Beyond ‘command and control’: Learning from other policy areas

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Beyond ‘command and control’?

• Traditional model of ‘command and control’
  • Public authorities command compliance with stipulations
  • Compliance controlled through sanctions
  • Based on theory of deterrence

• Critique of top-down regulation, 1980s →
  • Centralised control too clunky, bureaucratic, intrusive
  • Difficult to enforce; produces distortions
  • New Public Management: outsourcing and decentralisation of services
  • State steers and monitors, rather than controls

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Types of ‘smart’ regulation

• Economic/market based
  • Incentives for firms, organizations or individuals to adopt cost-effective solutions
  • Privatisation, markets, auctions, pricing and fiscal incentives

• Community/peer based
  • Activating peer pressure → moral suasion
  • Peer review, league tables, benchmarking, naming and shaming

• Design
  • Steer actors through influencing decision-making environment
  • Adjust architectural or design features → steer or ‘nudge’ people to make the right decisions

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Combined approaches

Pyramid of enforcement
(Ayres and Braithwaite 1992)

- Licence revocation
- Suspend licence
- Criminal penalties
- Civil penalties
- Warning letter
- Publicise performance data
- Collect performance data

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Examples from other policy areas

• Three areas of harmful/illegal demand:
  • Exploitative employment practices
  • Tobacco
  • Heroin

• Two types of demand:
  • Employer demand
  • Consumer demand

• Understanding attempts to reduce demand for a good or service
  • What mechanisms?
  • Their impact?
  • Are they transferable to THB?
# Overview of cases

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Exploitative employment practices

• WHD and GLA: use of economic incentives to enforce regulations
• Key problems:
  • Lack of resources for monitoring
  • Reduces incentives to comply with labour standards
  • Exacerbated by lack of penalties
• Solution:
  • ‘Smart’ or ‘strategic’ approaches based on risk assessment to target inspections
  • Based on data on impacts to increase compliance
  • Better targeting of enforcement efforts
  • ‘Hot goods’ remedies to increase penalties of non-compliance

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Exploitative employment practices

• Contrasts:
  • General regime v. sector-specific licencing scheme
  • Focus on changing behaviour v. maintaining licencing regime integrity

• Lessons:
  • Clear transferable context in terms of steering demand for labour that is more exploitable?
  • Do sector-based approaches simply re-locate exploitative practices?
  • Can one develop more strategic enforcement approaches in THB?
  • Focus on creating systemic and sustainable change, as in WHD case?

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Tobacco

- Compared two design-based solutions:
  - Smoking bans – global data on impact on demand for tobacco
  - Plain packaging – Australian experience implementing this policy

- Key problems:
  - Reducing demand for an addictive and generally socially acceptable product
  - Interventions of the tobacco industry

- Solutions:
  - Design-focused interventions change smoker behaviour (how and where people smoke)
  - Limiting the scope for tobacco industry to influence policy makers

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Exploitative employment practices

• Lessons:
  • Changing consumer behaviour impacts on consumer demand
  • Partial measures not as effective as absolute bans – need for comprehensive coverage (WHO)
  • Role of other actors – tobacco industry
  • Lessons for THB – need to recruit business sector?
  • Problems regarding transferability:
    • Addictive substances
    • Business partner has totally opposed interests
Heroin

• Comparing New York City and Rotterdam: peer user interventions on needle exchanges for IDUs

• Key problems:
  • Highly addictive but dangerous substance
  • Illicit activity, difficult-to-monitor community

• Solution:
  • Two contrasting approaches (abolitionist vs harm reduction)
  • Harm reduction: mobilising peer group knowledge and access in developing policy solutions

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Heroin

• Lessons:
  • Policy approach (abolitionist or harm reduction) greatly impacted on uptake of needle exchanges
  • Interesting parallels to debates in regulating prostitution/sex work – use elimination v. harm reduction
  • Use reduction and harm reduction can occur together, BUT use reduction may also create further risks
  • Engaging with users can help develop more effective interventions:
    • User groups have personal understanding of what shapes demand and what is likely to impact on demand and behaviour

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Impediments to cross-sectoral learning

• Clear limitations to learning across policy areas.
  • Two of the policy areas studied deal with addictive substances
  • In the field of tobacco regulation, direct opposition from tobacco industry

• However, some commonalities:
  • More holistic approach to influencing behaviour impacts on demand
  • Smart policy interventions can shape behaviour/demand – but still link to ‘command and control’ mechanisms
  • Are we regulating or relocating harm?

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