
ANALYSIS OF CONSUMER PROTECTION PUBLIC POLICIES

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Abstract

Consumer Protection Organizations together with Regulatory Agencies are the only reliable and accessible documentation sources about consumer complaints. The figures they provide indicate a sharp increase in complaints and, at the same time, in the work conducted by these organizations helping consumers fight for their rights. Consumers feel harmed when products or services offered by supplier companies present (a) defects, maintenance, or operational problems, or the following other problems: (b) unfulfilled marketing promises; (c) undue charges or administrative problems; (d) handling problems. Given the recurring consumer complaints, and having identified which demands get recognized as legitimate by the field actors, what are the public policies adopted to handle the complaints addressed? The paper analyzed if the actions taken can be considered effective or rhetorical. The study refers to political science concepts to examine the relation between the political institutions, the polity; the political process, the politics; and the contents of politics, the policy. The analysis of the policies' effectiveness is associated with the legitimacy acquired by these policies with the actors involved in their implementation. This work has focused the mobile telephony industry, because of the high complaint incidence here and it was based on a documentary survey of the records, reports, and plans by government agencies (Anatel, Senacon, Procon) as well as civil organizations (Idec, Proteste) associated with the theme of consumer's rights protection, together with media reports, so as to identify the measures adopted by the public administration in order to satisfy consumer demands. These first results indicate that Anatel, while the industry's regulatory body, operates apart from consumer protection agencies, exempting itself from a proactive action in favor of the consumer, in spite of assigning a department of its own for complaints. On the other hand, despite the dissatisfaction caused to consumers, the actors in the defense field fail to develop specific actions to address the issues complained by these consumers, probably because they are not recognized as serious by all.

Key words: Regulatory Agencies, Public Policies, Institutionalism, Consumer Protection

1. Introduction

The consumer protection organizations (OPCs), which together with Regulatory Agencies are the only credible and accessible complaint records registered by consumers (since companies do not give access to their records), point to an increase in complaints and also in the work of clarification and fight for rights, led by these organizations for the benefit of consumers.

The ranking of the most complained issued by Procon (Foundation for the Protection and Consumer Defense) of São Paulo illustrates the disregard with which consumer interests are treated by certain companies, such as Telefonica, which has remained in the top position during all the years of the period 2006-2010 (Procon, 2009). Procon-SP indicates that, in general, the number of handlings in 2008, compared to 2004, grew over 100 %, and specifically within the segment called Essential Services (public services) there was an increase of 240 % (Procon, 2009).

Consumers feel harmed when companies supplying products/services present (a) operating problems, such as malfunctions or defects, (b) marketing problems, such as unfulfilled commercial promises, (c) administrative problems, such as improper charges, (d) and handling problems, such as delays (Braff & Laogue, 2004; Garrett, 2006; Ofcom, 2008, July 10; Procon-SP, 2008).

Consumer vulnerability and hyposufficiency have been recognized, according to legal doctrine. The vulnerability can be expressed by three dimensions: technical (ignorance of aspects of the product/service make the customer liable to deception), factual (inability of the consumer, while the weak link, to contend with the supplier of the product/service) and legal (lack of legal knowledge, financial and economic resources); hyposufficiency can be economical (characterized by financial difficulties) or procedural [difficulty in producing evidence] (Lenhardt & Silva, 2011).

The Federal Constitution of 1988 and the creation of the Consumer Defense Code (CDC) in 1990 provided the legal basis for the protection of consumer rights, but only its existence is insufficient to protect these rights.

The literature on public management models indicates the state as the principal formulator and implementer of protection policies, but the new management models, such as the New Public Management or the Societal Management (Secchi, 2009; Paula, 2005), have underlined the participation of OPCs to share the state's tasks. These organizations originate in the government or in the civil society, and engage in different activities related to consumer protection.

The government has an important role in the definition and implementation of specific policies that protect consumers on the issues mentioned. Public policies generated by government actions encompass the executive, legislative, and judiciary, in the various federal levels. Regulatory agencies are also active participants in the field of consumer protection (Hoffman, 1999) as special agencies, administratively independent and financially autonomous from the public administration. They take part in this field by defining regulations, norms, inspections and other activities.

Given the recurring complaints from consumers, the main objective of the study is to identify the public policies adopted to meet their demands. It also looks to recognize if the demands of these consumers are considered legitimate by the field actors to be included in their agenda for consideration, as a secondary relevant objective.

Consumers turn to companies, to the OPCs, to the consumer section in the police, the media, the internet, the judiciary, among the main, to try to enforce their rights in different

stages of their complaint procedure. The consumer's claim can be recognized (or not). It is possible to agree (or disagree) with its propriety, in terms of technical, administrative or other factors, which may prove to be a fact [technical] or manipulative [ceremonial]. It is of interest to discern what is actually recognized as a consistent complaint by actors that can influence its servicing (apart from mistakes, errors, bad-faiths, opportunism, etc.).

The paper seeks to understand whether public policies are developed in relation to more frequent, forceful, severe complaints (e.g., light falloff). Once major incidences of certain types of complaints are found from a number of companies in a particular economic sector, what are the measures adopted by government agencies and civil society organizations that complement the work of government to solve such problems? To analyze whether the actions are effective or rhetorical (ceremonial) is a complementary objective of this work.

To the extent that the increase in complaints highlights weaknesses in protecting consumers and considering the fact, which is widely known, that a large number does not carry forward its dissatisfaction (TARP, 1986; Bolfig, 1989, Singh, 1990), it is interesting to analyze the political public recently developed and implemented, to gather subsidies which can guide the improvement of these policies, identifying the reasons why they were unable to significantly reduce the effects observed.

We assume that neither consumers nor the population of businesses have grown to abnormal rates, nor there was an increase in the variety of problems that annoy consumers, and so some of the causes for the growth in the number of complaints may include either an increase demand for products or services (which actually happened in essential services), or a greater willingness and awareness of consumers in expressing their dissatisfaction or a deterioration or stagnation in the conditions of service and complaint handling by the companies.

The greater involvement of consumers in the search for a solution to their concerns and the worsening in the attendance are two factors that reinforce the question, why companies fail to correct the problems that cause complaints. If, on the other hand, had it only been an increase in demand, the proportional increase in complaints would be explained. However, again, it would be possible to question the lack of efforts to reduce proportionally the claims.

This paper presents, in the next section, the theoretical framework that underpins the research. Then it presents the research methodology, which chooses the mobile phone industry to focus the work.

2.Literature Review

Two theoretical streams deal with the analysis of public policies and carry opposing views about it. One conducts studies of policy evaluation through indicators about different facets of actions, programs or public projects (Patton, 2008; Weiss, 1993; Stufflebeam, 1994). Another seeks to understand the design of the activities from pont of view of the different participants, how the process unfolds and the actions are adopted (Frey, 2000; Kingdon, 1984; Sabatier & Jenkins-Smith, 1999). It will be pointed out later some limitations of quantitative assessments, which led the authors of this study to adopt a model derived from the second stream.

Among the authors of the first stream, Weiss (1993) deals with the evaluation as a rational enterprise, in which it is possible to assess which goals are achieved and to examine the factors associated with the outcomes. The author calls the attention, however, that politics prevents in part this work to be objective, because public policies are the result of political

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processes in which different actors are involved, among them public officials, legislators, professional corporations, trade associations, interest groups, etc. She also mentions competition for attention with other factors that count in a political process, and that the evaluation itself starts from a political base, such as the definition of utility or choice specific goals. Weiss (1993) concludes that a considerable inefficiency can be tolerated if an action or program fits in relation to the existing values, if it satisfies voters or pays off debt policies. This logic creates an opening for a deviation that is not compatible with the proposition to attain a goal.

Costa and Castanhar (2003) say the assessment is a form of monitoring the state apparatus performance and to do this, it is necessary to establish, first of all, the evaluation criteria. The Unicef manual (1990) lists the following: efficiency, effectiveness, impact, sustainability, cost-effectiveness, user satisfaction, equity. These criteria are to be measured by indicators that will be compared either to absolute, normative, theoretical, negotiated or compromised benchmarks. The difficulty here is to admit that every program can be evaluated based only on quantitative performance established by a single actor.

Frey (2000, p.214), an author in the second stream, explains that policy analysis "means to examine the relationship between political institutions ('polity'), the political process ('politics') and the contents of politics ('policy')." Political institutions, polity, refer to the political system order, including the legal, legislative, regulatory and executive-administrative dimensions. The political process, politics, refers to the often contentious relationship between participants about the definition of objectives, design, and decisions. While the contents of politics, policy, refer to the "configuration of political programs, technical problems and the substance of policy decisions." Souza (2003) points out the possibilities of cooperation between governments, agencies, multilateral organizations, and social movements, but mainly speaks of "relative autonomy of the state" (Souza, 2003, p.14) as opposed to the prevalence of pure groups interests (pluralism) or who exercises power (elitism).

For Frey (2000) the concrete result of politics (policy) should not be seen as a direct consequence of the influence of political structures ('polity') and political negotiation processes ('politics'), to the extent that the empirical experience indicates the existence of interrelations between the three dimensions. For example, in the case of environmental programs developed by planners, these are the result of a political process, mediated by institutional structures that reflect the specific interests at stake, but in turn, environmental programs produce new configurations due to its performance that causes reorganization of the polity and politics, and later may result in new policies.

To make a more detailed investigation of the development and implementation of these policies, it is necessary to conceptualize 'policy network', 'policy arena' and 'policy cycle' (Frey, 2000). A policy network configures the connections of the participants involved in the policies analyzed. A policy arena assumes that the reactions of the participants in political processes are influenced by the expectations formed around them, which can take on a distributive character, with benefits transfer; or a redistributive, with reallocation of resources; a regulatory, involving guidelines definition; or a constitutive character, which implies changes in the rules of the game. The policy cycle gathers a temporal sequence of activities that makes up the policy.

The following phases of development and implementation of policies are usually considered: problem identification and agenda definition (the priority issues to be included in the policy agenda), policies elaboration and implementation and, finally, their evaluation

(Kingdon, 1984; Sabatier & Jenkins-Smith, 1999; Viana, 1996). Both during definition and in the agenda implementation, the authors acknowledge that they are instances of disputes of interests, where there is a wide and differentiated range of actors and proposals at stake.

One way to prevail over other actors has to do with the ability to influence the ongoing political discourse, and also to disclose and justify proposals and ideas that can contribute to the construction of a more favorable agenda for these actors (Hall, 1993). Consequently, it is not possible to be a priori sure about the themes and actors that will prevail, since the entire process is subject to dispute (Hall, 1993).

The evaluation phase investigates the impact of the programs implemented, though it is not sufficient for the analysis of public policies, to the extent that certain parties may not be satisfied with the results. There is still the issue that certain policies do not include measurable objectives. Barman (2007) mentions problems of parameter acceptance to identify efficiency. Herman and Renz (1998) raise the question, in the event that certain goal is achieved (or not), if it means that a particular organization is effective (or not). One reason is that programs and projects can take a long time to show results. Furthermore, if a rule or law is passed it does not necessarily imply commitment by all, or when it fails to be approved this does not indicate that the work done was poor. Due to these reasons, is that an analysis that encompasses all the stages of the cycle is necessary.

Frey (2000, p.232) estimates that neo-institutionalism "approaches the politico-institutional assumptions of the policy decision-making processes." However, according to this author, neo-institutionalism does not develop a 'macro theory of political institutions', the polity. It is possible to assume, however, that institutionalism allows to identify and analyze the polity (the political structures), which result from the institutionalization of practices and structures present in the negotiation and implementation of public policies (Scott, 2001).

The political process (politics), in turn, consists of conflict and negotiation between those involved in agenda setting, formulation and implementation of policies, requires the effort of convincing stakeholders through the preparation and presentation of technical practices (goals, plans, assessment methods, etc.) and ideological discourses about the feasibility of implementation of public policies.

According to institutionalism, the shared understandings and practices assumed as true and correct by those involved in a situation define rules, directives and guidelines of behavior and identities to those groups that agree with them. However, within an institutional field, one that is formed by interested participants of a given topic, distinct logics can coexist, that is groups that have different understandings and practices regarding a theme, such as the oil industry and conservationists around the issue of oil exploration (Hoffman, 1999; Scott et al., 2000; 1994).

The various groups present their proposals for the theme and the definition of the various topics involved in it will happen according to each group's ability or coalition to impose its decision or to convince others as to the propriety or adequacy of its proposals (Scott, 2001). The capacity to obtain a positive assessment from his audience confers legitimacy to the group, although Ruff and Scott (1998) have highlighted that not all elements get necessarily legitimated, or are seen to be adequate and appropriate, and not all audiences confer legitimacy too.

Legitimacy will not always be measured or evaluated only by the achievement of indicators, even when there is the possibility of measurement of some indices, since social legitimacy in order to be recognized must conform to normative, regulative or cultural-cognitive requirements (Scott, 2001, p.153). However, different studies have related

legitimacy to performance (Deephouse & Suchman, 2008). Higgins and Gulati (2003) studied how legitimacy affects the ability of young companies in attracting prestigious investment banks to coordinate their IPOs. Similarly, Zimmerman and Zeitz (2002) related how legitimacy made possible for new firms to acquire resources vital to their operations. The discussion on how to assess legitimacy is in full swing and several authors (Baum & Powell, 1995; Hannan & Carroll, 1995) are still looking for the appropriate indicators, such as certificates, accreditation mechanisms, media statements, while others believe that these are difficult to define and measure (Foreman & Whetten, 2002).

Suchman (1995, p.581) points out that legitimate organizations obtain public confidence due to an identity developed, not necessarily because of their competence. The acceptance and understanding of what an organization does is linked to the fact that its actions are examined in relation to the institutions of its own field.

Thus, in order to analyze the quality and effectiveness of consumer protection public policies that were designed and implemented by different actors, this project drew from the concepts proposed by the models examined before, to identify actors' roles in these tasks, their needs, beliefs and understandings about specific issues, their material and discursive practices, and the resources at their disposal to meet these goals, where by effective it is meant fulfilled action, not just a discursive proposition.

The acceptance by the participants of the field of consumer protection of the viability and value of proposed actions by government agencies and OPCs, is related to the perceived legitimacy of each participant in relation to the proposals. This process of understanding and confirmation procedures set out in the plan occurs through different mechanisms, such as support of influential groups, academic models, statements and articles in the media, reference to similar and successful plans, habits, among others.

According to Frey (2000), political institutions (polity) involved with the theme of consumer protection include the legislative and specific laws, especially the CDC, the Consumer Defense Code; the judiciary, that hears cases in which consumer sue companies; the executive, who coordinates the regulation, inspection and sanction of the economy, and in the public services, promotes the standardization of procedures, conducts surveillance, seizure of goods and suspension of services through regulatory agencies. Moreover, OPCs and business associations have advanced propositions and defend theses about what in their view benefits consumers. Several other participants can also take part of the field, such as the academia, political parties, professional associations, media, etc.

Political negotiations (politics) occur in a pre-defined context of instituted laws and firms' capacity to accept or reject complaints forwarded directly by the consumer or OPC. Evidence of problems and arguments as to the seriousness, urgency, limitation or other difficulties that consumers face is what can lead the pro-consumer coalition to press the business coalition with greater emphasis to let down.

This study sought to examine whether the evidence and arguments about consumer problems are identified, whether they get included in the agenda to be attended, and a factual public policy is designed to protect the consumers, as opposed to a rhetorical one, either by an agency acting alone or in collaboration between peers with other organizations.

3. Methodology

With the objective of analyzing public policies for consumer protection against the errors and abuses by companies, this work has raised evidence in relation to at least two issues mentioned by consumers for the purpose of comparison, in order to verify whether

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these came to be included in the political agenda, and what steps were taken in terms of public policies by field participants to correct them.

The research project focused on a particular economic sector, the mobile telephony industry, which is one of the sectors most complained at Procon. This project is part of a case study (Creswell, 1998), whose unit of analysis is the field of consumer protection, which consists of organizations, institutions, and practices related to the topic (Hoffman, 1999). The work, in this first phase, is sustained by documentary investigation that will provide the basis to deepen it in the next step.

Some of the key organizations that take part in the consumer protection field, which are capable to explain the measures taken in order to obtain service companies to meet the demands made by consumers are Anatel, Sindec (National Information System of Consumer Protection) and DPDC (Department of Consumer Protection and Defense), subordinated to Senacon-MJ (National Consumer Secretary), Procon, and other OPCs (Idec, Proteste). Also, the Legislative, specifically through its committees on Science, Technology and Communications and on Consumer Protection. We could also mention the public prosecution (MPF), the media, academia and others.

Anatel, as the industry's regulator, is the body that determines the operating standards for providers, while Senacon is the coordinating body of the national system of consumer protection, but with power limited only to administrative penalties.

To survey the above information, a set of documents was examined, among management reports, information on the websites of the organizations studied, articles on government and media websites, articles and statements in the press, academic papers and others that contained information and points of view regarding public policies in this industry, comprising a period limited to the last three years. This period was selected because this was when the regulatory agency amended the Regulation on Quality previously in force (Anatel Resolution No. 575, dated October 28, 2011) and the most important technological changes occurred in this industry.

Information and data on laws, rules, regulations, usage campaigns, incentives, technical guidelines, etc. were sought, as these documents show the action proposed or implemented by government or public actors.

Sindec's National Registry of Substantiated Complaints (2011, 2010), the DPDC's Management Reports (2010, 2009, 2008) [that were the latest available], the Personal Mobile Service Regulations, the General Rules of Portability, the Regulation Quality Management Provision of Personal Mobile Service - RGQ-SMP and other Anatel regulations regarding the SMP, the Procon-SP's Registry of Substantiated Complaints (2013, 2012, 2011) and reports of the committees of the Federal Congress were examined.

The following is a script of topics that guided the survey:

ITEM	TOPICS
1	Recognition of the problem mentioned by consumers.
2	Reason for the problem (operational, commercial, administrative, service).
3	Actions taken in order to meet the demands of consumers (policy).
4	Discussions with other organizations in the field of consumer protection (<i>polity e politics</i>).
5	Result of measures taken on different occasions (longitudinal perspective).

Table 1 Research Topics

The analysis of documents collected tried to verify whether the problems identified are included in the political agenda, with the agreement of at least one participant with decision

power. Next, an examination was made of the actions implemented to deal with these problems, along with the results achieved.

The analysis employed the Qualitative Content Method (Mayring, 2000), using a deductive approach, which sought to relate the text to the theoretical proposition, presented a priori, detailed in Table 2 below. As described in the previous section, upon recognition of the legitimacy (R) and origin (M) of consumer demands by the participants of the field, the project attempts to identify the scheduling, planning (A, D) and implementation (S) of public policies that meet those demands.

Category	Definition	Coding
R	Recognition of the problem complained:	
	totally agree	R1
	Agree only in part	R2
	Disagrees	R3
M	Reason for issue:	
	Operational	M1
	Comercial	M2
	Administrative	M3
	Handling	M4
A	Actions taken to address the complaints:	
	Proposal normative instructions (obligations of providers, etc.).	A1
	Proposal technical guidelines (quality indicators, etc.).	A2
	Proposal fines, other penalties	A3
	Proposal of legislation	A4
	Usage, incentive campaigns, etc.	A5
	Statistics of problems or demands	A6
Other	A7	
D	Discussions with other organizations/bodies:	
	Agenda definition	D1
	Design, Implementation, and Evaluation of plans	D2
S	Result of actions taken in time:	
	Issue of regulatory instructions	S1
	Issue of technical guidelines	S2
	Issue of fines and other penalties	S3
	Legislation approval	S4
	Usage, incentive campaigns, etc.	S5
Other	S6	

Table 2 Content Qualitative Analysis

4. Results

The results are presented below following what was proposed by Frey (2000) and were condensed into the topics listed in Table 1.

Recognition of problems

All the consulted reports are unanimous in confirming the weight of complaints over the years. For example, Sindec (2010) has reported that the mobile telephony accounted for 78 % of the complaints in telecommunications, in 2010. In 2011, it represented 6.1% of all substantiated complaints (Sindec, 2011), that is, those that are not resolved beforehand, but which Procon considers that the consumer has a founded reason to complain. In 2012, three out of 10 most complained companies at Procon-SP were from the mobile phone industry. Of the five companies with the largest percentage of unanswered complaints, four were mobile. Procon-SP's report (2013), relative to 2012, indicated a lack of infrastructure investment on

the part of the companies in view of the increasing number of accesses observed, which has even led Anatel to take unprecedented sanctions.

Reasons for problems

Sindec (2010) stresses the most complained: issues related to warranty and billing, which appear as the most frequent, with 45% of the instances relating to the mobile telephony (that involves: 1]abusive collection by means of duress, threat; 2]collection for packaging; 3]collection of fee when product is returned; 4]undue/abusive collection; 5]questions about billing/value/ raise/contract/budget; 6]violent/defamatory collection procedure); product delivered with damage or defects, lack of spare parts; contract issues (which include: 1]abusive clause/in disagreement with the law; 2]unilateral termination/change; 3]termination, non-fulfillment, error, etc.). Sindec (2010) also points out that the unmet Substantiated Complaints that get more repeated are: misleading sales/offer /advertising, billing problems, unjustified refusal by the operating company to provide service, service not completed or not provided, contract problems.

Procon-SP's 2012 registry of Substantiated Complaints (2013) indicates that the most frequent problems faced by consumers were: supply non-fulfillment, plan changes without consumer consent, service quality defects, difficulty to cancel services even when the request was motivated by outages, and charging termination fines.

Sindec gathers the data from the different states' Procons, but the problems denominations differ from those adopted by Procon-SP. The OPCs that cater only to members, such as Idec and Proteste in regard to complaint mediation, also classified problems into categories: A) operational: product delivered damaged or defective, missing replacement part; service not provided or not done; unjustified refusal to provide service; defective service quality; B) commercial: warranty issues, contract issues; misleading sale/supply/advertising, failure to supply C) administrative: collection issues; plan changes without consumer consent; cancellation and collection of termination fines difficulty.

Actions taken to meet consumer demands

At this stage of the consumer defense history in the country, society counts already with an institutional infrastructure in terms of laws, regulations and specific standards that allows to consider future improvements in the conditions of the relationship between consumers and businesses in the mobile phone industry. Thus, the actions that will be considered here are the ones that can respond to pressing consumer complaints to perfect instruments such as the Code of Consumer Protection (a 1990 law), the Regulation of the Personal Mobile Service (a 2007 resolution), the General Regulation of Portability (a 2007 resolution) and others.

The actions assumed by the different actors do not seem coordinated among themselves, and even those developed by the same organization, often are not necessarily related. For example, Anatel, the industry's regulator, has developed quality indicators to assess the performance of the servicing companies, however considering that almost half of the complaints are related to the charges made, which are not covered by this instrument, it is possible to understand the comment in Sindec 's report (2010, p.57):

"[...] Billing problems appear as the most complained about, with 45% of the records relating to Mobile Telephony. Since most of the reports analyzed by Sindec refers to simple demands, easy to prove by consumers, this high value suggests two

interpretations: (i) weakness in the billing systems and the shipping suppliers' slips or
(ii) decision of no refund due to administrative decision."

The Regulation for Quality Provision Management of the Personal Mobile Service (RGQ-SMP) approved by Anatel's resolution n°.575, dated October 28, 2011, defines twelve quantitative performance indicators that the phone service providers must discriminate each month. A couple of these indicators relate to complaints received in all service channels, involving all kinds of complaints at the same time: billing; handling; promotions; cancellations; connection; drop rate, data transmission rate; etc., with the unexpected fact being that they are to be gauged by an entity contracted by the companies themselves. Also, the most serious problems are not distinguished from the simplest. That is, there seems to be no concern to distinguish the different causes of the problems that plague consumers.

The same Regulation also proposes to assess the operating performance of the phone companies by establishing minimum targets to be met. For example, the amount of interrupted calls by link drops in the provider network, in the periods of highest movement, should be less than 2%, but the value is not established based on historical experience in the industry, which is still short.

Procon-SP mediates complaints and eventually attributes administrative penalties to providers, but such penalties eventually become inefficient because usually they are challenged in court by the companies. An alternative are the TACs, Terms of Conduct Adjustment, which are agreements by which companies pledge to reduce the number of complaints, seeking a settlement of their future performance in exchange for compromise with immediate sanctions (Procon, 2011). Furthermore, due to its experience, Procon may suggest to the National Consumer Protection System specific measures for improvement. In 2011, Procon (2012) estimated that telephone equipment of higher complexity favored the marketing of oversized plans inadequate to the consumption profile of most consumers. Unexpected charges are generated due to the inclusion of services that were never well explained. This is the case, for example, of the data transmission package, plus to send SMS, plus long distance calls, among others, that consumers get to pay, with no interest or use to the consumer.

Proteste, a civil society defense entity, contributes to the topic, among other ways, by developing relevant studies that will support proposals for improvements, that will usually take long time until eventually they may turn into a norm or law. This is the case of the survey about the '3G signal', the most advanced mobile broadcasting modality until mid-2013 (Proteste, 2013), it was detected the signal from all carriers is very weak or nonexistent, after a journey of more than five thousand kilometers on the roads of three regions of Brazil, basically covering the south, southeast and northeast. Proteste also appeals to justice in an attempt to enforce the rights of citizens, even though this is probably the longest way to solve any problem. The most rumorous case being conducted by the organization refers to the return of property and facilities granted in the telephony privatization (Bergamo, 2013).

Idec, also a civil society organization that conducts studies and makes proposals that are meant to benefit consumers, has supported, as well as Procon, Anatel's decision to suspend the marketing of mobile plans (mid-2012), based on the complaints received, and argued that this base should be used "permanently and in the form of quality indicators" considering that the agency's requirements are the same for at least a decade. Accordingly, Idec sent to Anatel, in July 2012, proposals for improvements in indicators' regulation and sector inspection ("Idec quer", 2012, August 2). Lawsuits are also filed by Idec against

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companies and governments. Currently there are five class actions and civil government, initiated in the 1999-2004 period, which are still in progress in the telephony sector, against Anatel and providers, which are designed to protect the consumer against: price readjustments without the equivalent quality counterpart; unilateral percentage definition by the provider; rates inconsistent with the advertisement on the plan; and non-discrimination of calls made in billing.

Discussions with other organizations in the field

The reports and other documents do not clearly express discussions between actors in the system of consumer protection. However, besides the data sent from the various consumer protection agencies to Sindec, to form the knowledge of Senacon-MJ, we know that these agencies plus the OPCs usually inform or suggest the MPF, the Legislative (Câmara dos Deputados, 2013a) and the Regulatory agency about actions for improvement in consumption.

There are only the proposed amendments to the legislation of certain points, such as the case mentioned by Idec's lawyer, concerning the indicator of the number of calls completed:

"[...] (she) cites as an example the goal that establishes the maximum ratio the number of complaints and the number of accesses realized during the month. "It was 1% in 2003 and remains so, despite that the number of accesses have risen significantly." Likewise, completes the lawyer, the agency believes that the current rate of call completion is adequate. Since 2004, the goal is 67% of the attempts, Veridiana regrets. "There have been cases in which targets were even reduced. The agency needs to review these indicators, with more demanding percentages." ("Idec quer", 2012, August 2).

The Commission on Consumer Protection held a public hearing of the mobile phone and internet services provided in the country (Comissão de Defesa do Consumidor, 2011) in order to investigate the reasons for the services rendered to be of low quality. Sinditelebrasil (Comissão de Defesa do Consumidor, 2011, p.26 of its exhibition 'Telefonia Móvel'), representative of the provider companies, argued at the time that the rate of complaints should take into account the relative base of clients in comparison to the other industries (credit cards, bank accounts, health insurance), the complexity of the information on phone bills, and the multiplicity of its services. That is, technical problems such as dropped calls would be due to a large customer base. By this reasoning, we can conclude that the less clients, less problems would be faced by the phone companies.

Result of actions on different occasions

The problems encountered in the reports hardly elicited proposals or actions, so that it may seem only from the examination of the documentary survey that the actors from the field of consumer complaints count on the pre-existing instruments to reduce dissatisfaction, the same that have been unable to succeed thus far.

With the exception of the National Consumption and Citizenship Plan (Decreto nº.7963, 2013) and the bill of law that calls for more transparency in collection bills of mobile telephony (Câmara dos Deputados, 2013b), it was not possible to discern new laws, norms, technical guidelines, orientations or other directive that resulted from actions taken by the actors in the field of consumer protection, considering that the first one is not a specific plan

for the sector and has yet to be detailed by the actors of the National Consumer Protection System.

The summary table below shows the results from the survey, related to the actions in the field:

Problems	Actors	Actions
Abusive collection (various types) Questions about contracts and raises Products delivered with defects Lack of parts Services not provided, not completed, with defects Non covered guarantees Offer not fulfilled (includes misleading advertising) Alterations unauthorized	Anatel	Indicators of quality of service - Regulation of Quality Management in the Telephony Mobile Service
	Procon	Administrative penalties to companies Terms of Adjustment of Conduct
	Proteste	Study on the 3G signal on the roads Judicial appeals
	Idec	Submission of proposals for improvements (regulatory and inspection indicators) to Anatel Lawsuits
	Legislative (Consumer Defense Commission)	Public hearings on quality

Table 3 Adopted actions period 2010-12

5. Discussion and Conclusion

At this stage, with the information that is available, it is possible to identify the role of the institutions that constitute the national system of consumer protection (polity) that intercommunicate and exchange feedback, trying within the institutionalized political process (politics) to influence the bodies capable of establishing the laws, regulations, rules or sanctions. These actors do this by means of the actions taken by them (policies).

Thus, to the interaction between Procon and Senacon/Sindec to define an agenda of the federal executive in regard to consumer protection, the actions of civil society's OPCs, such as Idec and Proteste, among others add up, and all of them direct their efforts to influence important entities such as the MPF, the Legislative commission of consumer rights and of OAB, the media, and Anatel, which has a significant weight in this game. These actions are implied in the preparation and dissemination of reports and studies mentioned above.

The fact that it is up to Sindec/Senacon, Procon and OPCs to disclose consumer complaints classifying them according to specific categories, whereas that Anatel takes no part in this activity may be indicative of the agency's positioning, absolving itself from a proactive stance in favor of the consumer, although it allocates a department for complaints. It also suggests that while the other organizations recognize consumers demands legitimacy, the agency is reluctant about it, which constitutes an answer to a complementary objective proposed.

When the activities carried out are examined, it is possible to imagine that actors seem to believe that the existing institutions are sufficient to solve the problems faced by consumers by simply adjusting some tasks poorly performed, as the billing issues or contract, or even to propose indicators with improved quality, capable to better manage the performance of providers, or set goals that are more adjusted. This happens in spite of, as mentioned, indicators aggregate all sorts of complaints in a single index. And also, not to distinguish between claims of different severities.

These attitudes, described above, suggest that, despite the dissatisfaction expressed by consumers, the actors in the consumers' defense field fail to develop specific actions to address the issues identified by them, because they probably do not get recognized as serious by all. And, those organizations, such as OPCs, which perceive it accordingly, have no power to change the status quo for themselves.

At present, Anatel controls the definition of the acceptable complaint volume, however, as seen earlier, subject to criticism as to its content and also its legitimacy, since the various organizations have shown insufficiencies of its quality indicators. At the same time, the service providers that are supposed to be inspected in their performance, are attributed the hiring of their inspectors by Anatel, a non-standard procedure.

This study had a goal to identify whether the more frequent and customary complaints, which have increased in several industries (Procon, 2013), were the object of specific public policies with the objective to mitigate or eliminate them. By using Frey's model (2000) as reference, we sought to examine the political institutions, the political process and the contents of the policies beyond the legitimacy inherent in the different activities described by documentary survey conducted.

Anatel, while the sector's regulatory body, operates apart from other consumer protection agencies, exempting itself from a proactive action in favor of the consumer, in spite of assigning a department of its own for complaints. On the other hand, despite the dissatisfaction caused to consumers, the actors in the defense field fail to develop specific actions to address the issues identified by these consumers, probably because they are not recognized as serious by all. Finally, as Anatel holds the main power to penalize in the industry and also determines the volume of acceptable complaints, basically without interference from other actors, apparently it should not be expected in the short-term improvements in terms of reduction of dissatisfaction.

The paper proposed yet another complementary objective that this survey can only touch, if the actions proposed to meet the demands of consumers are effective or rhetorical. As was mentioned, the actions can take a long time to show some result. Due to the period studied and also to the fact that the industry's history is recent, the actions described have only deployed the first steps, such as the Rules of Quality Management, released in late 2011 and, therefore, effective, essentially, one year only. Terms of behavior adjustment were the first experiments that have been tried with some success. These experiences will need to be observed for some time yet before being able to make a judgment.

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