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TELECOMMUNICATIONS

How retailers with call centers can effectively communicate with customers and maintain compliance during a pandemic

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Paul Gipson

By Paul Gipson

Outward communications are critical to retail business operations today. However, most retailers were not prepared for a global pandemic. Communications can become complex during unprecedented times. This has left many retailers to ponder the most appropriate ways to engage their customers while maintaining legal compliance.

It is important to consider that the customer must feel empowered, meaning she feels her individual voice is heard, trust is built, and relationships are enriched.

It is even more crucial for retailers with call center telemarketers to be knowledgeable about the laws that govern them, which includes the Telephone Consumer Protection Act (TCPA).

When engaging in outbound communications, it is important to understand the pandemic's effect on TCPA guidelines.

While the TCPA remains intact, there are several restrictions that have been implemented because of the COVID-19 pandemic.

A telemarketer's biggest challenge is often ensuring effective communication in an environment where spam calls are prevalent.

Robocallers are thriving on the large number of people working from home. Many can impersonate the IRS and health-insurance companies and collect funds. This leaves consumers feeling warry of telemarketers, and many often refrain from answering the phone entirely, especially when calls reflect no caller identification. This can have a drastic effect on a retail business and its sales if the business is reliant on telemarketing as a sales mechanism.

A best practice for effective telemarketers is to monitor practices to ensure they comply with any calling prohibitions outlined in the TCPA.

The TCPA and the TSR (Telemarketing Sales Rule) have specific requirements for sales call practices.

One of these sales practices includes the prohibition of call abandonment. This means that when telemarketers dial in a "predictive manner," a call is answered by a consumer but no agent is available to talk on the other end of the line. This happens when a predictive dialer places multiple calls at once and "predicts" that only one consumer will answer, but more than one actually answers.

If companies are calling predictively, a message must be played to the consumer to indicate who was calling and why, as well as an automated opt-out mechanism.

If the company does not have an automated message that is played, they are not within the compliance requirements of the TCPA and the TSR. Abandoning more than 3 percent of phone calls per campaign per 30 days is prohibited.

Retailers with call centers must also be cognizant of calling times.

Outbound calls can only be completed during the hours of 8 a.m. to 9 p.m. based on the consumer's location.

Furthermore, telemarketers must also be aware of the customer's time zone.

In an instance where an address and phone number hail from alternate time zones, telemarketers would be best advised to use the time zone in which the address is placed. Addresses are more likely to be updated and changed over time.

It is crucial that telemarketers deliver a disclosure to the consumer stating the company's name, reason for the call, and whether the call is being recorded. This allows for the avoidance of any illegal recordings, even if they were unintentionally illegal, that can lead to complaints and lawsuits.

Calling individuals against their will could lead to legal enforcement and will certainly reflect poorly on the business. The TCPA recommends keeping do-not-call requests for five years, so record-keeping is crucial when navigating calling lists.

Auto-dialing, originally deemed the dialing of random phone numbers, now includes predictive dialer calls.

If a device has the capacity to dial phones without human-intervention, it is likely an auto-dialer.

To send marketing messages/calls with an auto-dialer, prior written consent is needed. Of course, do-not-call lists still apply in these cases and should be observed.

During the COVID-19 pandemic, answer rates have been increasing.

Despite changing restrictions due to state of emergency declarations, only New York and Louisiana have made restrictions on telemarketing.

Calls about debt collection have additional restrictions in Massachusetts, Nevada, North Carolina and Washington, DC.

As per state of emergency guidelines, all states must allow emergency calls, which includes robocalls. Emergency calls or text messages containing information affecting the health and safety of the consumer are allowed.

In the current pandemic, if a call or text is in relation to the virus, it is only deemed an emergency if it is from a hospital, healthcare provider, or state health official, or details an imminent safety risk.

The national state of emergency is not a time to avoid call-restrictions and claim there is coronavirus relation.

To ensure that dialing and texting records are maintained, company executives should listen in on calls.

If an agent seems to have a lesser volume, organizations would be wise to investigate whether they are dialing on a personal line without record.

Home offices are now an extension of the office environment.

Collecting information should be done through a different mechanism, for example, a transfer to a supervisor or putting the call through an interactive voice response.

COMPANIES SHOULD be sure to educate employees on ongoing TCPA laws. They should further review third-party and client contractual requirements to ensure that security responsibilities are defined and addressed.

Overall, this challenging time presents many changes but staying compliant and communicative ensures a productive and cohesive work environment.

Paul Gipson is director of marketing compliance services for CompliancePoint, a subsidiary of PossibleNOW.