

**McGregor, S.L.T. (1996). Consumer policy frameworks: A taxonomy of contributory components. *Journal of Family and Consumer Sciences*, 88(2),36-42.**

Abstract

There are many factors contributing to the nature of an existing consumer policy framework, designed to ensure a fair, safe, efficient and competitive marketplace (consumer protection). This paper suggests that (a) the character of the government consumer office, its interpretations of the changes in the (b) character of the policy environment context and (c) the character of the marketplace constituents and issues will influence its (d) rationale for intervening in the marketplace. This rationale shapes (e) the roles and strategies for the adopted levels of consumer protection which, in turn, dictate (f) the combination of policy instruments to deal with the changing character of the marketplace. The result of this dynamic process will be the current consumer policy framework. This paper offers a consolidation of principles, roles, strategies, policy instruments, institutional administrative arrangements, market interests and issues. Family and consumer practitioners and other marketplace partners now have a taxonomy from which to take stock of their marketplace and to recommend consumer policy alternatives to best accommodate the interests of individual and family consumers in a market economy.

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Individuals and families fulfill a major role as consumers in market economies. In most developed economies they contribute the majority of the GNP relative to business and government (often exceeding 60%). There is general agreement that the interests of families in their roles as consumers should be protected via a comprehensive array of consumer protection measures designed to ensure a fair, safe, efficient and competitive marketplace. Advocates for families should be versed in analyzing the determinants, context, content, and impact of consumer policy frameworks. This paper will share reflections on the suggested components contributing to the development, nature and analysis of such frameworks. The resultant taxonomy will provide a tool with which to examine and critique policy frameworks in context and to teach or refresh this aspect of family and consumer practice. Suggested implications for practice are integrated into the discussion as warranted.

### **COMPONENTS OF CONTEXTUAL CONSUMER POLICY FRAMEWORK**

This paper discusses the nature of six general components which collectively contribute to consumer policy development (see Table 1). In brief, the character of the government consumer office, its interpretations of the changes in the character of the policy environment context and the character of the marketplace constituents and issues will influence the rationale for intervening in the marketplace. This rationale shapes the roles and strategies for the adopted levels of consumer protection which, in turn, dictate the combination of policy instruments to deal with the changing character of the marketplace. The result of this dynamic process will be the current consumer policy framework.

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Insert Table 1 about here

### **Character Of Government Consumer Office**

In most developed countries, there are standard institutional frameworks which are charged with developing consumer policy, with common titles including: ministries, offices, or departments of Consumer and/or Corporate Affairs, or some similar designation. Most will have a set of guiding principles, a mission or social purpose, and goals or objectives. State, provincial and local governments, as well as national and international governments, are usually part of the formula as are other institutions, including but not limited to: ombudsmen, market courts, councils, committees, state institutes or crown corporations, commissions, tribunals, boards, advisory councils, and, of course, access to the judicial system (Organization for Economic Co-operation and Development [OECD], 1993).

Government consumer offices exhibit a chronology of philosophy, mandate, objectives, organizational structure and functions. By periodically taking stock of this complex arrangement, the office should be better able to determine if, in its current state, it is able to cope with the changes in the policy environment context and the nature of the marketplace constituents. Family and consumer practitioners need to maintain awareness of and continually monitor this internal review process and periodically avail themselves of the results or offer to contribute to the policy review process.

### **Character Of The Policy Environment Context**

Encompassing all policy analysis is an ongoing environmental monitoring process and marketplace surveillance mechanism (Anderson & Miles, 1990; Martin & Lotz-Kamin, 1987; McGregor, 1993b, 1994b; Stanbury, 1993). We need to be aware that the context or environment within which the consumer government office operates is continually transforming. Changing socio-economic demographics, political and legal climates, restructuring of national, regional and local economies, globalization of the world economy as well as phenomenal technological advances are constantly reshaping the marketplace at an incredible pace. Continual changes in the character of the policy environment (provincial/state, regional, national and international) should compel government consumer offices to review their current position in the marketplace and their ability to manage these complex, dynamic changes such that the consumer is protected (Consumer and Corporate Affairs Canada, 1992 (now Industry Canada)). Family and consumer practitioners are challenged to partake in this contextual review as they strive to understand and impact policy to benefit consumer well-being.

### **Character Of Marketplace Constituents And Consumer Issues**

In a mixed market economy, market decisions are shared by private enterprise and government (and indirectly by consumers via consumer advocates or government and business enterprises with the consumer interest at heart) (Archer, 1978). Hence, the ultimate character of the marketplace as an institution is shaped by the cumulative impact of the interactions between these entities, interaction which stems from marketplace failures or consumer issues that affect the integrity of the marketplace and

that of the marketplace constituents. The objective of government consumer offices is to gauge the continual dynamics of this network of actors and determine the appropriate approach to balance consumer interests against business and public interests (McGregor, 1992, 1994b).

Organized business interests represent the voice of large, medium and small scale industry, trade and commerce. Consumer affairs departments (CAD's) within business and industry recognize the consumer interest in mercantile decisions. Business-government relation offices staffed by consumer affairs professionals (CAP's) can be influential in industry and in trade associations (de Ruyter & Widdows, 1992).

Consumer organizations and individual advocates facilitate the voicing of consumer concerns in the marketplace. These consumer organizations can include voluntary privately funded or voluntary government sponsored, national, state/provincial and/or local groups, as well as special interest groups. The cooperative movement can also play a key role in consumer policy in some countries (Forbes, 1987; OECD, 1993). Professional associations and interest groups, such as family and consumer scientists and home economists, also have a fundamental role to play in this arena, a role that is enhanced if there is a growing appreciation for the mutual interests in the marketplace.

**Character of perennial consumer issues.** If the market economy does not function properly it is said to have failed, resulting in a consumer issue (Harris & Carman, 1983; McGregor, 1994a), the identification of which is paramount in profiling the consumer policy portrait of any country. These issues can fall within the areas of both products or services. Family and consumer practitioners need to be aware that national and local policy priorities addressing consumer issues can fall within the following problem areas: (a) economic security/interest (financial security and privacy, and contractual and transactional fairness); (b) health and personal safety; (c) information; (d) education (consumer and general); (e) competition (availability and choice of a range of goods and services); (f) representation; (g) redress; and, (h) environmental concerns (Mayer, 1991; McGregor, 1994a).

To ensure a comprehensive approach to dealing with consumer problems, family and consumer practitioners can benefit from familiarity with several conceptual frameworks which attempt to classify consumer problems. The traditional approach judges market performance against efficiency and equity criteria and resultant consumer problems (Forbes, 1987; Ramsay, 1984, 1985; Scheffman & Appelbaum, 1982). Distinguishing between structural and transactional market failures is another approach expanded by Jensen (1986). Belobaba classified consumer problems according to the three stages of a consumer purchase (1985). Each of the three approaches provides a unique perspective to consumer problems and market failures, the nexus of all consumer policy frameworks.

**Consumer problems due to inefficiency and inequity.** Ramsay (1984, 1985) explained that equity is concerned with the fairness of the process (transactional and policy development) and the outcomes of the market transaction. This concept is contrasted with that of efficiency which is concerned with the distribution of resources so that benefits outweigh costs. Inefficiency refers to mismanagement, whether by

consumer, business or government, of resources on both a day to day basis and in the long run. Recognized sources of efficiency failure include: information failure, fraud, misrepresentation and false and misleading claims, ignorance of the terms, difficulty in noticing and reading terms, high cost of redress, excessive market power (via use of standardized contracts), deceptive seller practices and conduct, and finally, incapacity of entering the transaction on equal footing. Inequity in the marketplace comprises: unfairness, dishonesty, exploitation, intergenerational unfairness, lack of assurance of representation in policy process, and unequitable income distribution (Economic Council of Canada, 1979; Forbes, 1987; Harris & Carman, 1983, 1986; Ramsay, 1984; Scheffman & Appelbaum, 1982).

**Structural and transactional consumer problems.** As a result of market failures (whether due to inefficiency or inequities), Jensen (1986) suggested that consumers encounter problems in the marketplace both at the functional or transactional level and the structural level. Transactional problems are mainly caused by information inadequacies, defective communication between consumer and producer, and unfair marketing practices of individual firms (efficiency and equity failures). Groups of vulnerable consumers (with problems unique to them) partially set the context for individual consumers who may have problems as a result of their own personal or individual inadequacies in transactions with an individual seller. Also, individuals, regardless of their particular capacity as consumers, can have problems as a result of the specific behaviour of individual sellers such as misleading advertising, fraud, defective products, and ambiguous contract terms.

Structural problems, at the core of transactional problems, are concerned with the overall structure of markets, resultant levels of competition, and with societal and government attitudes towards consumers in the marketplace. Is there a consumer protection framework in place? Is the consumer perceived as a market player with the power to press producers to justify their marketplace activities? Are governments predisposed to deal with consumer problems? Do consumers have a voice in the entrenchment and protection of consumer interests (Jensen, 1986)?

**Purchase stage taxonomy of consumer problems.** In an attempt to portray the structure of the Canadian consumer protection framework, Belobaba (1985) positioned consumer problems for goods into the three stages of a consumer purchase or market transaction: prepurchase, purchase and postpurchase stages. McGregor (1993a), drawing on Lovelock (1984), extended this model to include services. At the prepurchase stage, consumers encounter problems with information issues (advertising, marketing, promotion and packaging) and personal health and safety issues (product design and service delivery).

The purchase stage of the transaction entails the actual choice of the product, the payment for the purchase (cash, cheque, credit, debit card), the negotiation of the terms of the contract, arrangement for delivery and, in the case of a service, performance of the service. It is also during this stage that unfair business practices of sellers can affect the success of a transaction by deceiving or misleading the consumer.

The postpurchase stage is concerned with consumer expectations, levels of satisfaction and dissatisfaction and doubt or uncertainty about the purchase. Other matters that are relevant to this stage of the transaction are the liabilities, warranties, and guarantees for a product and a service. Instructions for assembly, purchase of complementary goods or services, and the safe use and disposal of products are other considerations. Paramount to this stage of the purchase are the avenues available for redress, maintenance, repair, replacement, returns and refunds as well as complaint procedures and other means of dealing with unfulfilled consumer expectations for product performance and service delivery.

### **Rationale For Intervening In The Marketplace**

It is conventionally accepted that if a consumer is exploited in a transaction due to failures or imperfections in the market, the government has legitimate justification for intervening in the market economy via consumer policies (Scheffau & Applebaum, 1982; Wildavsky, 1979) for the purpose of balancing the interests of all marketplace constituents within the context of their expected roles, rights and responsibilities (McGregor, 1994a). Family and consumer practitioners need to appreciate that a rationale for intervening usually includes, either explicitly or implicitly, an explanation of guiding principles as well as a statement of underlying reasons for government actions in the marketplace. Therefore, the rationale for a consumer policy framework should be based not only on monitoring and sound analysis of environmental changes but also on sound policy principles, marketplace principles and change management principles.

To elaborate, several general principles guide the development of consumer policy including the basic premise that consumer policy is of national importance. Effective policy is essential to enhancing the country's competitiveness as well as marketplace efficiency and fairness. Consumers have basic consumer rights as well as the right to know about changing marketplace conditions and government policies which affect them as individuals and consumers. Ongoing assessment of the regulatory framework is necessary. Finally, gradual, orderly carefully implemented change should occur in conjunction with consumer impact assessment statements. This set of principles is not comprehensive but it is representative of those that could guide development of consumer policy.

The driving marketplace principles, as previously discussed, include efficiency, fairness/equity, redress/justice, safety, and competition. Most countries are guided by these key marketplace principles in their efforts to manage the marketplace, a fact that is evident simply by scrutinizing any version of the OECD consumer policy reports (1993).

The guiding principle that gradual, orderly, carefully implemented change should occur provides the grounds for adhering to sound change management principles when evaluating and restructuring consumer policy frameworks. Five related principles include recognizing deviations from the norm in the environment that are impinging on the marketplace. Acknowledging the key events that galvanized the government consumer office to react to the change enable it to develop a new direction to cope with the change such that the new direction is seen to be the norm. Articulating this new

direction and establishing the tools to implement the new strategy are the final two principles (Kanter, 1983) and, in combination with the others, assure that changes in a consumer policy framework occur in context and are proactive in nature. Recent work by Covey (1989, 1992), dealing with principle-centered leadership, reinforces this principle based approach to planned change.

### **Roles And Strategies Regarding Levels Of Consumer Protection**

In an attempt to identify the **role** of government in a changing domestic and global marketplace, Consumer and Corporate Affairs Canada (1992) identified five possible roles for a government consumer office to adopt in the marketplace, each necessitating a different combination of policy instruments and strategies. As facilitator, government would assist other marketplace partners to cooperate in the resolution of specific consumer problems. Assuming the role of information broker entails collecting, packaging and disseminating information on the performance of consumers in the marketplace for business decision makers and governments and for consumer groups. An advocate advances the consumer perspective and promotes adoption of consumer-oriented government policies and business practices in the national marketplace. Government as a referee would intercede among participants and mediate conflict resolution. Finally, as rule maker, it would establish a safety net or minimal level of protection for consumers to function in the marketplace. Alternatives to laws and regulations would also be encouraged (eg. voluntary codes).

Germane to any consumer protection framework are the **strategies** used to implement the consumer policy decisions. The literature sanctions four fundamental approaches (reflecting four basic levels of consumer protection) that a government consumer office can adopt as it strives to meet a common mandate of assuring a fair, safe, efficient and competitive marketplace. (a) The office can perform a paternalistic role in the marketplace and regulate everything possible. (b) It can intervene selectively and otherwise let other market constituents function. (c) It can share responsibilities with other marketplace constituents (a participatory consumer policy framework) while at the same time providing fundamental protection. This approach ensures that all marketplace constituents share in both the ownership and solution (take responsibility) of some marketplace failures while still assuring a consumer protection framework to benefit those consumers unable to protect themselves. Finally, (d) government can let the free market function on its own and provide no level of consumer protection (Gronmo, 1987; Hughes, 1981; Jensen, 1986; Ritchie & LaBreque, 1975). Family and consumer practitioners should be aware that, although these four basic levels of protection or strategies are not mutually exclusive, at any one time, one strategy will probably receive more emphasis than another and this emphasis will probably change as the marketplace changes. Constant vigilance on our part is a necessary aspect of practice.

### **Methods And Policy Tools For Implementing Consumer Protection Strategies**

The more traditional *intervention* policy instruments take the form of protective legislation and regulations, specific policies, programs, standards, and court proceedings. More conducive to a *compliance* approach are such policy implementation

tools as voluntary codes and/or compliance programs (self policing), written assurances or undertakings, authorizations, consumer research, provision of information, consumer education, and complaint monitoring coupled with provision of avenues of redress. Combinations of hard law intervention and compliance strategies often exist. Finally, soft law approaches including consultation and partnerships with marketplace constituents and interest groups (ongoing relationships) and assurance that they will have representation in the policy development process are key policy instruments that have not received a lot of attention in most countries, relative to hard law options, until recently (Heslin, 1991; Kroll, 1991; Reich & Smith, 1984). It is useful for family and consumer practitioners to appreciate that the methods and policy instruments or mechanisms used to cope with marketplace failures will vary according to both the underpinning strategy(ies) adopted by the government consumer office (intervention or compliance) and the predominant role combinations (facilitator, information broker, advocate, referee and rule maker).

### **SUMMARY**

In summary, this paper proposed that the character of the government consumer office, its interpretations of both the changes in the character of the policy environment context and the character of the marketplace constituents and issues will influence the rationale for intervening in the marketplace. This rationale shapes the roles and strategies for the adopted levels of consumer protection which, in turn, dictate the combination of policy instruments to deal with the changing character of the marketplace. The result of this dynamic process will be the current consumer policy framework (see Table 1). To be proactive, the specific government consumer office, whether it be national, regional, state, provincial or local, needs to continually relate the current level of protection to the needs of the marketplace and, if necessary, use this marketplace intelligence as a basis for revamping the consumer protection framework to reflect this complex milieu .

Recently, there has been a trend to perceive the set of actors (consumer, business, government, interest groups and the media) who are developing, implementing and analyzing policy as part of policy communities and networks (also called the "iron triangle" (Garman, 1994)). Coleman and Skogstad (1990) and Knoke (1990), among others, have recognized these relationships inherent in policy development. A policy community is comprised of "all actors or potential actors with a direct or indirect interest in a policy area or function who share a common 'policy focus,' and who, with varying degrees of influence shape policy outcomes over the long run" (Coleman & Skogstad, p.25). They clarified that a policy network is a concept that refers to the interaction and structural properties that characterize the relationships among the particular set of actors that forms around an issue of importance to the policy community. This social network perspective provides a powerful means of conceptualizing the character of the collective action of members of a policy network as they develop policy over a period of time (Knoke). Already, family and consumer practitioners are beginning to bring this perspective to consumer policy (McGregor, 1992).

### **CONCLUSIONS AND IMPLICATIONS**

Family and consumer practitioners have a vital role to play in this dynamic scenario. First, they could assume a spectator role by being aware of the context within consumer policy exists but not be active in the policy arena. Second, some may adopt a champion role whereby they advocate for and support consumer issues but are not directly involved in policy. Finally, others may adopt an activist role by becoming directly involved in the consumer policy process in varying degrees (Cummings & Hirschlein, 1984; McGregor, 1989, 1994b). Depending on the combination of these political roles assumed by a practitioner, one may choose to react to and study consumer issues with the intent of helping individual consumers cope; one may continually monitor the policy environment and marketplace with the intent of identifying emerging issues and the respective interests and positions of all market players; or, one may elect to engage in policy development, analysis and evaluation in attempts to keep the consumer policy framework current and relevant for individual and familial well-being. There are numerous other roles to be assumed in combination with the numerous components identified in the taxonomy and these may be the topic of a companion paper.

This paper does not prescribe a normative consumer policy framework; rather, it offers a consolidation of institutional administrative arrangements, policy environments, market interests and issues with principles, roles, strategies and policy instruments (see Table 1). Family and consumer practitioners and other marketplace partners now have a taxonomy with which to measure their own situation, that in other nations and then recommend alternative combinations to best accommodate the context of their marketplace. The taxonomy is useful if one is developing, analyzing or teaching consumer policy for the first time, fine tuning or analyzing an existing consumer policy framework or conducting a cross-cultural analysis of consumer policy frameworks.

Conceptualizing consumer policy frameworks from a generic component perspective assures that the identity of the basic components contributing to the nature of existing consumer policy frameworks are "givens" (see Table 1) yet ensures that marketplace partners continually evaluate and transform the character, dimensions and interdependencies of each contributing component. Practitioners can now conceive consumer policy frameworks as being stable yet dynamic and receptive to change. We now have a tool for undertaking a contextual inventory of any consumer policy framework. From this review, it is possible to ascertain its relevancy to the well-being of individuals and families in their role as consumers in the marketplace and to assume combinations of educator, advocate and activist roles on behalf of families as key economic players in the economy.

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**Table 1. Taxonomy of factors contributing to consumer policy frameworks**

CHARACTER OF GOVERNMENT CONSUMER OFFICE	CHARACTER OF POLICY ENVIRONMENT OR CONTEXT	CHARACTER OF MARKETPLACE CONSTITUENTS AND CONSUMER ISSUES	RATIONALE FOR INTERVENTION	ROLES AND STRATEGIES:	METHOD: policy implementation tools/instruments
<ul style="list-style-type: none"> <li>. organizational structure</li> <li>. mandate or mission</li> <li>. functions</li> <li>. history</li> <li>. institutional arrangement:</li> <li>. ministries</li> <li>. offices</li> <li>. departments</li> <li>. ombudsman</li> <li>. market courts councils</li> <li>. committees</li> <li>. state institutes crown corporations</li> <li>. commissions</li> <li>. tribunals</li> <li>. boards</li> <li>. advisory councils judicial system</li> </ul>	<ul style="list-style-type: none"> <li>● Economic</li> <li>● Political</li> <li>● Social/cultural</li> <li>● Technological</li> <li>● Legal/judicial</li> <li>● Ecological</li> </ul>	<ul style="list-style-type: none"> <li>● Changing consumer ,business and economy</li> <li>● Organized business interests</li> <li>● Consumer organizations</li> <li>● Market failures or consumer problems (perennial consumer issues):</li> <li>. inequities and inefficiencies</li> <li>. structural and functional</li> <li>. stages of transaction</li> </ul>	<ul style="list-style-type: none"> <li>● Policy principles</li> <li>● Marketplace principles</li> <li>● Change management principles</li> </ul>	<p><b>Government Roles:</b></p> <ul style="list-style-type: none"> <li>. facilitator</li> <li>. information broker</li> <li>. advocate</li> <li>. referee</li> <li>. rule maker</li> </ul> <p><b>Perspective on level of consumer protection</b></p> <ul style="list-style-type: none"> <li>● paternalistic: regulate everything</li> <li>● selective intervention, otherwise let market function</li> <li>● shared responsibility with fundamental protection</li> <li>● free market with no protection</li> </ul>	<ul style="list-style-type: none"> <li>● intervention:                             <ul style="list-style-type: none"> <li>legislation</li> <li>regulations</li> <li>directives</li> <li>standards</li> <li>court proceedings</li> </ul> </li> <li>● compliance:                             <ul style="list-style-type: none"> <li>. written assurances or . undertakings</li> <li>. authorizations</li> <li>. self regulatory policing schemes</li> <li>. voluntary codes</li> </ul> </li> <li>● combination of intervention and compliance instruments</li> <li>● partnerships:                             <ul style="list-style-type: none"> <li>. consumer education</li> <li>. provision of information</li> <li>. consumer research</li> <li>. complaint monitoring</li> <li>. avenues of redress .consultation and alliances</li> <li>. representation in policy process</li> </ul> </li> </ul>

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## Figure 1 Components contributing to consumer policy frameworks (CPF)

