In an ideal world this report would not be necessary. However, for a membership organisation such as ESOMAR, whose members voluntarily undersign their willingness and intention to be held to higher ethical and quality standards, it is important to provide a review of how we have performed in aspiring to those higher standard(s). This is what defines (and ensures) the value of ESOMAR membership, by making sure that those members who are found NOT to have adhered to the requirements of the ICC/ESOMAR International Code are corrected in their behaviour or, in cases where the violation is really severe, are expelled from membership.

Luckily, this latter scenario has not been necessary in the past few years.

Through the queries received by our Helpdesk, ESOMAR assists members in interpreting the ICC/ESOMAR International Code and guidelines. It also supports members to explain to a client/vendor why and when it might be impossible to agree to specific terms, or pass on personal information, based on our ethical standards and prevailing legislation.

It is also worth remembering that while much of the Professional Standards work may be deemed “unexciting” or “less interesting”, it is this CRUCIAL work which sets our community apart. If voluntary subscription to our Code is to remain relevant to both the buy and supply side of our now expanded profession, then the enforcement of that subscription becomes increasingly important, as it demonstrates the true value of our membership.
Executive summary

In 2015 ESOMAR received 114 queries and 60 complaints: a lot more than in the years before that. Since then, the number of complaints has stabilised to around 40 complaints a year. Most of the complaints ESOMAR has received in the past 2 years have been from companies protesting about non-payment of invoices. The second most oft-received complaint(s) are sourced from respondents who have not received their incentives.

Each year ESOMAR receives more than 100 queries from our members. In 2017 the majority of these queries were about the application of the ICC/ESOMAR International Code. The updated ICC/ESOMAR International Code was accepted in 2016 by the members, and officially launched in 2017. It makes sense therefore, that this was a major issue for members, and made them reach out for more information.

In 2018 the new EU privacy law, the General Data Protection Regulation (GDPR), went into force. It is no surprise that this subsequently sparked a lot questions from the ESOMAR community, and was the subject of the majority of questions received in that year.

Of perhaps particular note however, is that the results within this report give quite clear indications of how a business’s perception, and its standing within its user and/or supplier community, can be significantly improved by adopting some very basic communications and transparency rules. This will not prevent the less principled companies from continuing to “try it on”, but in those instances, our Professional Standards Committee stand ready to take up the cause!
1 ANALYSIS OF COMPLAINTS RECEIVED

1.1 Complaints

In 2017 ESOMAR received 44 complaints and in 2018 ESOMAR received 36 complaints. In comparison to 5 years ago ESOMAR is receiving more complaints on a yearly basis, but the number of complaints seems to have stabilised around 40 per year. 2015 was a more unusual year, with 60 complaints.

1.2 Trends and topics

In both 2017 and 2018 most complaints were about the non-payment of invoices, with unpaid incentives being the second largest category of complaint. As in previous years, these complaints have several causes, ranging from conflicts on quality, to cash flow problems or bankruptcy. In these cases of non-payment, complainants often mentioned that they were no longer receiving any response from the other party. We therefore recommend researchers to make themselves available and provide as much transparency as reasonable, considering the business conditions.
1.3 Non-payment policy

In 2018 ESOMAR decided to update its policy on non-payment complaints. Regarding one-off non-payment complaints, the policy is unchanged. A one-off case of non-payment is not a violation of the ICC/ESOMAR Code. Isolated incidents can occur, and such cases are better dealt with through legal and commercial means. However, when ESOMAR receives several complaints about the same company, it applies a three-strike rule. This means that once the third complaint is received about (the same) one company, the case will be tabled with the Professional Standards Committee (PSC), as it indicates a pattern of behaviour that may constitute a violation of Article 9 - Professional Responsibility, of the ICC/ESOMAR Code. There is only one possible exemption from this – as decided by the PSC in 2015 – which is that such complaints arising from a declared bankruptcy would not normally be considered a violation of the Code.

1.4 Quality issues

In cases where quality conflicts are behind the non-payment, our Professional Standards Committee (PSC) will first try and resolve them through commercial negotiations. In 2015 the PSC agreed that both the commissioning party and the fieldwork agency have a shared responsibility for the quality of the work. The commissioning party has the responsibility to ensure the briefing is specific and clear, while the fieldwork agency has the responsibility to ensure the data is of good quality and meets the quota agreed.
1.5 Professional Standards Committee

In 2017, 5 cases against members and non-members were escalated to the PSC. In 2018 2 cases were escalated to the PSC.

In 2017, even though 2 of the 5 instances related to non-members of ESOMAR, the PSC decided to issue a public notification regarding their unethical behaviour. In the first case, the number of non-payment complaints against this non-member company, combined with what the PSC believed to be inadequate responses from the company to official Committee correspondence regarding the complaints, led the PSC to decide that a public notification was in order to warn our members about this company.

The second case involved a non-member using the ESOMAR mark in a published poll to appear trustworthy, but the evidence indicated that the company publishing the polls might not actually exist and the results might have been faked. In that instance, the PSC agreed to issue a notification that the company concerned was not a member of ESOMAR. As a result, local journalists dug deeper and found the person behind these publications and were able to credibly refute the published results, as they were based on a very small sample that was unrepresentative.

In 2018 a complaint was received about a decision taken by a national association. In such instances, ESOMAR fully supports and trusts those national associations who have adopted the ICC/ESOMAR Code, to apply the Code on a national level, as they are clearly more aware of the local market and best practices. With regard to this complaint, the PSC fully supported the national association decision, and furthermore, the Committee underlined that it cannot be used as a court of higher instance or for a second opinion.

The other complaint in 2018 came from a member of the public who was concerned about a survey and its results being used to incorrectly influence public opinion. Following a detailed review, the PSC concluded that the survey questions and the order of the questions were such that it was NOT designed to unduly influence public opinion. The PSC also agreed that research results may be used by clients as they see fit, as long as the form and content of publication are correctly contextualized, supported by the data and not misleading.
1.6 Complaints per topic and country

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<th>China</th>
<th>Egypt</th>
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In 2017 most complaints were issued against companies in India, though admittedly 8 out of 10 were against one specific company. The second largest group of regional complaints (8) came in about UK companies. All of those were from respondents who did not receive their incentive or complained about nuisance calling. Respondents reach out to us when ESOMAR or compliance with the ICC/ESOMAR Code is mentioned in surveys. Often these complaints are solved with one email to the companies involved. Mentioning ESOMAR or compliance with the ICC/ESOMAR Code in surveys could underline an opportunity for companies to improve good practices in their country.
In 2018, a similar concentration of complaints (7 out of 36) came in about companies based in India. 2 of those complaints were against the same company as in 2017. This time, the second largest grouping - 6 out of 36 complaints - were about French companies, of which 4 were complaints against one specific company not meeting its payment obligations.
2 ANALYSIS OF QUERIES RECEIVED

2.1 2017

In 2017 a total of 122 queries were answered by the team. As this was the year the renewed ICC/ESOMAR International Code entered into force, one of the major topics of the year was an interpretation of the new Code and Guidelines, which accounted for 16 queries. Nonetheless, (and as has been the case almost every year), the number of queries relating to data protection topped the list (25), closely followed by questions seeking legal advice or analyses (21).

Clearly, more than a third of all enquiries relate to legal issues, which led to ESOMAR instituting its ESOMAR Plus service, designed to provide additional resources to companies to understand the (evolving) privacy and data legislation. Other high scoring categories included questions related to incentives (11) and methodologies (9).

2017 recorded a very wide geographic spread with queries originating from more than 70 different countries (74 to be precise), underlining ESOMAR’s truly global positioning. Almost a third (32) of all the queries originated from the UK, followed at some distance by the US (15) and Germany (10).

Most questions (73%) were answered within 5 working days, which is a little below our ambition of responding to 80% of all queries within a week.

2.2 Queries 2018

2018 was the year the GDPR came into force. The shockwaves it sent around the world were clearly shown in the number of queries ESOMAR received as 44 out of the 104 enquiries related to the GDPR and its application to the Research sector. In addition, a further 11 answers were provided to non-GDPR related data protection issues, for example on US privacy legislation.

Whereas in 2017 the (then) new ICC/ESOMAR Code and guideline received 16 queries, in 2018 there were only 8 questions on this topic. The members seem therefore much more at ease with the renewed self-regulation framework.

The wide geographical spread of enquiries is maintained, with 32 different countries being represented in the list of issues communicated to us; as was evident in 2017 previously, the UK (18) and US (12) topped the list – perhaps not surprising, given the size of their respective markets.
Another constant is the fact that by far the bulk of the questions are sent in by suppliers of research and insight (88), whereas buyers (end clients) only accounted for 6 queries in 2018 and an even lower number were attributed to ESOMAR Reps, other research associations or respondents.

Response rates in 2018 improved within the ESOMAR team as more than 80% of the queries were answered within a working week, up from 73% in the previous year.

2.3 Year on year trend

Number of Queries