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Ideas for Obtaining Retailer Compliance Through Education and Outreach

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Weights and Measures officials play a key role in ensuring equity in the marketplace by promoting retailer compliance with laws and regulations related to legal metrology. They accomplish their mission primarily through inspection, education, and enforcement.

This newsletter will be focusing on the educational aspect and its value to both the officials and retailers. This article is written from the viewpoint of having had 25 years of retail food sector experience and is intended to provide some insight into the world of retail and offer some ideas on how weights and measures officials can be more effective.

First, officials have a wealth of knowledge and experience about the retail trade. Officials have seen both the successes and shortfalls of retail compliance programs. By sharing this knowledge, experience, and expertise with industry as an official inspects stores and meets with retailers, he or she can provide an invaluable service to his or her business community.

Second, with resources becoming increasingly limited, weights and measures programs are consequently being challenged and limited in their ability to make routine inspections to ensure compliance and equity in the marketplace. One tried and true approach in the field of weights and measures has been its historical effort to obtain voluntary compliance. Government, business, and consumers would benefit if new ways were found to help retailers become more self-compliant through a greater sense of self-responsibility and self-ownership.

Increasing efforts to obtain voluntary compliance does not minimize an official's need or ability to take enforcement action as deemed necessary but will help build a win-win relationship between industry, the consumer, and weights and measures officials by fostering compliance through outreach and education.

Below are areas for consideration that can be shared and discussed among field officials. It is hoped this article prompts readers to send in their ideas and experience on promoting voluntary compliance. The WMD would like to share these experiences with readers in future newsletter editions and in training and outreach efforts.

Retailer Motivation

Officials should help retail employees, both at store level and headquarters, understand that they, the store leadership, and/or the company could be held liable for violations, resulting in civil or criminal action, as well as disciplinary action by the company.

Retailers are also motivated by dollars and cents. Anytime an official can convey to a retailer the risk of negative impact, such as reputation, loss of consumer trust, lost sales, or negative media attention it will likely strike a chord. Think of it as speaking the retailer's language.

For example, without naming names, an official could give retailers examples of how the failure to use NIST HB 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) compliant weighing or measuring devices or devices that were not properly maintained, have cost retailers money in the past. He should look for opportunities to explain how sales and profits can be maximized through better package weighing practices, and how they can avoid short weighing their customers by ensuring accurate tare deductions are made in the meat packing room and at the point-of-sale terminal. Having the right motivation, along with the proper checks and balances to ensure compliance with weights and measures requirements, saves both time and money, and reduces the possibility of consumer complaints.

Outreach by Officials

Officials should get to know key contacts at each retail corporate office and headquarters. These relationships are built over time. He shouldn't wait for the retailer to come to him or for a major problem to arise, but should reach out and offer to meet with them and educate them about the state's program and requirements. This should include discussion about retailer responsibilities and an offer to provide feedback on the store's compliance history and a review of their internal programs and controls.

An official may even offer to tour some of their stores with them in an effort to further assist in developing a quality internal weights and measures program. Any time he can show a retailer how to improve customer service, save money, and reap other benefits through a compliance program, an official will be amazed how quickly he gets their attention.

Officials should be sure to let retailers know the things they do well, in addition to the areas where they fall short. Retailers understand that officials have a specific job to do. By conveying that he is protecting the interests of both the consumer and the retailer, the official provides a professional atmosphere of mutual trust and respect.

Retail Follow Through on Regulatory Inspections

Officials should take every opportunity to ensure store personnel resolve and correct all problems immediately following inspection results. They should be sure to review inspection results with store management and relate the seriousness of each offense, address all the issues, and encourage their timely resolution.

Officials must also help retailers to understand that they need to get to the root cause of the problems. Preventive maintenance should be part of their vocabulary. He should ask questions to ensure the retailer understands his or her responsibility and should provide suggestions to assist the retailer in putting measures in place to prevent problems from re-occurring. If an official perceives that the store manager is not taking the situation seriously or thinks a fine or penalty is going to result if a future inspection fails to show improved compliance, he should be sure the corporate point of contact is notified and involved. While store personnel will not be pleased that upper management is notified of problems, sometimes it is necessary to get everyone to focus on the concerns raised by inspection findings.

Retailer Checks and Balances

Retailers should have programs in place to ensure ongoing accuracy and compliance. At no time should a store manager or corporate compliance officer be surprised by the results of an inspection. Self-audits and close supervision by the store manager, and routine visits by corporate auditors to audit and inspect price accuracy and tare weight usage, to conduct package inspections and to check weighing and measuring device compliance is basic to any successful program. In retail jargon there is a saying that "retailers must inspect what they expect" meaning store managers and department supervisors must both teach their employees how to do their jobs in accordance with the law and requirements of the company. Then follow-up through audits and other internal controls to ensure the results meet expectations.

In some companies, results related to compliance in these areas have been tied to performance reviews. Officials who have seen what works in other situations to solve compliance issues can provide retailers with insight and ideas on the types of checks and balances needed to ensure success.

Retailer Training

This is usually the greatest area of opportunity for retailers at all levels. Lack of training focus, emphasis, and support at the store level and the corporate office is generally the number one reason problems occur. Compliance from the corporate office or headquarters, as well as the store and department level, must be monitored daily and the findings used as an opportunity to provide training. A daily focus and awareness must be shared by all. Training never ends. Department managers and store leadership must be involved in monitoring and educating their employees daily. This needs to be part of their culture.

As an example, a retail company could hold mandatory meetings involving all department, assistant and store managers, along with category managers, data control specialists and other key personnel at the headquarter level. State Weights and Measures Directors could be invited in for the entire day to help educate and train employees on the laws and regulations, while seeking to impart personal and corporate self-responsibility and ownership for compliance. From there, weights and measures training could be built into each department's overall training program and audits could become part of a daily routine. This could become the cornerstone of the program moving forward.

Emphasizing training and eliminating the root causes of mistakes should become part of every official's exit strategy when they are reviewing inspection results with store leadership. Officials should try to find "the individual" that has a passion for ensuring compliance. This person can then become an advocate in assisting the official and making the changes necessary to be successful in the future.

Weights and Measures officials have the opportunity to provide an invaluable service and exercise influence within the marketplace in the name of consumer protection. The suggestions above are not intended to add to an official's burden or to imply that states currently don't do similar services. The intent is to provide suggestions and encourage officials to think about how they view and approach their job on a daily basis. Sharing experiences about how officials approach their work could help others be more effective and efficient in what they do while educating the retailer too.

If you have additional ideas about improving compliance through education and outreach, feel free to contact me at 301-975-4868 or by e-mail at dsefcik@nist.gov.

For additional information contact WMD at 301-975-4004 or by e-mail at owm@nist.gov. The Weights and Measures Division provides informational and educational resources through our publications and training courses. Technical publications are available for electronic download from the WMD website, www.nist.gov/owm, and a list of training classes are available in the newsletter calendar.