.

What emerged was that, for consumers, the main issue is establishing confidence in the jewellery industry and its products. Consumers feel betrayed when a price turns out to have been inflated or when appraisals vary widely.

For the industry, the underlying issue is restoring confidence in the marketplace. Jewellers spoke about the effects of taxes and regulations and how some operators gain advantage by evading them.

Many thought that an accreditation system might help consumers and government at the same time as it helped the industry. "What we all want is to smoke out those who are doing business unfairly," someone commented. "Couldn't accreditation and certification take care of that?"

Participants began to see parallels to their situation when they heard how co-management had worked in other industries. A discussion of the Canadian Jewellers' Association's accredited appraiser program led to the suggestion that it might be adapted for a pilot project. The program provides trained, tested appraisers a seal of accreditation.

The final workshop ended with most participants eager to pursue a co-

management experiment and intent on putting together an action plan.

Une affaire d'or? Sommaire exécutif

Les consommateurs et les gens d'affaires peuvent-ils collaborer avec l'État pour créer des règlements pratiques et équitables? Et le cas échéant, peuvent-ils montrer que la co-gestion produit de meilleurs résultats?

Ces questions ont été soulevées dans le cadre d'un projet co-commandité par Industrie Canada et l'Institut d'administration publique du Canada. Le but de ce projet est d'examiner les mesures de rendement et la co-gestion. Et, compte tenu des commentaires des représentants du secteur privé, des consommateurs et des représentants du gouvernement, la réponse aux deux questions semble être : «Oui, on pourrait essayer.»

Le projet visait à identifier des questions importantes dans l'industrie canadienne de la bijouterie afin de trouver comment il serait possible d'amener les bijoutiers à mieux respecter les règlements et de réaliser de meilleurs résultats par le biais de la co-gestion.

On a peut-être de bonnes nouvelles. Même si les principaux intervenants doivent encore en déterminer le champ d'application exact, un programme de formation que dirige l'Association canadienne des bijoutiers pourrait être transformé en un projet pilote co-géré et basé sur les résultats.

L'un des participants a déclaré que ce serait «une affaire d'or».

Au cours de trois rencontres, des consommateurs et des représentants des secteurs privé et public ont écouté les présentations de l'IAPC, d'Industrie Canada, de Revenu Canada, de la Gendarmerie royale du Canada et du Gouvernement de l'Ontario. Chacune des rencontres animait des discussions de groupes sur l'industrie de la bijouterie.

Le besoin d'établir une certaine confiance entre les consommateurs et l'industrie de la bijouterie et ses produits était la principale question qui est ressortie des discussions. Les consommateurs pensent que l'on abuse de leur confiance lorsqu'un prix est gonflé ou que les estimations varient trop.

Pour l'industrie, la question sous-jacente est de rétablir la confiance des consommateurs. Plusieurs bijoutiers ont parlé des effets des taxes et des règlements et comment certains exploitants profitent en les évitant.

De nombreux participants pensent qu'un système d'accréditation pourrait aider les consommateurs et l'État en même temps qu'il aiderait l'industrie. Comme une personne l'a indiqué : «Ce que l'on veut, c'est trouver ceux qui ont des pratiques commerciales déloyales.» «L'accréditation et la certification ne pourraient-elles pas se charger de cela?»

Les participants ont commencé à voir une parallèle à leur situation lorsqu'ils ont entendu comment la co-gestion a marché dans d'autres industries. Une discussion du Programme d'estimateur accrédité de l'Association canadienne des bijoutiers a conduit à la proposition d'adapter ce programme pour en faire un projet pilote. Le programme décerne un certificat d'accréditation aux estimateurs compétents.

Le dernier atelier s'est terminé par le désir de la plupart des participants de tenter une co-entreprise et leur intention d'élaborer un plan d'action.

Co-Management and Performance Measurement in the Jewellery Industry: A Golden Opportunity?

A Report on the Industry Canada/IPAC Roundtables

**by
Ann Rauhala**

Co-management and performance measurement are ideas that hold considerable appeal for governments, for industry, and for any of us who both pay for and rely upon the regulation of a fair and safe marketplace.

Co-management works by sharing the responsibility of shaping and managing programs and policies with those who are directly affected. Industry plays a meaningful role in how programs are designed and delivered, government operates more responsively and efficiently, and consumers enjoy the advantages of regulatory practices that are more relevant to their needs.

The viability of co-management may depend on pairing it with an approach that demonstrates results, that focuses on the "product" delivered. Results-based management is a priority for government, and objective measures of performance give all parties a picture of what is being achieved.

Can consumers and businesses work with government to create fairer, more practical regulations? Can they find a way to consider all points of view? And if they can do all that, can they find a means to show that co-management produces measurable results?

Those were the questions raised in a project investigating performance measurement and co-management jointly sponsored by Industry Canada and the Institute of Public Administration of Canada (IPAC). The consensus from industry, consumers and government, with respect to both questions, seems to be: "Yes, we could try it."

The Industry Canada/IPAC Roundtables project explored the Canadian jewellery industry with an eye to identifying key issues faced by stakeholders in the hope there might be opportunities for establishing performance measures and/or co-management projects.

And there seems to be good news. A process that began with some apprehension, even resistance, on the part of some participants evolved into an open, lively forum and concluded on March 25 with an air of excitement about a pilot project that could address crucial issues facing the industry and the consumer.

While its exact scope has yet to be determined, an existing program run by the Canadian Jewellers' Association that trains and accredits appraisers may prove suitable for adaptation to a co-managed model.

One participant from the jewellery trade called it "a golden opportunity."

This report will describe how that opportunity arose, how complaints were treated as issues that led to solutions, and how sometimes competing interests uncovered common goals. It will briefly outline the process and its initial focus, delineate themes that emerged at the roundtables as they unfolded between January and March, 1998, and, finally, sketch the outlines of a potential pilot as it was discussed in the last workshop.

WHO, WHAT, WHEN AND HOW

This project explored the relevance of performance measures and co-management for the jewellery industry.

Apart from planning, the process began with a roundtable discussion on 28 January, which drew together twelve representatives, ostensibly from the jewellery industry, consumers' groups, and from various branches of government. But the reality was that the majority were from government, although many others had been invited, a fact not lost on participants. Industry people explained that there was scepticism about taking part in talks with agencies that ordinarily policed the industry. While presentations made that day sparked interest and enthusiastic discussion, people thought that a more representative sample, including more consumer experts, had to be drawn into the next roundtable.

Industry Canada and IPAC responded to that suggestion. The gathering on 28 February drew seven more participants. In addition, more time was made for discussion. That day, participants synthesized what they had learned about compliance issues and co-management and how it might dovetail with their own concerns, ending the day with general agreement about issues that jewellers and consumers faced.

With progress made at the February roundtable, the final gathering was a half-day workshop on 25 March, during which practical approaches were raised in an effort to address common issues. Throughout the process, discussions were facilitated by Don Lenihan of IPAC. Organizers tracked and responded to feedback, and interim summaries were distributed to participants.

DAY ONE: OPEN AND FAIR

The January roundtable set out the basics. Participants were informed that the roundtables were meant to bring together people to talk about the sale of jewellery in Canada and to consider whether stakeholders could play a role in establishing and upholding its regulation.

Don Lenihan of IPAC explained that the jewellery industry had been chosen for discussion because it is a relatively self-contained area of regulation with the potential to benefit from co-management. For IPAC, it was a model to test a set of ideas that could transform government; for Industry Canada, it was an area that is already under some review and therefore open to change.

The idea at the beginning was for everybody to learn more about the regulations, what the thinking is behind them, and whether they're being followed.

The group heard presentations from IPAC, the Fair Business Practices Branch of Industry Canada (FBPB), Revenue Canada, and the Royal Canadian Mounted Police. That information sparked discussions that one industry participant described as the first open and fair discussions with government in which he'd ever taken part. Crucial issues -- ranging from confusion over trademarks, to the burden that industry says is imposed by the excise tax -- reverberated throughout the day.

In the first day's roundtable, the groundwork was laid for what became important themes weeks later. Whether the subject was trademarks, advertising or even smuggling, for example, the difficulty of estimating the worth of any piece of jewellery always figured prominently.

To begin, Mr. Lenihan explained the thinking behind performance measures and co-management and how they were linked to the goal of higher rates of compliance.

Afterward, there was a question about whether compliance was even an issue in precious metals marking. To the surprise of some, Jim Turpin from the FBPB of Industry Canada asserted that non-compliance was indeed a problem, one he went on to describe.

He provided an overview of the branch's objectives and scope and explained how trademarks, quality marks and foreign national marks were used by Industry Canada. He also outlined problems, which included missing or expired trademarks, improper quality marks and jewellery that, upon inspection, was found to be missing metal content.

A False Sense of Security

The shortcomings of the current trademark process, and lack of compliance, cause problems for importers, manufacturers and retailers and leave consumers vulnerable to fraud. Several people noted that because the trademark does not necessarily guarantee anything, it may even give consumers a false sense of security. That observation presaged a similar discussion weeks later, about the wide variability of appraisals, which ultimately became a central factor in talks of a pilot project.

After the FBPB presentation, a participant from Industry Canada confirmed that the Precious Metals Marking Act was now under review.

Perhaps that statement established greater confidence in the process, but what

followed was an animated discussion in which participants gave strong if not unanimous support for finding ways to guarantee the quality of precious metals products and protect the reputations of legitimate businesses.

A related discussion arose about voluntary guidelines for gemstones. Again, that discussion held the seeds for what was to become a focal point: What role does each stakeholder have in establishing and ensuring that an item is worth the asking price?

In the gemstone trade, treatments used to enhance stones' appearance are not being disclosed to consumers or to industry, and methods to detect treatment are expensive. A suggestion that government could play a role in delivering a cheaper way to test stones prompted a lively response.

On one hand, a speaker said, "It behooves the good guys to remain the good guys and for the bad apples to be identified." But on the other hand, he said, jewellers would probably be reluctant to add a layer of regulation. The same speaker then noted that a better role for government might be to keep the industry informed about such problems because the industry can't afford its own data clearinghouse.

Next, James McNamara of Revenue Canada gave an overview of his department's role and its impact on the jewellery industry, explaining that it assesses, collects and enforces taxes on goods being imported, applies penalties for tax evasion and monitors data on imported goods. And, of course, Revenue Canada administers taxes domestically.

Encouraging Voluntary Compliance

He noted that the cost of enforcement is high and that Revenue Canada is trying to encourage voluntary compliance within the jewellery industry. Revenue Canada has taken several steps to ensure fairness for taxpayers and businesses, including setting up the underground economy initiative, which aims to encourage voluntary compliance by, for example, publicizing evasion, convictions and issuing reminders.

When the cost of enforcing taxes arose, talk turned to the excise tax on jewellery, a subject that preoccupies the industry, although it seemed outside the scope of this project.

In a long, candid discussion, it was noted that the excise means an additional ten per cent cost to businesses, that it stimulates the underground economy, and that it provides incentive to evade other taxes. The industry has lobbied for its removal for almost fifty years.

When Mr. Lenihan asked whether the elimination of the excise is a dream or a possibility, the gathering first laughed and then discussed whether the total excise collected (about \$50 million annually) is worth the cost of collecting it.

Given the search for tangible results, Mr. Lenihan asked whether removal of the

excise would lead to a measurable reduction in the underground economy.

Mr. McNamara replied that it is hard to measure changes in the underground economy because it is difficult to know its actual size; even increased legal sales of jewellery wouldn't necessarily be a reliable measure. But some participants said that their "gut feelings" were that the removal of the tax would increase compliance.

Mr. McNamara and others talked about the difficulty of sharing information with other branches of government and within agencies, a theme picked up again after a presentation by Corporal Gary Wood of the RCMP.

Cpl. Wood told the gathering that the RCMP enforces Canada Customs law through an anti-smuggling initiative on jewellery. Tax differences between Canada and the United States mean that gold from India, for example, is not taxed in the U.S. but is in Canada. So, a short drive from Buffalo can save a would-be tax evader twenty-seven per cent. About \$14 million-worth of smuggled jewellery has been uncovered in three years.

The RCMP has worked with the industry, receiving training in identifying jewellery, providing information to the jewellers' association as part of the industry's bid to get rid of the excise, and meeting industry reps to explain what they do. But they have had little success in making inroads with some ethnic communities in the trade.

At day's end, the first gathering agreed that several themes had emerged: that non-compliance in the system of trademarks affects consumers and business, that better communication is needed throughout the industry and the agencies that regulate it, that it was crucial to draw in more representative participation, and finally, that the excise tax appears to create costs and problems.

DAY TWO: FINDING AN ALLIANCE

The roundtable on 28 February was a turning point in that participants seemed to move closer to finding common ground.

The session ranged over issues of concern to consumers and the trade, and one could almost hear the penny drop about midday as participants realized how their goals coalesced.

To focus the day's discussion after a month's break, Mr. Lenihan reminded participants of the main thrust and noted that while industry representatives had already identified issues, they needed to locate those that might be co-management projects. It was essential to raise issues from the consumer's point of view, too, he said, so that any co-management approach would consider the interests of all stakeholders. He began by raising questions that consumer participants had asked after the first roundtable – such as how is jewellery priced? How are appraisals regulated? How is quality controlled?

What emerged was that, for consumers, the issue is primarily to establish or

reinforce confidence in the industry and its products. Consumers have problems establishing value for a variety of reasons, participants said. This could be because they buy jewellery infrequently and, therefore, have relatively little expertise, because they are confused and possibly misled by widespread discounting and how it is advertised, because they are buying an item as an emotional token and not for themselves, or because some jewellery – gold, for example – is both a commodity and a currency.

Consumers feel betrayed at various points – when a price turns out to have been inflated or when appraisals vary widely, participants said. One trade representative agreed that consumers try to be informed but aren't given the right information: "Consumers do ask about carats or the colour purity of diamonds," he said. "The problem is the answers."

While several people debated whether jewellery purchases were unique – retail discounting is hardly specific to jewellery and most of us make other intermittent purchases - even jewellers conceded that they'd have trouble buying jewellery themselves if they did not know the industry: "You can go to three evaluators and get three different evaluations."

The trustworthiness of evaluations and appraisals came up in the consumer context, as well as later in the day during discussion about industry concerns. A related issue also much discussed in both sessions was the idea of "professionalizing" the jewellery trade, that is, to formalize training and follow it up with some guarantee of expertise, perhaps monitored by a self-regulating trade organization. Several people observed that existing trade organizations such as Jewellers' Vigilance Canada (JVC) and the Canadian Jewellers' Association could play a role.

"If the consumer is confused by practices of industry, one approach is to educate the consumer, the other is for industry to clean itself up," a consumer representative said. "Is there a need to find an alliance and beef it up?" This was a significant first step in setting the stage for co-management.

Restoring Confidence in the Marketplace

That view resonated in the words of an industry representative who asked: "How can you educate consumers when jewellers don't even know what they're doing? Just adding government regulations would give people a false sense of security that somehow government has looked after them as buyers. I would rather see the industry upgrade itself."

For the industry, the underlying objective appears to be to restore confidence in the marketplace. Much discussion centred on the effects of taxes and regulations in general and the excise tax specifically. The implications of what several participants called a two-tiered industry are significant, they said. Smugglers and other illegal operators are essentially unregulated, enjoying advantages beyond not paying taxes; for example, they don't pay for lab equipment and don't adhere to environmental regulations.

"The issue," said one participant, "is the application of regulations to everybody."

The discussion moved back to the topic of certification, with consumer representatives asking whether an industry-shaped accreditation process might help consumers at the same time as it helped the industry. "What we all want is to smoke out those who are dealing unfairly. Couldn't accreditation and certification take care of that?"

The reaction among industry representatives to upgrading the accreditation of jewellers and the certification of their work was mixed, with a lot of enthusiasm on one hand and muted doubts on the other. Most, however, seemed to agree that the more role industry played and the less role government played the better.

Some from the industry observed that accredited appraisals are not necessarily meaningful now and that formalized monitoring, even by the industry itself, could be perceived as vested interests posing barriers to business.

DAY THREE: STEERING, NOT ROWING

The final session of the project was set up as a workshop, to convey to participants that they would return to the issues identified last time in a practical way, not to debate them, but to work towards the goal of finding ways to manage them.

In that vein, Art Daniels, assistant deputy minister in the restructuring secretariat of the Ontario government, recounted how co-management has worked in some industries.

Mr. Daniels summarized the transformation of parts of the provincial Ministry of Consumer and Commercial Relations that has led to self-management in the real estate, motor-vehicle sales, dry cleaning, renovating, direct marketing and other industries in Ontario. He emphasized that this change is not de-regulation or self-regulation but self-management, stressing that government's role is "to steer, not row."

He outlined how that change took place in Ontario, with the cooperation of government, consumers and industry, and gave examples of the steps taken, the mechanisms that were required, and some specific criteria to determine whether an industry is a likely candidate for co-management.

Mr. Daniels gave many instances of how industry moved towards taking responsibility for managing itself with government help. He described active endorsement, whereby government gives official recognition to an industry body that could be, for example, a council that sets industry standards.

He also emphasized that the self-managed areas had to be subject to accountability mechanisms, such as business plans, annual reports and independent audits.

Mr. Daniels made the point as well that industries must be ready for self-management, that is, that associations are truly representative, that they have a record of promoting professionalism and integrity and that they possess the financial and technical resources to take on responsibility for self-monitoring.

Participants, especially from industry, clearly saw parallels to their situation and showed much interest in the examples and information that Mr. Daniels provided. The questions and answers set the stage for a key turning point an hour or so later when talk turned to adapting an existing program into a co-managed project.

Mr. Daniels fielded several pertinent questions: In the self-managed industries, what happens if non-compliance occurs? How could an existing organization, like the CJA, get more players in the industry to join it so it could play a monitoring role? Who pays and how?

A Golden Opportunity?

Mr. Daniels explained that in the case of motor-vehicle sales, illegal dealers were reported by consumers and by honest dealers, and then lost their licences. In the model and talent industry, which is at an earlier stage of self-management, the government is helping industry to raise awareness about unscrupulous operators through advertising campaigns and consumer referrals.

It used to be thought that any move to certify or license an activity would be prohibitively expensive, Mr. Daniels said, but if government sets the rules only, it doesn't have to be. Industry can manage its own certification and compliance, and many programs can generate their own revenue stream, he said.

"This seems like a golden opportunity for our industry," one jeweller said. "But we could use help with getting more of the trade to belong to and support bodies like JVC and CJA. The cost of certification and training is more than annual fees deliver now."

With some relevant models still fresh in their minds, the group turned to a discussion of five issues Mr. Lenihan summarized for consideration: consumer education; discounting; misleading advertising; the price/quality relationship; industry self-regulation, certification and trade marking. He asked that participants focus on practical approaches to each and how they might intersect.

Most agreed that consumer education was desirable, but as one person asked, "Even if consumers are trained to ask the right questions, how can they know that they are getting right and truthful answers?"

On the subject of discounting, several people said that the protection in the Competition Act either lacks teeth or is not being enforced, but that, once again, "the problem with phony discounting is that it's difficult to know what a reasonable price

should be."

When the subject of the price/quality relationship arose, an interesting discussion ensued about the nature of complaints to Jewellers' Vigilance Canada.

A typical complaint, one trade representative explained, would be that a consumer buys a diamond for \$5,000, with a written appraisal that says it's worth \$12,000. Another appraiser assesses it as a \$5,500 stone, and the buyer then feels cheated, although he or she may not be.

That led to a discussion of what an appraisal is supposed to accomplish – that it should be an average selling price, a price one would pay to replace it.

An Industry Canada employee recounted that in a survey IC conducted of twelve gemmologists who were given stones to appraise, they found that the appraisers were consistent in their findings about quality. The only difference was on the bottom-line value, he said, and that difference was considerable.

If stones came with a statement of quality from a qualified, accredited appraiser, then people would know what they were getting, an industry representative said.

Mr. Lenihan noted that the day's issues were interconnected and that a key strategy for addressing them would be establishing the relationship between price and quality. The likely routes for doing that were consumer education and industry self-regulation and accreditation. Could there be a co-managed way of filling the void, he asked?

Karen Bassels of the Canadian Jewellers' Association said that the CJA's accredited appraiser program gives trained, tested appraisers a seal they can use to signify their accreditation. She explained that a peer group monitors the program and that she thought the CJA would be willing to open a seat on that peer review to a government representative if it were to become a co-management project.

That sparked an enthusiastic discussion about how such a project might work. Several suggested, for example, that consumers and insurance representatives should take part in the peer review and also that, if the program had government endorsement, it would be more attractive to the industry and to insurance companies.

Many agreed that the CJA would need tools to police the program; if someone was identified as doing something wrong, the peer group could review the case and that individual or business could be threatened with losing the seal. It was clear to all that the seal must be of considerable value to make its loss a meaningful sanction.

Mr. Lenihan asked people to consider performance indicators that would show that a project involving the accredited appraiser program did increase consumer and industry confidence. They suggested measuring the number of accredited appraisers, the

volume of complaints, the number of false insurance claims and the number of consumers asking for the seal.

The workshop ended with most participants seeming eager to pursue a co-management experiment, perhaps with the accredited appraisal program, and asking to either meet again or start a process to put together an action plan.

List of Roundtable Participants

Sharon Allan
Regional Director
Fair Business Practices
Branch
Industry Canada
Toronto

Tricia Jensen
Director
Food & Nutrition
Ryerson Polytechnic
University
Toronto

Robin Rosen
Division of Enforcement
Bureau of Consumer
Protection
Federal Trade Commission
Washington, D.C.

Pierre Akkelian
Past President
Canadian Jewellers'
Association
Montreal

Donald G. Lenihan
(Facilitator)
Director of Research
Institute of Public
Administration of Canada
Toronto

Lucy Stumpf
Special Adviser
Fair Business Practices
Branch
Industry Canada
Toronto

Karen Bassels
General Manager
Canadian Jewellers'
Association
Toronto

James McNamara
Team Coordinator
Revenue Canada
Toronto

Aubrey Sugar
A & A Jewellers Ltd.
Toronto

Luc Beauséjour
Textiles & PMM Specialist
Fair Business Practices
Branch
Industry Canada
Montreal

Peter Myerson
Vice-President
Myerson's Ltd.
Toronto

Jim Turpin
Fair Business Practices
Branch
Industry Canada
Victoria

Carol Besler
Editor
Canadian Jeweller Magazine
Toronto

John Philpott
Customs and Excise Section
Milton Detachment
Royal Canadian Mounted
Police
Milton

Harold Weinstein
Consultant
Toronto

Diana Brugos
Fair Business Practices
Branch
Industry Canada
Toronto

Larry Pogue
Sales & Marketing Manager
Johnson Mathey Ltd.
Brampton

Cpl. G. B. Wood
Unit Supervisor
Customs and Excise Section
Milton Detachment
Royal Canadian Mounted
Police
Milton

Arthur Daniels

George Post

Assistant Deputy Minister
OPS Restructuring
Secretariat
Cabinet Office
Toronto

Consultant
Ottawa

Mel Fruitman
Consumers' Association of
Canada
Ottawa

Phyllis Richard
Executive Director
Jewellers' Vigilance Canada
Toronto

About the Author

Ann Rauhala, formerly foreign editor and columnist at *The Globe and Mail* and documentary reporter at CBC television's *The National Magazine*, has been a journalist for 20 years. She is now senior producer at *counterSpin*, a current affairs program on *Newsworld* and teaches journalism at Ryerson Polytechnic University in Toronto.

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Nombreuses questions d'actualité sont continuellement étudiées dans le cadre d'activités de recherche. L'IAPC a donc lancé cette collection afin de poursuivre son engagement d'explorer et d'échanger. Les publications qui paraissent dans *Nouvelles Directions* mettent en relief des conclusions et analyses importantes qui sont tirées de notre recherche active. Tout en faisant avancer la compréhension des meilleures pratiques en vigueur, ces études permettent de mieux saisir leur importance en ce qui a trait aux préoccupations plus générales concernant la réforme du secteur public. Ces rapports sont offerts gratuitement aux membres de l'IAPC. Pour obtenir des exemplaires, prière de communiquer avec le bureau national de l'IAPC à Toronto (www.ipaciapc.ca).

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