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Do Not Call confusion

Consumers may be surprised to learn who's exempt from new registry

By STEVE PROCTOR Business Editor

Canadian consumers hoping the establishment of a Do Not Call registry will put an end to unsolicited supertime phone calls may be disappointed.

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The Canadian Radio-television and Telecommunication Commission, the nation's regulator for telecoms, has yet to set out the workings of the registry expected by fall 2007, but the legislation designed to give people the option of limiting unsolicited calls already makes exemptions for political parties, registered charities, companies with an established relationship to the caller and market research firms.

"If people believe that the moment they put their name of the registry their telephone is going to go silent, they are going to be disappointed," says Nic Nanos, head of Ottawa based SES Research and president of the Market Research and Intelligence Association. "The government needs a strong communications plan to let people know who is included and who is not."

Pressure to create a Do Not Call registry in Canada has been building since 2003 when an American version was created by the Federal Trade Commission. More than 60 million Americans have signed on, anxious to prevent telemarketers from contacting them at home or on their cellphones.

Under the American legislation, telemarketers must check the registry every 90 days and eliminate names from their own lists. If they fail to do so and call someone on the list anyway, they can be fined up to \$11,000 per call or face a jail sentence. In Canada

Charter of respondent rights

The association representing marketing researchers introduced a Charter of Respondent Rights in October to articulate the industry's commitment to respect individuals' time, privacy and the voicing of their opinions. The 250 members of the national association agree to abide by the principles as part of their membership in the association. The charter says:

1. You will always be told the name of the person contacting you, the research company's name and the nature of the study.
2. You can verify the research is legitimate by obtaining a registration number and the association's phone number or the contact information for the research firm doing the study.
3. You will not be sold anything or asked for money.
4. Your privacy will be protected.
5. You will be contacted at reasonable times (no definition of "reasonable" has been included).
6. You will be told the approximate duration of the interview.
7. Your decision not to participate in a study, answer specific questions or discontinue participation will be respected without question.
8. You will be told if the interview

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"Remember, if you ever need a helping hand, you'll find one at the end of your arm. As you grow older you will discover that you have two hands; one for helping yourself, the other for helping others."

Audrey Hepburn

the fine is expected to be \$1,500 per person and \$15,000 per business for each infraction.

But Mr. Nanos said there has been confusion south of the border. The U.S. regulator gets 1,500 calls a month from people on the registry complaining they are still getting annoying calls from charities, political parties and market research firms. They are shocked when they are told those services are exempted from the legislation.

"The situation is going to be no different in Canada," he said. "There are exemptions."

Mr. Nanos said it will be up to government to ensure that consumers know the difference between authorized and unauthorized calls — perhaps with a pop-up box on the registration website when it is created — but his association is doing what it can to differentiate his industry from the sea of telemarketers on the prowl for a buck.

Market researchers don't sell anything and never ask for money, he said. They gather up information in a professional way that is then used to help develop better policy, better products or better lifestyles.

"It is information that helps Canada," he says.

To underscore the association's commitment to professionalism and the respect it has for consumer's time and privacy, it launched the Charter of Respondent Rights in October. It describes the conduct of companies and individuals carrying out legitimate social or public opinion research.

"It's a new covenant with respondents," he said

Don Mills, head of Corporate Research Associates in Halifax, said 250 marketing research companies nationally have adopted the "powerful and proactive" charter, including all of the 25 companies that might be calling in Nova Scotia.

Although marketing research companies like his may face some initial backlash when they continue to call after the registry is set up, Mr. Mills said it's possible the move may be good for the industry in the long term. If homeowners get fewer calls, they may have more time or interest when market researchers phone.

With improved screening technology on phones and people enjoying more active lives, Mr. Mills said it is tougher today to complete a representative sample for a survey than it was a decade ago.

The Canadian Marketing Association, the largest such network in the country, has run a voluntary don't-call list since 1988, but it does not cover all companies and it has no power to discipline anyone who does not comply.

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is being recorded.

9. The highest standards of professional conduct will be upheld throughout the study.

Source: Marketing Research Intelligence Association

What do you do?

How do you deal with telemarketers? Do you hang up even before the pitch begins? Will you put your name on a national Do Not Call registry? Share your thoughts with us and we'll share them with our readers in a future story. Contact business@herald.ca (with the word "telemarketing" in the subject line).

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