



Commissioners' Comments on The Performance Review of BC Ferries' Customer Complaints Process July 22, 2020

Introduction

- The Office of the British Columbia Ferries Commissioner ("BCFC" or "Commissioners") under Section 46.1 of the *Coastal Ferry Act* regularly undertakes performance reviews of British Columbia Ferry Services Inc. ("BCFS" or "BC Ferries"). In November 2019, BCFC issued an Invitation for Proposals to engage a consulting firm to review BCFS's customer complaint process ("Review"). In December 2019, BCFC engaged MMK Consultants. On May 1, 2020 MMK submitted their final report. What follows are the Commissioners' summary comments on the Review and their recommendations.

BC Ferries' Customer Complaints Process

- Based on the consultant's findings, the Commissioners agree with the consultant's general positive assessment of BCFS' customer complaints process. The process is clearly defined for internal purposes; BCFS has well trained and dedicated staff; and a Complaint Resolution System is used to effectively track and manage complaints.

- The efficacy of the customer complaint process is further confirmed by the overwhelming number (more than 99.9%) of recorded customer complaints being resolved by BC Ferries' Customer Relations department. A very small number of complaints (less than 0.1% or around 70 complaints per year) require escalation and resolution at the director level. Only two or three complaints per year make their way to the BCFS Executive. In the past four years, only two cases have been referred to the Human Rights Tribunal primarily regarding alleged discrimination in operational policies and procedures.
- There is currently no explicit independent appeal process for customer complaints but the Review points out that there are informal channels of complaints, including the Commission and the Minister. However, the Commissioners believe that, as a matter of public interest, an independent review process should be formally incorporated in BC Ferries' customer complaints process for unresolved complaints. Given the exclusive jurisdiction conferred on the Commissioners by the *Coastal Ferry Act*, the independent Office of the BC Ferries Commissioners is well positioned to assume this role.
- Despite the general positive assessment of BC Ferries' customer complaints process, the consultant has a few recommendations for improvements, which the Commissioners endorse. In summary they are:
 - a. Adjust the target for complaint resolution to reflect the seasonality of the business to better monitor performance;
 - b. Encourage customers to use the on-line complaint form rather than phone or email;
 - c. Post the Quarterly Feedback and Engagement report on BCFS website to improve transparency;
 - d. Incorporate 'lessons learnt' from complaints into operations to a larger extent than what is currently done; and
 - e. Update the Complaint Resolution System to provide enhanced management reporting (specifically an "aged" complaints metric) but should only be done when financially feasible.
- In addition, the Commissioners have the following recommendations:
 - f. BC Ferries should update their customer complaint process for Commissioners' approval;

- g. BC Ferries should post on its website a simplified description of their customer complaints process for ease of communication with customers;
- h. BC Ferries should co-ordinate with BCFC to implement a more formal and structured process to track the complaints that the Commissioners refer to BC Ferries for their response and, in addition, report quarterly on any complaints that have been raised within BC Ferries to its executive as part of its complaint escalation process; and
- i. In recognition of the public interest, BC Ferries should amend their customer complaints process to include an independent review process whereby a complaint that could not be resolved to the complainant's satisfaction by BC Ferries, and as long as the complaint falls within the Commissioners' jurisdiction, can be referred to BCFC.

Review of Customer Complaints by the Office of British Columbia Ferries Commissioner

- Examples of the types of complaints that fall within the jurisdiction of the Commissioners:
 - (1) Price cap related matters for regulated fares
 - (2) Compliance with the *Coastal Ferry Act*, Coastal Ferry Services Contract and Commissioners' Orders
 - (3) Matters related to unfair competitive advantage
 - (4) Customer complaint process
- Examples of the types of complaints that do not fall within the jurisdiction of the Commissioners:
 - (1) Customer service-recovery issues
 - (2) Operational issues
 - (3) Environmental issues
 - (4) Human rights issues
 - (5) Safety issues
- The proposed review process for complaints referred to the Commissioners is as follows:
 - a. Complaints that are not resolved to the complainant's satisfaction at the executive level at BCFS may be referred to the Commissioners by the complainant by way of a written submission within 30 days of final response from BCFS, including copies of all correspondence between the complainant and BCFS as

evidence that the complainant has exhausted all venues for complaints within BCFS;

- b. If the Commissioners determine that the issue does not fall within their jurisdiction, they will advise the complainant and BCFS accordingly;
- c. If the Commissioners are satisfied that all avenues of complaint at BCFS have been exhausted and have determined that the issue falls within their jurisdiction, the Commissioners will:
 - (i) advise BCFS of the complainant's submission;
 - (ii) at the Commissioners' discretion, require the complainant and BCFS to further attempt to resolve the matter before the Commissioners accept, begin or continue their review;
 - (iii) if necessary, request further written submissions from either, or both, BCFS and the complainant to respond to Commissioners' questions regarding the complaint;
 - (iv) share any written submission in response to the Commissioners' queries with the other party to provide that party an opportunity to respond with a written submission;
 - (v) once satisfied with the information received, determine whether or not BCFS's response is fair and reasonable and consistent with its current policies and procedures; and
 - (vi) advise both parties of the reasons for the determination.