



International Competition Network

Agency Effectiveness Working Group Project

Competition Agency Staff Training Programmes

INDEX

1) EXECUTIVE SUMMARY	1
2) OVERVIEW	3
2.1) ABOUT THE PROJECT	3
2.2) METHODOLOGY OF THE STUDY	3
3) LITERATURE REVIEW	5
3.1) THE NECESSITY OF CAPACITY BUILDING	5
3.2) TRAINING REQUIREMENTS	7
3.3) BUDGET AND FUNDING	8
3.4) TECHNICAL ASSISTANCE	8
3.5) CONCLUSION	9
4) AGENCY PROFILES	10
4.1) AGENCY RESPONSIBILITIES	10
4.2) LANGUAGE USED	10
4.3) AGE OF AGENCY	11
4.4) EMPLOYEES	11
5) STAFF TRAINING IN COMPETITION AGENCIES	13
5.1) RESPONSIBILITY FOR STAFF TRAINING	13
5.2) TRAINING CALENDAR	15
5.3) IDENTIFICATION OF NEEDS:	17
5.4) STAFF LEVEL & TRAININGS	18
5.5) INDUCTION AND REFRESHER PROGRAMS	22
5.6) OTHER POPULAR PROGRAMS	26
6) PROGRAM DESIGN AND EFFECTIVENESS	32
6.2) DOMESTIC RESOURCES USED	34
6.3) SPONSORING OF EMPLOYEES	38
6.4) MEASURING EFFECTIVENESS	39
6.5) PROBLEMS FACED	42
6.6) ROLE OF INTERNATIONAL CO-OPERATION	44
ANNEXURE 1: SUMMARY OF AGENCY RESPONSES	50
BIBLIOGRAPHY	58

REFERENCES

FIGURES

Figure 1: Participating jurisdictions.....	3
Figure 2: Agency Age.....	11
Figure 3: Number of employees	11

KEY PRACTICES

Key Practices 1: Identification of responsibility.....	15
Key Practices 2: Training Calendar.....	16
Key Practices 3: Training needs identification	18
Key Practices 4: Staff Level and Trainings.....	19
Key Practices 5: Induction and Refresher Programs.....	26
Key Practices 6: Variety of programs, and use of unstructured sessions	34
Key Practices 7: Utilization of External Resources.....	38
Key Practices 8: Training Effectiveness	42

AGENCY EXPERIENCE

Agency Experience 1: United Kingdom’s Training Department.....	14
Agency Experience 2: Hong Kong: Employee Appraisals and Training Goals.....	15
Agency Experience 3: CARICOM and Training Need Analysis.....	17
Agency Experience 4: US FTC and Induction Training Program.....	23
Agency Experience 5: Japan and Digital Evidence Gathering	28
Agency Experience 6: India and Team Building Off-site Workshop.....	28
Agency Experience 7: Poland and Measurement of Effectiveness.....	39
Agency Experience 8: Columbia and International Cooperation.....	45
Agency Experience 9: Australia, New Zealand and ASEAN.....	47

CASE STUDIES

Case Study 1: South Africa	20
Case Study 2: Australia.....	30
Case Study 3: United Kingdom.....	36

1) Executive Summary

The aim of the project titled 'Competition Agency Staff Training Programme' by the Agency Effectiveness Working Group (AEWG) is to highlight the various training and capacity building related practices that are used by competition agencies across the world.

The report highlights the practices that have been adopted by the participating agencies, covering aspects of training and capacity building. The identification of needs, preparation of calendar, design and execution of programs and measuring their effectiveness has been covered in specific sub-sections. In addition, the role of international co-operation in training and capacity building is discussed in detail.

All the sub-sections contain illustrations of agency practices and highlight the similarities and differences across agencies. Though the practices are usually clustered around well identified areas, they vary widely amongst agencies. It is difficult to recommend a universal approach or template, as the practices have been implemented by agencies in keeping with their goals, size, age, responsibilities and resources.

The report also contains boxes highlighting unique and effective methods of training adopted by individual competition agencies.

'**Case Study**' boxes highlight in brief, the process of training and capacity building that has been adopted by the competition agencies of South Africa, Australia and United Kingdom. They identify the resources used, the practices adopted and the process of designing and deploying programs.

The '**Agency Experience**' boxes specifically highlights practices that have been adopted by competition agencies, and have been found to be productive.

The '**Key Practice**' boxes reiterate practices that have been found to be useful across agencies. These practices can be considered by most competition agencies seeking to improve their overall training and capacity building.

These Key Practices for consideration include:

- ***Identification of responsibility***

A dedicated section or personnel, with the responsibility for ensuring training and capacity building is widely prevalent amongst agencies. This ensures continuity, effectiveness, organization of training and capacity building programs. The specific identification of the responsibility should be undertaken based on agency structure, size, requirements etc.

- ***Preparation of a training calendar***

Training calendars are maintained by most of the responding agencies to help in facilitating an orderly capacity building program. As regards in-house meetings, a calendar ensures that meetings are held periodically and frequently, and supports participation in the programs.

- ***Identification of training needs***

Identification of needs helps agencies to fill existing gaps in training and capacity building. Training needs identification can be undertaken using written and oral methods. Inputs should be collected from the employees that the training intends to benefit. Useful input on agency training needs can also come from senior employees.

- ***Use of both structured and unstructured sessions***

Learning through in-house unstructured discussions can be an efficient and cost effective method of increasing capacity of its staff. Internal discussion centred on recent international developments, publications, and case studies support the building of familiarity with literature and practices, while simultaneously supporting transfer of knowledge amongst employees. The results show that most responding agencies, irrespective of age and size, utilise unstructured sessions.

- ***Training of staff across levels, including through induction and refresher programs***

Training programs are organised across all staff levels at many responding agencies, designed in keeping with the skill levels necessary for discharging the job functions. Training focussed on professional skills such as interpretation of law, investigation tools, internal processes, etc., may be the focus for entry-level staff and case handlers. Importance may be given to areas such as human resource management, personal effectiveness, leadership skills, etc. for higher staff levels.

- ***Supporting learning outside the agency***

Utilising correspondence, online or part-time programs for supporting employees in acquiring subject specific skills is seen favourably by the staff and can also be used for retaining high performing staff.

Agencies should also consider learning opportunities that arise via interaction with international counterparts and organizations; e.g., opportunities to share experiences or organize joint training events.

- ***Evaluating effectiveness of programs***

On conclusion of a program, collecting participant reactions and recommendations through a questionnaire or through informal discussion helps to focus programs on specific goals and outcomes as well as to improve future programs. The feedback should also be discussed with the training provider.

Appropriate examples and practices have been identified for each of the above identified steps, allowing agencies to consider practices that will be most relevant to them. We encourage agencies to seek inputs from their counterparts, and learn from their strengths and weaknesses, wherever relevant.

2) Overview

2.1) *About the Project*

During 2015-16, the Agency Effectiveness Working Group undertook a project titled '**Competition Agency Staff Training Programme**'. The aim of the project was to survey and analyse ICN Member's staff training experiences with a view to share experiences and good practices for agency effectiveness. The project received inputs from 36 member agencies in response to the survey questionnaires. Those responses form the basis of this report.

The objectives of the project are to identify:

- (i) Approaches adopted for providing staff training
- (ii) Challenges faced in providing staff training
- (iii) Best practices or solutions identified by agencies
- (iv) Effectiveness of training program

While a substantial body of literature pertaining to competition law, policy, and enforcement is available, the literature is sparser in relation to capacity building of such agencies. In the case of staff training programs, identification of practices adopted by more experienced jurisdictions will help in recognising similarities and differences in approach.

ICN members from the following jurisdictions submitted responses on staff training programs: Australia, Botswana, Brazil, Bulgaria, CARICOM, Columbia, Croatia, Cyprus, Czech Republic, European Union, El Salvador, Estonia, Finland, Germany, Hong Kong, Hungary, India, Indonesia, Italy, Jamaica, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Trinidad & Tobago, Turkey, United Kingdom, and United States of America.

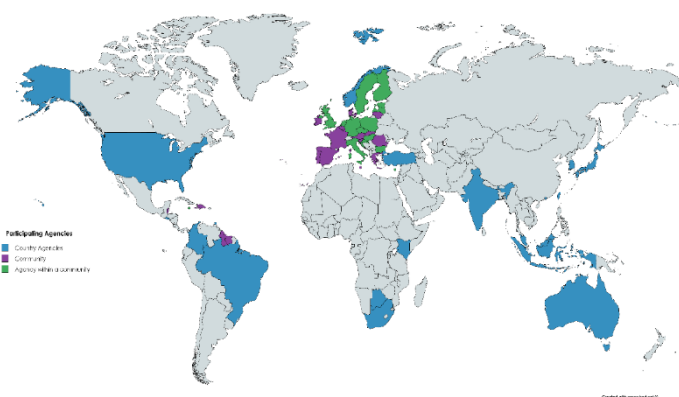


Figure 1: Participating jurisdictions

2.2) *Methodology of the Study*

The information was sought from various agencies via a written survey and questions over phone. As the study aims to highlight practices and experiences in competition agencies, the survey method was found appropriate for this project.

A 1st stage questionnaire seeking quantitative and qualitative details was sent to all AEWG member agencies. A detailed 2nd stage questionnaire was prepared based on agency responses received, and further qualitative information was sought. Subsequently, conference calls were organised with some agencies for the purpose of preparation of case studies. Based on these responses, analysis was undertaken and the report was prepared.¹

– 1st Stage Questionnaire

Questionnaire consisting of objective questions was prepared after study of literature on capacity building, knowledge management, and training, as available with ICN, UNCTAD, OECD etc. A review of the publicly available material (e.g. annual reports) was also undertaken. Upon finalising of the questionnaire, it was sent to all AEWG Members, seeking their responses. This questionnaire has been referred to as the 1st Stage Questionnaire in the text of this report.

The 1st Stage Questionnaire was divided into the following four Sections.

- (i) **Section I** sought to collect basic information about the agency and its employees.
- (ii) **Section II** sought information related to implementation of training and other capacity building programs.
- (iii) **Section III** sought information on process adopted to measure effectiveness of training program.
- (iv) **Section IV** sought to identify budgetary support for the organisation of training programs.

– 2nd Stage Questionnaire

On basis of the responses to the above questionnaire, additional information was sought from 21 competition authorities, of which 19 responses were received. This enabled us to get qualitative inputs on specific experiences and learnings in greater detail. This questionnaire has been referred to as the 2nd Stage Questionnaire in this report.

– Conference Calls

After receiving the above information, one-on-one phone call were organised with some of the respondents to obtain further details about experience, challenges and outcomes of the training programs.

– Referencing in the Report

In summarising the agency practices and participating agencies, jurisdiction names have been used instead of agency names or abbreviations, for ease of reading.

¹ The Report has been prepared by a team of officers led by the International Cooperation Division of the Competition Commission of India. For drafting of the Report, assistance was also received from the Non-Governmental Advisors (NGAs) to the Competition Commission of India.

3) Literature Review

A substantial body of literature from the ICN, the United Nations Conference on Trade and Development (UNCTAD) and the Competition Committee of the Directorate for Financial and Enterprise Affairs of the OECD has focused on the capacity building and knowledge management requirements of competition agencies. A limited amount of academic research has also been undertaken in the area.

When identifying the constituent elements that go into the making of a well-functioning competition agency, the role of training and capacity building has regularly been flagged, as necessary for ensuring an effective work force (Gal, 2004, UNCTAD, 2011A; ICN, 2003).

Very early in its existence, the ICN identified capacity building as a key area of work. The ICN, which took shape in 2001, created the Capacity Building and Competition Policy Implementation Working Group² (Working Group) in 2002. The Working Group undertook work on the necessary requirements for building effective competition agencies with particular focus on agencies in developing and transition economies. (ICN, 2003)

3.1) *The necessity of capacity building*

In response to an ICN questionnaire on capacity building in the competition agencies of developing and transition economies, most responses identified training programs as a measure for overcoming the human resource constraints, such as high staff turnover, shortage of qualified staff, non-competitive salaries etc. (ICN, 2003).³

Similar findings emerged from the ICN (2006) study wherein questionnaires were used to seek responses on issues faced by young competition agencies. The responses received from twenty competition agencies that were less than 15 years old, revealed that most of the responding agencies identified the limited availability of experienced professionals as a problem. The reasons attributed for this shortage were as follows:

- a. Dearth of qualified professionals in competition law and policy;
- b. Civil service salaries not being attractive; and
- c. Lack of personnel resources.

² Later renamed as the Agency Effectiveness Working Group

³ The report while recognising the importance of training programs states as follows:

“..... training programs, vital though they are, may not be sufficient to confront these challenges in the crucial short and medium terms – staff secondments from more experienced agencies is one such short term expedient; finding mechanisms to leverage the resources of private complainants in investigations and prosecutions is another.”

Irrespective of the cause, the report notes as follows:

“The lack of skilled personnel has meant an inability of agencies to readily identify offending practices, and to handle complex matters. It also leads to extended delays and sometimes incorrect decisions. These may ultimately lead to a lack of confidence in the organizations by their respective business communities and stakeholders, and a lack of confidence by the staff of the organization in themselves and in their ability to enforce their legislations effectively.”

The responses showed that specific training programs and job attachments were being utilised to overcome personnel related issues, an area that had received substantial attention from the agencies themselves. (ICN, 2006).

Gal (2004) sought to identify the prerequisites required for ‘competition law to bloom’ in developing countries. The paper identified tools necessary for implementing the competition regime. Among such tools, human resources was a key area identified as a requirement. Based on the experience of antitrust authorities, she states that *“the best laws cannot be applied without adequate human resources, i.e. a staff of sufficient size with adequate technical competence”*. Further, she states that lack of technical competence can lead to under-enforcement of the law, and undermine the reputation of the authority. She states that the skills are particularly required in an agency’s early years when it is required to prevail on courts that the agency’s cases are procedurally sound and substantively meritorious. Drawing upon Kovacic (1997), she states that the early years determine the legal basis for future actions.

In response to a survey undertaken for ICN (2008), agencies identified ‘learning’ and skill training programs as areas of emphasis. With regard to training for newly hired staff, nearly 90% of the responses indicated having training programs, though they differed widely in duration and content.

On the issue of staff retention, those agencies that identified staff retention as a priority used various steps, ranging from training opportunities, to financial incentives, improved working environment including, encouraging good managers, and thereby facilitating professional growth. (ICN, 2008)

The role played by training programs and engagement in academic work was identified by UNCTAD (2011A) as steps that competition agencies can take to retain staff. The note which aims to study and identify the foundations of an effective competition agency, also stated that the provision of training in project management, procedure, communication, and advocacy would complement the more academic background of the agency staff.

ICN (2014) draws upon existing human resources literature to identify training as one amongst the seven necessary human resource management practices. More recently, ICN (2016) highlights the importance of training in strengthening public sector ethics. While training can only be effective in the presence of formal rules, and code of conduct - the impact of such rules will be limited if they are not properly communicated. Training for new employees, and periodic on the job training, using a variety of training methods were recommended.

3.2) *Training requirements*

One of the earliest initiatives taken up by the ICN, was preparation of the report 'Capacity Building and Technical Assistance' (ICN, 2003). The report made a case for competition law in developing and transition economies, and drew upon local experiences while listing various methods for providing technical assistance. The responses to the questionnaire identified the following requirements:

- a) *Hands on training* on case work, for developing practical skills;
- b) *Investigation techniques and economic analysis* were identified as areas wherein assistance is required;
- c) *Visits and internships* with more mature agencies to obtain first-hand experience;
- d) For economies without substantial experience with market economies, assistance was sought with *advocacy activities* directed at policy makers, the private sector and the media;
- e) Provision of assistance to sector specific regulators; and
- f) The inclusion of the *judiciary in the training process* was also identified.

Serebrisky (2004) on analysis of survey responses received from competition agencies of East Asia and Pacific (EAP), Latin America and the Caribbean (LAC) and Europe and Central Asia (ECA) had identified the need for training on conceptual competition issues in cases of emerging and transitional countries. The focus of his study were emerging and transition countries. The results indicated the requirement of training that provide '*how to solve day-to-day technically challenging cases*'. The most preferred method was practical and hands-on methods, particularly case studies. The results also indicated that competition agencies were willing to experiment with a variety of training methods.

Gal (2004) identifies the shortage of skilled staff as a major area of concern. For the long run, she recommends building links with universities, to ensure that the subject is added to the curriculum. For the short run, she identifies staff training programs covering procedural, methodological and substantive matters as a tool to ensure staff competence. She supports technical assistance in the form of internships, and secondments as a tool for guiding the staff (also see CUTS, 2003).

Towards the same end, Gal (2004) states that that technical cooperation agreements should be utilised. She recommends utilising bonds covering several years as a step for reducing the impact of high staff turnover (also see Stewart, 2004). She also recommends using guidance manuals, and case histories to build collective memory, and for reducing dependence on specific staff.

The response to a survey undertaken by OECD (2013) indicated that a majority of the surveyed jurisdictions considered international co-operation as a means to build their internal capabilities, including exchange and development of best practices, exchange of experience and expertise, and sharing of non-case specific enforcement methodologies.

3.3) *Budget and Funding*

In the case of developing and transition economies, the accessibility and availability of resources and expertise have regularly been flagged as areas of concern (Clement, Gavil, Korsun, & Kovacic, 2001; Krakowski, 2005; Gal, 2004). Serebrisky (2004) states that the responses received indicated that adequate budget was not available to fulfil training requirements.

Gal (2004) states that adequate financial resources complement human resources. She identifies a number of agencies' experiences, wherein their functioning was hampered by insufficient resources.

3.4) *Technical Assistance*

Technical assistance is an area that has seen a substantial amount of work, research and review. The same has been facilitated by the fact that donors have followed internationally accepted principles⁴. The provision of technical assistance has also had the benefit of being more systematically documented compared with other areas of capacity building.⁵

ICN (2003) discussed the needs of developing and transitioning jurisdictions and summarised that:

"Agencies' needs for technical assistance develop over time. During the initial setting-up period of a new agency, full-scale programs combining various forms of assistance, and including resident advisors, is likely to be the most appropriate and effective kind of assistance. In particular, it is convincingly argued that long-term stays not only improve the donor's understanding of the local economic, political and cultural context, but also help to build up the essential trust between donor and recipient that makes the cooperation prosper."

The report was prepared by drawing upon responses from recipient countries and identified areas wherein assistance is mainly sought. The report provides a useful checklist for designing assistance projects.

Nicholson, Sokol, and Stiegert (2007) undertook an empirical analysis of technical assistance support provided to developing and transition economies for the period 1996-2003. Their analysis had identified the following factors as being important for the success of technical assistance projects: i) involvement of donor and recipient in the set up process, ii) involvement of long term advisers, iii) recipient country characteristics such as per capita wealth and overall market freedom, and iv) the quality of assistance.

Nicholson et al. (2007) while emphasising the point that there is no 'one size fits all' approach, an emphasis on outputs, oriented towards the recipient agency *"ability to effectively intervene in situations of anti-competitive conduct and enforce competition policy"* is necessary for successful technical assistance programs.

⁴ See OECD, 1991, 2008

⁵ UNCTAD, 2004; UNCTAD, 2006; UNCTAD, 2011; UNCTAD, 2014; UNCTAD, 2015

Evenett's (2006) also supports these findings. He opines that the benefit of the technical assistance programs depends on the level of development of the recipient agency, and that study missions and internships provide significant support.

3.5) Conclusion

In conclusion, based on the literature review undertaken, it can be seen that training and capacity building play a substantial role in the creation of effective agencies. It is also seen that there exists a need to identify and document such training practices and experiences.

This report attempts to further the available information on the subject, allowing competition agencies to draw upon each other experiences, and implement suitable practices.

4) Agency Profiles

In order to appreciate the capacity building and training practices adopted by a competition agency, it is necessary to understand the context within which such activities are being undertaken. Keeping this in mind, the questionnaire sought information on areas such as age of the agency, responsibilities, staff size, office locations etc. Provided below is a brief sketch of the participating agencies.

4.1) *Agency Responsibilities*

The responses from the agencies indicated that all the responding agencies had been granted the mandate of competition enforcement in case of cartel and unilateral conduct. The responses also indicated that the agencies had the additional mandate of competition advocacy.

The mandate for merger review lay with 33 of the 36 responding agencies. Some responding agencies were found to be conducting competition impact assessment.⁶ The mandate for consumer protection has been granted to 13 responding agencies.⁷ The responses from 6 agencies indicate that they also have within their purview sectoral regulation.⁸ There are number of responding agencies, with additional responsibilities in specific areas such as multi-level marketing for Taiwan; and public procurement for Sweden and Czech Republic. Poland has the responsibility for general product safety, market surveillance and management of fuel quality. Similarly, Australia also has the mandate for product safety. Columbia has the additional responsibility of data protection, industrial property, and metrology. Norway has the administrative responsibility for the Secretariat for the Norwegian Complaints Board for Public Procurement.

It is noted that the survey the survey did not find any impact on training needs based upon an agency's set of responsibilities.

4.2) *Language Used*

Information was sought regarding the language used by the agency. The responses showed that English was the most prevalent language used by 12 agencies.⁹ 8 agencies were identified as being bilingual including English (EU, Bulgaria, Cyprus, Hong Kong, Italy, Malaysia, the Netherlands, and Norway).

⁶ Hong Kong, Italy, Singapore, Taiwan, Turkey, Cyprus, Croatia, CARICOM

⁷ Australia, CARICOM, Columbia, Finland, Hungary, Italy, Jamaica, Kenya, Korea, Netherland, Poland, United Kingdom, and USA

⁸ Australia, Botswana, Estonia, EU, the Netherlands, United Kingdom,

⁹ Australia, Botswana, CARICOM, Finland, India, Jamaica, Kenya, Singapore, South Africa, T&T, United Kingdom, USA

16 agencies used other languages- Portuguese (Brazil), Spanish (Columbia, El Salvador), Croatian, Czech, Estonian, German, Hungarian, Bahasa Indonesia, Japanese, Korean, Latvian, Polish, Swedish, Taiwan, and Turkish.

For agencies not using English as their main language, the 2nd Stage Questionnaire sought to identify whether the same acted as a hindrance in accessing material for training and capacity building. Brazil, Latvia and Sweden indicated that their staff is multilingual, and therefore accessing material in English does not pose a problem. Germany also trains international team in English language. Columbia stated that substantial material is available in Spanish. Japan, Korea and Taiwan primarily rely on material developed in-house.

4.3) *Age of agency*

Information was sought regarding the age of the agency for gauging their experience.

21 of the 36 responses received were from agencies with more than 20 years of enforcement experience.

It is estimated that currently more than 125 jurisdictions have adopted competition laws, of which more than 100 are less than 25 years old. (Kovacic & Mariniello, 2016)

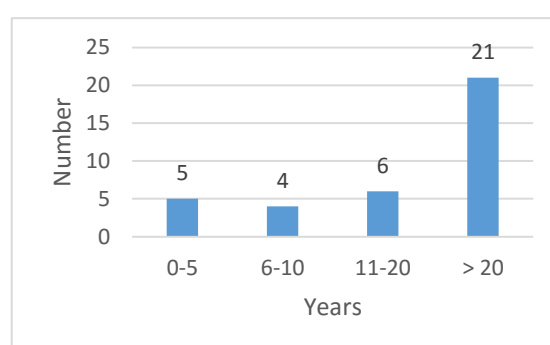


Figure 2: Agency Age

Therefore, in reading the Report, it should be kept in mind that the practices adopted by agencies with more experience could benefit younger agencies. Likewise, younger agencies that have active training programs focused on enforcement fundamentals and entry-level training may be in a position to offer advice to all agencies.

4.4) *Employees*

4.4.1) *Employee strength*

The response to the survey was diverse and the responding agencies represent a wide spectrum as far as employee strength is concerned.

Training and capacity building programs are designed in keeping with the size and needs of its audience. The frequency of training and capacity building programs is also dependant on the size of the agency.

Therefore the responses received highlighted a wide spectrum of practices, in keeping with the agency

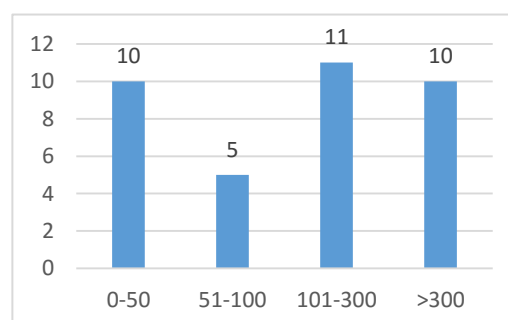


Figure 3: Number of employees

requirements. Further, greater standardization in programs by larger agencies is noted based on survey responses.

4.4.2) Employee Location

8 participating agencies have branch/field offices in addition to the Head Office.¹⁰ Competition agencies of the remaining participating agencies operate from a single office.

¹⁰ Australia, Czech Republic, Indonesia, Japan, Korea, Poland, United Kingdom and USA

5) Staff Training in Competition Agencies

This section aims to highlight the training and capacity building practices that are adopted by competition agencies, drawn from the 36 responses received to the questionnaire.

A wide variety of practices are observed, and reflect each agency's individual requirements, staff strength, experience, responsibilities, etc.

In view of the wide variety of reasons that affect the design and delivery of training and capacity building initiatives, the aim of this report is to identify practices that are undertaken by the agencies and the context for those practices.

5.1) *Responsibility for staff training*

All the responding agencies stated that the responsibility for conducting capacity building and training has been specifically allocated within the agency. The responses highlight that there are different models followed by the agencies in relation to staff training. The different structures are discussed below:

– Human Resources Division

The human resources department is responsible for conducting staff training in 14 competition agencies.¹¹

In the USA, the Human Capital Management Office (HCMO) is responsible for the human resources function within the Federal Trade Commission, including monitoring the training budget. The Chief Human Capital Officer (CHCO) is the head of HCMO. Within HCMO, the Chief Learning Officer (CLO) is responsible for planning and conducting the trainings. The CLO is responsible for planning, budgeting, obtaining, evaluating, and conducting training programs. The FTC also has a Training Council, which includes representatives from the FTC's Bureaus, Offices and Regional Offices.

In Poland, the 'Office of Human Resources, Training and Organization', headed by the Office's Director, is responsible for human resources management and staff training. The Office deals with personnel matters, including employment, promotions, trainings, as well as internships and student placements. It also provides chancellery services, administrative and office support to the Director General, as well as to the Disciplinary Committee and other committees appointed by the President of the agency or the Director General. Separately, the Office performs internal audit activities with respect to the use of the agency's budgetary resources.

In Australia, the People and Culture Branch is the responsible department. Within the department, two staff members have overall responsibility for Learning and Development (L&D). Separately, within

¹¹ Australia, Botswana, Brazil, Columbia, Germany, Hong Kong, Hungary, Japan, Kenya (has both HR and Administrative department), Norway, Poland, Singapore, South Africa, and USA.

each of the divisions, the administrative staff manages divisional L&D budgets, that are designed to build technical capability.

– *Specific Training Department*

The responses show that 10 agencies have a distinct training department.¹²

In India, there are two separate departments, namely the International Cooperation Division (ICD) and the Capacity Building Division (CBD). CBD is responsible for planning, co-ordinating and organising purely in-house programs or programs organised by relying on country based experts. The ICD undertakes co-ordination of trainings wherein international support is required. Further, it co-ordinates participation of staff in international events.

– *Others*

In 4 agencies, training and development is overseen by the administrative department of the competition agency.¹³

In 2 agencies, there are “designated people” appointed for staff training.¹⁴

7 agencies have submitted that they do not have a separate department for training and development within the agency.¹⁵

In Norway, it is the Director of every market monitoring department who is responsible for the training plans of its own officers. In addition to the Human Resources Section, the Chief Economist's Staff and the Legal Director's Staff have additional responsibility of training and capacity building within the agency.

Jamaica has stated that the responsibility for training and capacity building lies with 2 senior officials - the Executive Director and the General Manager.

Agency Experience 1: United Kingdom's Training Department

Training and capacity building is overseen by CMA Learning and is governed by a Learning Governance Board consisting of senior executives from various departments of the agency including the CEO. CMA Learning consists of three teams who are collectively responsible for access to, and organisation of, learning and development.

The CMA Academy facilitates the development and delivery of core and specialist professional training across all work streams. Its purpose is to increase the wider professional capability of the staff, embedding and nurturing best practices in training methods and consistency of delivery.

The CMA Know-How Team coordinates initiatives to ensure that learning from each case or project is shared effectively. It organises know-how talks to share learning and experience from past cases and legal developments.

HR Learning focusses on leadership and management development as well as the development of personal effectiveness and “softer” skills for all staff.

¹² El Salvador, European Union, India, Indonesia, Italy, Korea, Malaysia, the Netherlands, Turkey, U.K.

¹³ Bulgaria, Sweden, Latvia, Jamaica

¹⁴ Finland, Croatia

¹⁵ CARICOM, Cyprus, Czech Republic, Estonia, Jamaica, Taiwan and Trinidad & Tobago

Key Practices 1: Identification of responsibility

A dedicated section or personnel with the responsibility for ensuring training and capacity building is found to be a common practice across agencies, irrespective of size. The presence of such a dedicated section or personnel supports continuity, effectiveness, organization of training and capacity building programs.

The specific identification of the responsibility should be undertaken based on agency structure, size, requirements etc.

5.2) Training Calendar

A training calendar lists the training and capacity building programs that are planned for a specified period of time (yearly, half yearly, etc.). The calendar is usually maintained by the individual or the department tasked with the responsibility of coordinating or delivering the programs. An established training calendar can bring organization, continuity, awareness, and professionalism to a training program, and increase focus and attendance.

28 agencies have a training calendar for scheduling various training programs,¹⁶ while 8 agencies have no such training calendar.¹⁷

In Norway, the calendar is prepared as part of the annual budget process. Each department prepares an annual plan for its employees including identification of the budget.

In USA, the FTC provides for an Individual Development Plan (IDP) for its staff. An IDP is a personalized action plan that identifies the training and other developmental experiences needed to achieve the employee's short and long-term goals, for the benefit of the individual and organization, within a specified time frame. They are

Agency Experience 2: Hong Kong: Employee Appraisals and Training Goals

The employees are required to identify their learning and development needs as a part of the performance agreement and proposal process and this is taken into account in preparing the training schedule.

A list of general competencies has been developed as part of the performance assessment program. The competencies are defined as Fundamental Awareness, Novice, Intermediate, Advanced and Mastery. A specific performance head for 'Continuous Learning' has been included.

Individuals finalise their plans based on discussion with supervisor at the beginning of the appraisal period. An outline of the individual's specific objectives for the year and their expected competencies in performing those objectives is also prepared.

The performance appraisal contracts are developed in the months of June and July. A mid-cycle review is conducted by way of an informal interview between the staff member and their supervisor. A more formal appraisal is conducted at the end of the period with a rating being given and comments made by both the appraising supervisor and the appraisee.

¹⁶ Malaysia, Latvia, Japan, Germany, Italy, Poland, Hong Kong, Taiwan, Croatia, India, Indonesia, Norway, Singapore, Turkey, United Kingdom, Estonia, El Salvador, Brazil, Korea, Columbia, Finland, Kenya, the Netherlands, South Africa, USA, Botswana, EU and Hungary.

¹⁷ CARICOM, Trinidad & Tobago, Bulgaria, Jamaica, Cyprus, Czech Republic, Sweden & Australia.

designed as paths to reach career goals within the context of organizational objectives. The IDP is created based on discussion and joint decision between the employee and his/her supervisor, with input from mentor(s). It covers the specific skills, experiences, and training necessary to fulfil the mutual goals of individual career and organizational development.

Although Australia does not have a specific training calendar plan, training activities are planned throughout the year. Australia offers induction training and refresher training through its online program, as needed.

– **Period of the Training Calendar**

For 6 agencies, the training calendar provides for planning of 6 months,¹⁸ whereas in 24 agencies the training calendar plans for one year.¹⁹

– **Frequency of Review of the Calendar**

There are 7 agencies, which review the training calendar monthly.²⁰ The European Union reviews the training calendar every 3 months. 4 agencies review the training calendar every six months,²¹ and 13 agencies review the calendar annually.²²

In Estonia, the training calendar is for 12 months and is updated every year on 30th January. Other ad-hoc provisions are considered on a continuing basis, depending on offers available and budget.

In Jamaica, the Executive Director reports quarterly to the Commission on the status of staff training and development.

El Salvador, Estonia, Finland, Hungary and Norway review their training calendar on a need-basis.

Key Practices 2: Training Calendar

Training calendars are a widely followed practice. A training calendar ensures that the agency's staff is aware of upcoming programs, and can set aside time for them. This also ensures greater participation in the programs. Internal, and unstructured events should also be included in the calendar. Preparation of a calendar may help in facilitating an orderly capacity building program.

¹⁸ Italy, Croatia, Turkey, United Kingdom, Latvia and Taiwan.

¹⁹ Malaysia, Japan, Germany, Poland, Hong Kong, India, Indonesia, Norway, Singapore, Estonia, El Salvador, Brazil, Korea, Columbia, Finland, Kenya, the Netherlands, South Africa, USA, Australia, Botswana, EU, Hungary, and Taiwan.

²⁰ Malaysia, Italy, Poland, United Kingdom, South Africa, USA and Latvia.

²¹ Hong Kong, Croatia, India and Taiwan.

²² Germany, Japan, Indonesia, Norway, Singapore, Turkey, Brazil, Korea, Columbia, Kenya, the Netherlands, Botswana and Taiwan.

5.3) *Identification of needs:*

30 participating agencies have a process in place for identifying and training professional development needs.²³ 6 agencies do not have any formal mechanism for identification of training needs.²⁴

Of the responses received, 18 agencies had conducted such analysis within the last one year.²⁵ 8 agencies had conducted the same within the last 1-2 years.²⁶ The analysis was undertaken both as part of a formal process and as an outcome of informal discussions. The inputs were either sought directly from individual employees or from senior employees and heads of departments.

– Inputs from Individual Employees

A number of agencies undertake the analysis as part of the annual appraisal of the employees. Such a system has been adopted in Australia, CARICOM, Hong Kong, Latvia, Norway and South Africa.

Another method of identification of employee needs is the usage of employee surveys. India undertakes a biennial survey of the employees to identify the requirements. The survey considers the requirement of employees across the professional streams.

A Training Officer (TO) at the US FTC is responsible for planning and conducting surveys of training needs, competencies, skills gaps, and evaluation of the training programs. The CLO, along with the TO and in cooperation with the Training Council, conduct an 'Annual Assessment' to identify existing and foreseeable employee and organizational training needs. Funds are allocated based on the needs identified. This then forms the basis of the Annual Training Plan.

Agency Experience 3: CARICOM and Training Need Analysis

CARICOM is currently undertaking a Situational Assessment and Capacity Needs Analysis through the CARICOM Secretariat.

This is part of the phased development and implementation of a CARICOM Results Based Management System, based on the Strategic Plan for the Caribbean Community 2015 – 2019. The aim is to create a more results-based approach. The plan specifically calls for continuous training and development of public officers and the development of specialist skills in key areas.

– Inputs from Senior Employees

The other prevalent method for identification of needs is seeking inputs from heads of units or from senior employees. In Brazil, the heads of units are called on annually to communicate their training requirements to the human resources department. In Norway, the training needs are assessed through individual talks/interviews between the officers and the heads of the respective departments.

²³ Botswana, Australia, Brazil, Columbia, El Salvador, Estonia, European Union, Finland, Germany, Hong Kong, Hungary, India, Indonesia, Italy, Japan, Korea, Kenya, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, United States, United Kingdom, Turkey, Trinidad & Tobago, Taiwan and Sweden.

²⁴ Jamaica, Czech Republic, Cyprus, Croatia, Bulgaria and CARICOM.

²⁵ Australia, Brazil, Columbia, El Salvador, Estonia, Finland, Hungary, Jamaica, Japan, Kenya, Korea, Latvia, the Netherlands, Norway, Singapore, Sweden, Turkey, and USA.

²⁶ European Union, South Africa, Botswana, Italy, Malaysia, Poland, Taiwan and United Kingdom.

Similarly, in Columbia, inputs are sought from the Deputy Superintendents Directors and Coordinators of Working Groups.

Key Practices 3: Training needs identification

Responses show that identification of the needs is prevalent across agencies, irrespective of their age and size. Undertaking identification of needs will help an agency take into account specific gaps and requirements.

Training needs identification can be undertaken using written and oral methods. Reliance should be placed on the individual employees that stand to benefit from the training, and may also include inputs of senior employees.

5.4) Staff Level & Trainings

All participating agencies were asked to provide inputs on staff trainings (for each level-senior management, mid-level management and entry-level staff) in the last two years. The responses show that 21 participating agencies provide training at all staff levels.²⁷

Two agencies indicated that they provide training exclusively to the mid-management level staff;²⁸ while eight agencies provide training to both mid-level management and the entry level staff.²⁹

Cyprus provides only entry level training to its staff, while CARICOM provides training only to its senior and mid-level staff. In this regard, it is highlighted that both these agencies have less than 50 personnel.

In the Netherlands, based on interviews conducted, a Management Development Programme has been recently developed for middle-level management, which determines the learning needs of managers, covering agency-vision, leadership and team coaching and other activities.

– Senior Management

In the 2nd Stage Questionnaire, responses were sought from the agencies on the steps undertaken to meet the training and capacity building requirements of the senior management.

In Latvia and Norway, the senior management attend training organised by other governmental agencies. The programs are specifically designed for senior government/public sector employees.

Similarly, Singapore also utilises the services of the Singapore Civil Service College. The training programs for senior management personnel cover the areas of organisational excellence, strategic thinking, coaching, counselling and mentoring, and leadership development.

²⁷ Australia, Botswana, Brazil, Croatia, El Salvador, Estonia, European Union, Finland, Germany, Hong Kong, Jamaica, Latvia, the Netherlands, Norway, Malaysia, Singapore, South Africa, Sweden, Taiwan, Poland and the United Kingdom.

²⁸ Bulgaria, and India.

²⁹ Columbia, Hungary, Indonesia, Italy, Japan, Kenya, Korea and Turkey.

The Netherlands also utilises training offered by the Dutch Central Government for its top management. Further, senior personnel enrol in university courses for training purposes.

Finland stated that they have recently concluded the preparation of their Personnel Strategy, which contains training program for managers.

In both Germany and Brazil, training for senior management is provided by external specialists/institutions, which undertake training design and provide the training material.

In the United States, the provision of training for senior management is undertaken both by in-house as well as by external speakers and programs.

– Departmental Meeting

A number of agencies frequently organise department/ division-wide meetings, which are used for discussing latest developments, ideas and the way forward. The Netherlands, Finland and Italy have stated that departmental meetings are attended by staff at all levels.

In Norway, the Chief Economist's staff and the Juridical staff usually organise monthly lunch seminars for staff at all levels. These seminars are also organised after the conclusion of cases or projects of relevance. In addition, seminars are organised for the entire staff both during the summer months and in December. Separately, some departments frequently have case presentations and departmental meetings.

In Jamaica, they have weekly in-house technical staff meetings to discuss ongoing investigations. These meetings aim to keep the staff up to date on issues related to: (i) investigative and analytical techniques, (ii) specific areas of legislation, and (iii) conduct of economic assessments. Participation by technical staff is mandatory and is noted on the staff's performance appraisal.

In Singapore, a monthly staff meeting is organised where staff share their new experiences, skills and knowledge gained. In addition, each division in the agency has regular division meetings (monthly, bi-monthly or quarterly) where the staff participate in discussions related to their division's areas of expertise. These meetings are utilised by the staff to share the knowledge they may have acquired during international trainings and other events.

Key Practices 4: Staff Level and Trainings

Training programs should be organised across all staff levels, taking into account the skills necessary for discharging the assigned job functions.

Entry-level staff training can focus on professional skills such as interpretation of law, investigation tools, internal processes, etc. Training for senior staff may include areas such as human resource management, personal effectiveness, leadership skills, etc., as relevant.

(This space has been intentionally left blank)

Case Study 1: South Africa

Preparation of individual training plans

Professional training is delivered by a section within Human Resources (HR) Division called 'Learning and Development'.

Training needs are identified through the Performance Management System (PMS). The procedure begins with a discussion between a staff member and the Divisional Manager/Supervisor on the developmental requirements. This discussion can occur either as part of the performance evaluation process or at the employee's initiative. Through this discussion, any performance gaps that may exist are identified. This discussion is then documented for each employee and called the Personal Development Plan (PDP) or the Individual Development Plan.

The individual PDPs are consolidated at the divisional and organisational level as part of the PMS and are used to arrive at an annual plan. Then, this information is used to identify high and low-demand areas, and accordingly budgeting is undertaken. Further discussion is held between the HR Division and the Division Manager prior to finalising the annual plan.

The individual plans are developed with support from the divisions, and each division has a 'Training Committee' which is responsible for ensuring that training related tasks are undertaken. In addition, they are also responsible for assessing if training skills are being utilised within the organisation.

The Divisional Manager also assumes a coaching/mentoring role with respect to the staff member(s), in order to assist his/her decision-making process regarding the choice of a relevant course of study. Thus, HR Division together with the Divisional Manager / Supervisor may emphasise certain courses of study. In addition, the HR Division may recommend relevant service providers for such courses.

A total of four assessments are undertaken in a year (two formal and two informal), in order to identify if the progress is in alignment with the stated goals. As the training sessions are identified by each employee, it is the employee's responsibility to ensure that the necessary training sessions are booked and attended. The agency sets aside 4% of an employee's annual salary to their training and capacity building.

The development of PMS and PDP is in line with the CompCom's Workplace Skills Plan, which is an outcome of the Skills Development Act, 1998. The preparation of a Workplace Skills Plan is mandated by this law for private and state entities, if they employ above 50 personnel. Further, under this law, there are several Sector Education and Training Authorities (SETAs) which review and approve sector skills plans in line with the national skills development strategy.

Conditions for training

Only full time employees of CompCom are eligible to apply for three categories of training - technical, leadership and behavioural attributes. The employees can choose a maximum of two courses under each category.

The employee must undertake to provide CompCom with a statement of results as soon as they become available after writing the examinations (this will be used to evaluate the employee's performance and in the decision to continue financial assistance) and on completion of the course. If the employee fails to submit a statement of results, then he/she will be personally liable for the course payment.

On completion of the course, the employee must provide CompCom with a full evaluation, especially on how the learning is expected to benefit the employee and how it will be implemented at the workplace. The evaluation report will encompass: (i) learning for the organisation and colleagues, (ii) a learning log for the employee, and (iii) how the learning can impact the organization's mandate.

Other capacity building initiatives

Informal session called **Kom Praat Saam** are hosted on the request of any employee, who may have an informative topic or may have attended a course, on which they would like to share their thoughts

and ideas with their colleagues. The agency hosts at least two such sessions in a month (usually on Tuesdays).

Staff Meetings with the Commissioner are organised monthly. This helps the Commissioner to informally address the whole organisation and discuss any pending matters. At the end, a **Happy Hour** is organised, where colleagues can discuss happenings and developments across teams.

Thursday Sessions consist of self-nominated topic discussions which cover any topic of interest identified by employees. These sessions last from one to three hours depending on the nature of the topic. The employees nominate themselves and choose a topic on which they want to have an open discussion. An annual calendar, with empty Thursday slots is prepared and is filled up as the year progresses. Topics are included on the calendar blank spaces. Thus, the calendar gets updated as and when nominations come up. Usually these sessions relate to case discussions. Sometimes these topic discussions relate to particular issues on competition law, policy, or economics. At times, research papers written by employees are shared with the community as a whole. As the sessions are organised after discussion within the division, usually members of the division are present to participate in the discussion.

Recently, a cultural survey was conducted and organisational values were identified. The values are represented by the acronym '**COMPETE**' i.e. Communication, Ownership, Making –a –Difference, Professionalism, Employee-Welfare, Teamwork, and Efficiency.

Going forward

From 2018 onwards, a 360 degree assessment is proposed to be undertaken in order to replace the current PMS. For each individual, feedback would be sought not only from the supervisor, but also from the people who are reporting to the individual, and others who obtain direct services from the individual employee. Succession planning would also be incorporated in the new system. The new system aims to reduce uncertainty, and set clearer expectations from the employees.

[This space has been intentionally left blank]

5.5) *Induction and Refresher Programs*

The responses to the questionnaires indicate that the responding agencies use a wide spectrum of training programs as part of their capacity building initiatives. Discussed below in detail are induction and refresher programs.

5.5.1) *Induction Programs*

The responses indicate that 32 agencies organise induction programs for their new staff.³⁰ However, even amongst the agencies that do not have any formal induction programs, there is some form of guidance that is provided. For instance, in CARICOM, all new staff members are provided with pertinent documents that are relevant to the agency's work. Similarly, in Hong Kong, new case handlers are provided with an induction pack which includes key material on competition law, economics and procedures along with links to relevant resources such as the ICN Training on Demand material.

The frequency of the induction program is varied amongst the agencies. They could range from weekly (USA), *fortnightly* (United Kingdom), *monthly* (Columbia, Jamaica), *quarterly* (South Africa,), *half yearly* (Sweden), *yearly* (Brazil, Korea, Japan, Hungary Turkey, Norway) and with each new batch of recruitment (Botswana, Croatia, Cyprus, Czech Republic, El Salvador, India, Indonesia, Italy, Kenya, Latvia, and Poland)

The European Union and Germany have stated that they organize induction programs on a quarterly or half yearly basis. Finland, Malaysia and Singapore organize induction training programs once or twice a year. Estonia and Netherlands organize it on a need basis. In Australia, since the induction program is available online, it can be accessed as and when needed.

20 agencies provide induction programs utilizing solely in-house resources.³¹ 9 agencies use both internal and external resources. The external resources used are mostly academic institutions.³²

Poland utilizes their civil services institutes for the provision of induction training programs. In Singapore, the civil service institute, in-house and outside experts are responsible for providing induction training. Kenya uses external resources for organisation of induction programs for its Board Members.

In Poland, new employees undergo a public service training which prepares them for performing their duties. This also includes training in protection of confidential information. The trainings are conducted by agency employees from the relevant units. Additionally, all new employees participate

³⁰Australia, Botswana, Brazil, Columbia, Croatia, Cyprus, Czech Republic, El Salvador, Estonia, EU, Finland, Germany, Hungary, India, Indonesia, Italy, Jamaica, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Turkey, United Kingdom, and USA

³¹ Australia, Botswana, Brazil, Columbia, Czech Republic, El Salvador, EU, Finland, Germany, Hungary, Italy, Jamaica, Latvia, Malaysia, the Netherlands, Norway, South Africa, Sweden, United Kingdom, USA

³²Croatia, Estonia, EU, India, Indonesia, Japan (also uses external professionals), Korea, Taiwan, Turkey

in trainings on occupational safety and health as well as fire prevention regulation, which are undertaken by an external resource person.

– Coverage of the induction training Program

For most agencies, the material for the induction program is developed in-house and reviewed at specific periodic intervals. In Norway and Brazil, the material is reviewed prior to each such course. In Korea the material is reviewed annually, and in India and USA every 2 to 3 years.

The induction program in the Netherlands provides an overview of all areas of knowledge within the agency and matters related to the organization - its vision, its oversight style, and the political environment in which it operates. For employees that have just finished university, several skills training programs (project-based work, writing, communication skills) are offered. For all other employees, knowledge modules, which provide a more in-depth look into certain areas of knowledge, are offered.

In India, the induction training covers the following- working of the government; salient features of the law; evolution and enforcement of competition law – a global overview; introduction to basic economic concepts; introduction to financial concepts, advocacy mandate; horizontal agreements including cartels; vertical restraints; combination regulations; case studies; information handling: procedural aspects, confidentiality, and preparation of official documentation.

Agency Experience 4: US FTC and Induction Training Program

Induction training is provided by the Office of Personnel Management for New Supervisors, and is conducted within the first year of appointment to a supervisory position. The schedule and training modules were developed with the vendor who presents the training and in-house subject matter experts. The entire course content is reviewed every two or three years. Refresher training on the subject is offered every 3 years. The modules covered are:

Module 1: The Merit System (Promotion, Job Placement, and Training Opportunities)

Module 2: Equal Employment Opportunity Responsibilities and Managing Diversity

Module 3: Performance Management and Awards

Module 4: Coaching and Mentoring Employees

Module 5: Conduct and Performance Based Actions

Module 6: Labor Relations

Module 7: Handling Grievances and Complaints

Module 8: Making Selections (Hiring)

Module 9: Leave and Attendance

Module 10: Managing Safety and Health

The FTC Leadership Framework program includes online training and suggested readings mapped to competencies associated with each level of leadership (managing self to executive). Separately, a training retreat for all new employees is organized annually. It is titled as 'FTC University' and is an agency-wide event. This is a low cost/no-cost event, as all the speakers are in-house.

In Brazil, the training topics may include antitrust law, enforcement, policy, personnel management, information security, and logistics amongst others. In Norway, the topics cover the legal and economic aspects of competition law, international competition regulations and other regulations for the public sector, and include merger, cartel and abuse of dominance cases. Apart from being covered at the induction program, individual training programs are also organized on investigative methods and

international cooperation. Specially designed courses on media and project management are organised in-house, but often external specialists are hired for some sessions. The Colombian agency also covers topics such as laws/ regulations governing public service, regulations regarding administrative and jurisdictional proceedings, human resources functions labour law, etc. In contrast, the agency in Korea focuses its training on improving investigation capabilities of its staff.

In the United Kingdom, the topics include an introduction to the civil service, role of CMA, working for the agency, how corporate service functions work, and an overview of the three-month induction (including mandatory activities, local induction, and new starter curriculum). They have also developed an animated film/video on litigation and competition enforcement.

In Finland the materials include case examples. Separate sessions are organised by the administration and the Competition and Consumer Divisions. In South Africa, the agency provides training on fundamentals of competition law and related sections of the law based on division it is provided to. It also includes the investigation manual, outlining the investigation procedures is provided as part of the induction program. Jamaica's induction material covers topics relating to the interpretation of the more frequently used provisions of the legislation and market definition.

In Japan, the training is based on the position of the staff and covers topics such as knowledge required as a team leader, knowledge required for carrying out management tasks, enhancement of leadership ability, etc.

In Italy, the material used for the training is developed in-house. The agency has recently updated the manual for inspections to account for the latest developments in forensic IT. Other topics covered in the induction training include- internal file management system, IT system, inspections, guidelines for drafting letters, decisions, request of information, etc. However, the focus is on hands-on or on field training.

The agency in Taiwan covers comprehensive program which includes all areas of competition law and economics, investigation skills, financial analysis, and other topics such as consumer protection, agency ethics, administrative inquisition and criminal investigations.

– *Mentoring of new staff*

Latvia utilises a mentoring program which focuses on work initiation for new staff, providing necessary knowledge and proficiency. The mentoring program covers specialised professionals - investigators, inspectors and legal advisers. The duration of the mentoring program is 4 months. It utilises both classroom teaching and on the job training. The first two months cover classroom sessions. The mentor is a qualified and experienced employee or senior expert.

In Brazil, the new employees are put through an informal internship in each unit in order to make them aware of the subject and related procedures. This contact with the authority's different areas also helps the officers and the agency to better define their permanent work unit. The agency has consistently received positive feedback from the staff on this program.

Australia aims to restart its mentoring programs. In its earlier avatar, the program covered multiple professional streams and office locations. The aim being to match employees from different areas and locations. The program itself was divided into specific modules and scheduled meetings amongst its participants.

In Korea, the mentoring program of 6 months is in place for new staff. For staff transferred from other organizations, it is a 3 month program. Mentors are selected within the division, and mentors support mentees in terms of adaptation in the organization. Similarly, Germany has a 6 month mentoring program for new case handlers.

In Taiwan, non-executive employees who join the agency are required to serve at the Service Centre. To facilitate their working, all new employees are required to complete the '*Training Program on the Service Centre*'. A new Internship Program for new employees has been recently started. Under this Internship Program, every newcomer is assigned a senior employee, who will work with the newcomer to facilitate their work at the Service Centre. The senior employee demonstrates the proper way to answer phone calls and respond to the persons visiting the centre.

5.5.2) *Refresher Courses*

24 agencies have refresher program³³. 5 agencies have various ongoing programs, but do not have a specific refresher program³⁴.

Australia provides the same using its online platform. In the United Kingdom, the trainings are usually made available based on a hierarchy of expertise. They are labelled as- *Overview, Deepening and Practitioner* level. The hierarchy of trainings for each work area is made available as part of their internal online system and can be accessed by employees

In case of El Salvador, while no specific refresher course is organised, experienced employees are required to attend advanced courses on competition and related matters, suitable for their career path. The courses aim to cover the latest developments and best practices about the topic, and the focus is on keeping the staff abreast with the latest developments.

Based on the responses, it was found that 17 agencies³⁵ use both internal and external resources for the organization of the refresher program, while 9 agencies³⁶ use only internal resources. In the case of Italy, the refresher courses are mainly conducted by outside experts, who are also responsible for the development of the material.

India is currently in the process of preparing a curriculum and program design for a refresher course for its officers.

The US FTC utilises the 'e-Train' platform, which is the online portal for training. It includes a database of thousands of books and courses. The platform can be accessed by the FTC staff on any computer at any time.

³³ Australia, Botswana, Columbia, Croatia, Estonia, EU, Finland, Germany, Hungary, Indonesia, Italy, Jamaica, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Sweden, Taiwan, Turkey, and USA,

³⁴ Brazil, El Salvador, India, South Africa, and United Kingdom

³⁵ Brazil, Caricom, Estonia, EU, Indonesia, Italy, Jamaica, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Taiwan and United Kingdom

³⁶ Australia, Botswana, Columbia, Finland, Germany, Hungary, Sweden, Turkey and USA

Key Practices 5: Induction and Refresher Programs

The responses show that induction and refresher courses have been implemented widely across agencies. These trainings either cover administrative requirements or cover various aspects of competition policy, law and enforcement.

The refresher programs provide a wider scope of learning, in keeping with the current work functions, areas of specialisation etc. An effective training programs takes into account the needs of an agency and tailor the content to meeting the same.

5.6) Other Popular Programs

The participating agencies highlighted a number of other specialised programs that have been incorporated in their training calendars, in response to specific requirements. These programs are discussed in detail below.

5.6.1) Writing and Drafting Skills

Several agencies offer specific training on writing and drafting skills. Development of this skill is either undertaken through the induction program or through specific training sessions.

In Italy, the induction material includes guidelines for drafting letters. In the Netherlands, a part of the induction training program is for employees who have recently completed university, and is devoted to development of writing and communication skills.

As part of regular training for the year 2016, DG Competition, EU offered 6 sessions on legal drafting. FTC also offers programs on the subject to its employees. This is also one of the courses provided as part of technical assistance to other agencies.

The United Kingdom launched a drafting skills program in 2015. This program has consistently received positive feedback from its participants. Over 300 staff has participated in the program so far. This program supports staff who draft documents, and those who review the drafting of others and is specifically focussed on the type of technical documents and reports that the agency produces. Evaluation of data for the program demonstrates that 91% of managers have seen an improvement in the effectiveness of drafting in their team(s).

In Estonia, training on drafting of contracts has been provided. In Hong Kong, practical exercises on drafting notices to produce documents is required to be completed after training.

For the year 2015, Poland focussed on building agency-customer relations (i.e. with parties) and created a training program towards that end. The training covered written correspondence as well as direct contacts with the parties. The training equipped the employees with practical tips on drafting correspondence and raised their awareness of customers' needs and reactions. The response noted that the training supports speedy implementation of good practices in the area.

5.6.2) *Leadership and Development Programs*

Leadership, team skills, and personal effectiveness trainings are being undertaken in various forms across most agencies that have responded.

Botswana has implemented a *Leadership Development Programme*, in order to enhance leadership, employee engagement and retain the best talent. As part of the program, an *Employee Engagement Improvement Plan* was implemented during the 2015-16 financial year. The objective was to help the employees to acquire the necessary management and leadership skills that will assist them to respond effectively to current and future challenges. The executive and middle management underwent one-on-one coaching and mentoring sessions which assisted in unlocking barriers, effective coordination, personal accountability and commitment to the values, goals and vision of the organisation.

United Kingdom focuses on leadership and management training, as well as the development of personal effectiveness and 'softer' skills for all staff. Training is sourced mainly through '*Civil Service Learning*' which provides a curriculum of generic, leadership and management training and other resources for all civil servants. The HR team also supports career development for their five core professions (Legal; Economics; Investigator; Delivery; and Remedies, Business and Financial Advice), and provides access to mentors and high potential development programs.

Indonesia uses private companies specialized in management, motivation, leadership and communication for such trainings.

South Africa provides such training to entry and middle management to build management capabilities. It addresses report writing skills, strategic management and leadership, supervision, negotiation skills and external focus, time management, presentation skills, research, analytical and investigation skills, performance management and career, counselling-type skills and labour relations.

Australia has a 'People and Capability Committee' which focuses on revising the agency's longer term strategic workforce plan and overseeing the development of organisational strategies in areas such as effective leadership, corporate governance processes and effective agency culture. They run an extensive program of learning and development, both formal and on the job. This includes discipline specific knowledge, such as the continuous learning and education program, and more general skills in leadership, personal and professional development, rotational programs etc.

(This space has been intentionally left blank)

5.6.3) Investigation & Forensic Skills

Training relating to investigation skills has also been identified by a number of agencies. In Korea, specific trainings cover topics on investigative techniques, electronic investigation, financial statement analysis etc.

Sweden has organised workshops on investigative tools and has recently organised 'Interrogator Training'. Similar trainings have also been undertaken by Germany and Norway.

In India, such training has been provided in collaboration with the European Union.

Agency Experience 5: Japan and Digital Evidence Gathering

Japan has introduced a course for its staff on digital evidence gathering. The training covers the usage of forensic software that are utilised in the investigation process including during on-site inspections.

The program is delivered by in-house experts with expertise in the use of electronic equipment and analysis of electromagnetic record by staff. A hands on approach is adopted for the delivery of the trainings.

The training has been found to be beneficial by the staff in the collection of digital evidence in enforcement cases of the agency.³⁷

5.6.4) Other Programs

– Off-site programs

As part of the 2nd Stage Questionnaire, specific agencies were asked to comment if they organised offsite programs and the reason for the same.

The Netherlands utilises offsite trainings to facilitate and encourage learning for participants, as an off-site event reduces distraction from day-to-day work requirements at the office premises.

Though in Hong Kong most programs are organised onsite, they conducted offsite training on dawn raids at the premises of another enforcement agency, which has facilities for conducting practical search warrant training activities. This training is set to be repeated in 2017. An offsite training program on enforcement processes and practices was also conducted prior to the commencement of agency's activities.

Agency Experience 6: India and Team Building Off-site Workshop

India initiated the organisation of team retreats in the year 2011 and they are organised annually. Two separate programs are undertaken, one targeted at the professional staff and the other towards the support staff.

The program is solely aimed at team building and to encourage communication across teams and functions.

The program is a 2 to-3 day event and is conducted over a weekend. It includes a session on management. Team building games are organised and a cultural night by the staff.

³⁷ Yuri Nagano, PaRR (2015, October 16) *Japanese enforcer increasingly relying on digital forensics, JFTC officials say*. Retrieved from [url](#)

In case of South Africa, offsite training is undertaken to ensure that participants remain in training without interruptions such as ad-hoc meetings, responding to emails and taking long lunch, or attending to office work. The offsite programs were on 'Abuse of Dominance' and 'Litigation Skills'.

Similar reasons for organising offsite trainings have also been given by Sweden. Off-site training is also organised in instances where training is conducted by experts from outside the agency.

In Norway, a project management course is partly organised offsite. The US FTC annually organises the FTC University, which is a training retreat for all new employees. Some Bureaus or Offices also hold internal off-site training for their supervisory or management teams.

Brazil, Columbia, Poland, United Kingdom opt for offsite programs only if it is a necessary requirement of the program design, or cannot be conducted at agency premises. For instance, in the United Kingdom, the Association of Project Manager Qualification (APMQ) training was a five day program that was organised for 16 members of staff and was delivered at the supplier's premises. The reason for organising off-site training on this occasion was because of the need for delegates to be away from the office in order to focus on the course content (as it was an intensive course) and also from a logistics perspective to accommodate the participants in a dedicated room within the CMA's premises. In Poland, the agency organises off-site trainings when equipment which is not available at the premises is required.

Amongst the agencies that do not have any off-site training, the Latvian authority has pointed the reason as prohibition on public authorities from organising such trainings due to high costs associated with them. The agency in Taiwan has also cited budget constraints as a reason for not organising off-site training.

– Public Service Training Institutions

In United Kingdom, the agency staff has access to the Civil Service Learning (CSL), which provides online learning and development for all civil servants. The curriculum covers the core skills that civil servants need to provide public services. Similarly, staff in Australia has access to the resources of the Australia Public Service Commission.

Staff in Colombia receive training from different government organizations, such as the National Learning Service or other technical entities that might share knowledge on specific areas of interest. In Singapore, officers participate in the '*Governance and Leadership Programme*' and the '*Economics for Policy Analysts Programme*' which are conducted by the Civil Service College.

In Germany, case handlers and staff participate in training organized by the Federal Academy of Public Administration, which is the central advanced training institution for the federal administration.

(This space has been intentionally left blank)

Case Study 2: Australia

Professional skill training, including learning and development (L&D) is the responsibility of the People and Culture Branch at the Australian Competition and Consumer Commission (ACCC). Currently this responsibility lies with two persons within this branch.

Separately, each division at the ACCC has also designated administrative personnel responsible for co-ordinating L&D activities. The divisional L&D staff is responsible for administering divisional L&D budgets. Within the ACCC, 40% of the L&D budget is centrally administered, while the remaining 60% is administered by the divisions to address specific needs relating to technical skills. Earlier the budget allocation vested 60% centrally; this was changed to allow the divisions to widen the scope of divisional needs being addressed.

The program for L&D includes both formal and on-the-job training. This includes discipline specific knowledge e.g., continuous learning and education programs for legal professionals, and more general skills in leadership, personal and professional development, rotational programs etc. Specific assistance is also provided to support higher learning by staff.

The training needs are identified as part of the annual individual performance appraisal. The staff discusses their needs, agreed tasks and behaviour with the supervisor, and a consensus is reached as to the direction for the year. A review is undertaken after 6 months, to track the development needs.

The identified needs are thereafter consolidated and taken into account for planning programs for the coming year, both at a divisional level as well as the central level.

The ACCC has recently undertaken a knowledge management program as part of its business risk management initiative. The purpose of the program is to ensure that institutional memory and knowledge is maintained. Programs have been initiated for sharing of knowledge such as community practices around important identified areas. The business units then share their knowledge and issues in such identified areas. Other areas include, documentation of processes, record management, etc.

E-learning

The induction and refresher courses are provided online, using e-learning modules. The use of e-learning systems has become more prevalent since 2012. The e-learning programs are primarily aimed at communicating basic areas of knowledge to the participants. Most modules contain short quizzes for re-emphasising the learning.

The responsibility for development of modules lies with the division, and it is on their initiative that new modules are prepared, reviewed and incorporated. The key role played by the division is reflective of the fact that they are best suited to gauge training and knowledge requirements.

New employees receive an e-mail shortly after joining, which provides a link to the relevant e-learning module. To complement the e-learning modules, more in-depth programs with face-to-face teaching are organised.

A software program has been procured and is utilised for providing the e-learning. In addition, a software which converts presentations into simple e-learning products are also used. The development of most of the modules is undertaken primarily in-house. The e-learning module is currently administered by two persons, including an IT person with skills in graphic designing.

The adoption of e-learning modules by the employees has been smooth, and the problems faced were mostly technical and IT related.

Mentoring Program

The re-introduction of a mentoring scheme is currently under review. Earlier, 32 mentor-mentee pairs were identified. To join the program, employees were required to complete an application form, and they were matched with a mentor across locations and technical areas.

Workshops were organised on the following areas:

Career

Leadership & Management (strategic thinking workshop)

Communication with employees and reflections on the program.

The program review illustrated a very favourable response.

Mental health and overcoming bias

The agency has, on its own initiative, introduced trainings for mental health awareness which are conducted with all divisions. The sessions are designed to increase awareness about mental health illnesses in general, and anxiety and depression specifically- the two most prevalent forms of mental health issues in the work place.

Apart from this, training for overcoming bias is also provided as part of the work place diversity policy. The same focuses on identifying and overcoming unconscious bias. These trainings are part of the agency-wide strategy to harness the diversity of experience, backgrounds and perspectives of both men and women, and bring this to the decision-making process.

These initiatives are supported by other departmental measures such as flexible and reduced hours, healthy life style related expense etc.

(This space has been intentionally left blank)

6) Program Design and Effectiveness

The designing of training and the measurement of their effectiveness are crucial to the provision of relevant, timely and useful training and capacity building programs. This section will discuss the method that are being adopted by the participating agencies on the subject.

The responses provided by the competition agencies indicate that agencies prefer to employ a variety of methods to impart training to their staff. These include a combination of theoretical as well as practical methods/ tools and can be in the form of lectures, case studies based on concrete examples, problem solving, simulation interviews, peer-to-peer discussions, role plays, etc. The responses reveal that most agencies use a combination of at least two of the above mentioned methods.

Competition agencies in countries such as Australia, Japan, Kenya, Malaysia, the Netherlands, Norway, Poland, South Africa and USA, employ all forms of training methods. In a majority of cases, agencies use more than one method of training. In only a very few jurisdictions, the agencies use a single method for training its staff. For example, Croatia uses only case studies to train its staff while Indonesia conducts role plays for its staff as a method to provide training. Bulgaria has stated that the choice of its training method depends on the nature of the topic.

6.1.1) Methods utilized

– Lectures

The responses provided by the competition agencies have revealed that lectures are the most prevalent method of training. The study shows that 30 out of 36 responding agencies use lectures as a training method.³⁸ The popularity of this method could be attributed to the ease with which it can be implemented. In this method, information and knowledge can be shared with a large group of people in a time efficient and cost effective manner.

This method is widely used irrespective of the size and age of the agency. For instance, lectures are used to train staff in mature and larger agencies like Australia, EU, Germany, Japan, United Kingdom and the USA but also in newer and smaller agencies such as CARICOM, Hong Kong, Kenya, Malaysia, and the Netherlands, etc.

– Case studies

The 'case study' method is another popular method of training that is employed by the agencies. This method provides descriptive situations which stimulate trainees to make decisions. As a training tool,

³⁸ Australia, Botswana, Brazil, CARICOM, Columbia, El Salvador, Estonia, European Union (DG COMP), Finland, Germany, Hong Kong, Hungary, India, Indonesia, Italy, Japan, Kenya, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Trinidad & Tobago, Turkey, United Kingdom, and USA

the case study method can be used to develop decision-making skills, enhance team spirit, improve communication and interpersonal skills and strengthen the analytical skills of trainees.³⁹

Similar to the 'lectures' method, the responses have revealed that 30 out of 36 responding agencies use case studies as a training method.⁴⁰ Further, almost all agencies that use lectures to train their staff also use case studies as a training method.

– Simulation exercises and Role plays

Simulation is a technique for practice and learning by creating scenarios that allow trainees to undergo realistic experiences. The advantage of training by simulation is that the agencies' staff can be better prepared to deal with a real-life situation after having experienced the same during a training session.

The responses reveal that 20 out of 36 agencies, i.e. a little over half the agencies, have some form of simulation exercise as a method of training its staff.⁴¹ There is no specific trend that can be discerned as to which types of agencies in terms of age and strength employ simulation exercises as a training method. A number of mature agencies such as those in Australia, United Kingdom and the USA use simulation training methods, as do newer jurisdictions such as Hong Kong, Malaysia and Trinidad & Tobago.

Role plays provide an excellent platform for the agencies to help their staff experience a different perspective. They create situations where the participants are placed in unfamiliar situations which help them understand a case from another view point. Role playing exercises could include activities on negotiations, witness interviews, cross-examination, etc. The responses have revealed that 16 agencies out of 36 have role plays as a training method.⁴²

– Peer to peer discussions

The peer-to-peer discussions involve people with similar professional background and experiences to interact with one another and exchange ideas, know-how, feedback, etc. These can be used to supplement traditional methods of learning by allowing the agencies' staff to discuss current, real-life challenges, reflect on specific cases, and exchange feedback with others in similar situations.

The peer-to-peer training approach has been adopted and used extensively by a large number of agencies. The responses have revealed that out of the 36 responding agencies, 22 agencies have employed this method for training.⁴³

³⁹ Dr. Kirti Shivakumar, "The Case Study Method in Training and Management Education", November 2012

⁴⁰ Australia, Botswana, Brazil, CARICOM, Croatia, El Salvador, Estonia, EU, Finland, Germany, Hong Kong, India, Indonesia, Italy, Jamaica, Japan, Kenya, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Trinidad & Tobago, Turkey, United Kingdom and USA

⁴¹ Australia, Botswana, Brazil, CARICOM, El Salvador, Finland, Hong Kong, Indonesia, Jamaica, Japan, Kenya, Latvia, Malaysia, the Netherlands, Norway, Poland, South Africa, Trinidad & Tobago, United Kingdom and USA

⁴² Australia, CARICOM, Estonia, European Union (DG Comp), Hungary, Indonesia, Jamaica, Japan, Kenya, Malaysia, the Netherlands, Norway, Poland, South Africa, United Kingdom, and USA

⁴³ Australia, Botswana, CARICOM, Columbia, El Salvador, Estonia, Finland, Germany, Hong Kong, India, Indonesia, Italy, Japan, Kenya, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Taiwan and USA

In the United Kingdom, the Know-How Team runs knowledge sharing sessions, which focuses on lessons learned from cases and projects. Usually, at least one talk is scheduled every two weeks, and often more frequently.

In South Africa, informal sessions between staff members (***Kom Praat Saam***) are organised at the request of the employees. These sessions are organised for discussing any specific topic or for providing feedback. Usually, at least 2 sessions are organised in a month on Tuesdays.

In India, peer-to-peer sessions are organised for discussing specific topics on competition law or economics. These sessions are usually organised monthly, or once every two months.

In Japan, brown bag lunches are used for discussing recent market developments or recent issues regarding competition policies.

Key Practices 6: Variety of programs, and use of unstructured sessions

Effective training programs use a variety of communication and format vehicles; structured and unstructured, lecture and role playing, etc. Utilisation of such different structures ensures that agency needs are more closely met. Further, a variety of formats address different needs of the employees. Further, a variety of formats can also be utilised to reinforce key messages.

The response shows that most agencies, irrespective of age and size utilise unstructured sessions. Such internal discussions centred on recent international developments, publications, and case studies provide a low cost means of building familiarity with international literature and trends, while simultaneously supporting transfer of knowledge amongst employees. These sessions should be specifically earmarked in the calendar to ensure regularity and participation.

6.2) Domestic Resources Used

The responses show that in-house resources form the bedrock of training and capacity building activities being undertaken by the agencies. The induction and refresher programs are usually designed and delivered in-house with limited participation by external organisations or individuals.

When external resources are used, the responses indicate that they are usually academic institutions or other government agencies. Discussed below in detail is their nature of involvement.

6.2.1) Academic institutions

25 agencies are collaborating with specialized educational institutions wherein experts/ academicians from such jurisdictions deliver lectures and conduct workshops.⁴⁴

⁴⁴ Australia, Brazil, Cyprus, Croatia, Estonia, Finland, El Salvador, Hungary, Hong Kong, Indonesia, Italy, Japan, Kenya, Korea, Malaysia, the Netherlands,, South Africa, Singapore, Sweden, Taiwan Trinidad & Tobago, Turkey, U.K and India

Estonia has entered into a memorandum of understanding (MoU) with Tallinn University of Technology and Tartu University for utilising the professional training that are offered by the said universities. The Netherlands has entered into an agreement with Nyenrode Business School.

India has entered into MoUs with National Law University, Orissa, the Institute of Company Secretaries and the Institute of Cost Accountants of India. The aim is to organise mutually beneficial workshops, seminars, conferences etc.

Norway has entered into an agreement with the Bergen Centre for Competition Law and Economics with the aim to foster research and related training. Towards this end, the agency provides funding. The Chief Economist's staff cooperates with the University of Bergen on a practical course in research related to competition economics. The agency also organises an annual conference on competition law.

Several academic institutions are utilised by the Columbian agency for providing training to its staff.⁴⁵ The agency also draws upon the experience of several private sector institutions.

Poland has concluded an agreement with the Centre for Antitrust and Regulatory Studies. In November and December 2015, the Centre organised workshops for judges and agency staff on the application of competition law. Similar events were also scheduled in 2016.

These collaborations can be seen to serve a dual purpose, the first being the development of staff capacity, and the second being the development of expertise and resources outside the agency.

6.2.2) Government Agencies

The responses to the question relating to MoUs that have been entered into by the agencies indicate that most agencies have entered into agreements with other governmental departments and sectoral regulators.

In the United Kingdom, the agency has MoUs with the economic sector regulators who share concurrent powers with it to enforce competition law in the United Kingdom. These MoUs include provisions for sharing of information, know-how, sharing experience, secondment of staff and mutual support. Where appropriate, officials from the sectoral regulators are also invited to Competition and Markets Authority (CMA) Academy/Know-how talks. CMA Learning is currently in the early planning stages of a reciprocal agreement to share learning and training resources with the sectoral regulators and other central government departments.

Poland has entered into cooperation agreements with the National Audit Office, the Polish Financial Supervision Authority, the National Security Agency and the General Prosecution of the Republic of Poland.

EL Salvador has entered into 17 such agreements with governmental departments and sectoral regulators. Australia has also similarly entered into such agreements. Malaysia has entered into an

⁴⁵ National University of Columbia, Javeriana University, Externado University, Los Andes University, Rosario University, and Unipanamericana University

agreement with its Central Bank. Turkey has entered into 3 such agreements with other national regulators.

Separately, several agencies also utilise the training provided by the public sector or governmental authorities for the provision of training to its staff.⁴⁶

Staff in Columbia has received training from the Colombian Institute of Technical Standards and the Office of the Ombudsman, amongst others.

Case Study 3: United Kingdom

CMA Learning is the department responsible for training and capacity building within the organisations. Professional skills training is generally delivered by CMA staff, taking advantage of the in-house expertise. External providers and academics are utilised on a need basis.

CMA Academy (sub-division of CMA Learning) is responsible for the development and delivery of core and specialist professional training across all work areas in the agency. In 2015, the CMA Academy worked with subject matter leads across the agency to refresh its entire curriculum. Training is available to staff at all levels. The CMA Academy Curriculum provides a suite of learning resources at three levels of expertise: **Overview, Deepening and Practitioner.**

All new starters to the organisation are invited to attend the learning offered at the ‘Overview’ level. The training material is primarily developed and delivered in-house. Staff seeking to learn more about an area of the organisation or to broaden their understanding of a particular Tool, are able to attend more detailed learning available under the ‘Deepening’ level. Specialists within their field, are encouraged to explore the ‘Practitioner’ level training. Each course in Overview curriculum is delivered once per quarter; other training may only be provided once or twice each year.

The Overview material is reviewed at least annually. Topics covered under Overview include - an introduction to the Civil Service and the role of the CMA, working for the CMA, how Corporate Service functions work, and an overview of the three-month CMA induction (including mandatory activities, local induction, and wider Academy new starter curriculum).

The CMA Academy has facilitated distinguished speakers from a number of foreign agencies through Distinguished Speaker sessions. The CMA Know-How team runs frequent knowledge sharing sessions focusing on lessons learned from cases and projects. The Know-How program provides for at least one talk every two weeks.

Follow-up support is most commonly handled through:

- regular discussions between staff and their managers on learning and development
- the use of informal channels such as team meetings and knowledge sharing fora to further foster continuing professional development and intellectual curiosity
- other development schemes such as mentoring or cross-government support networks.

Feedback is collected after the training to understand whether the training achieved its objectives; whether they would recommend the training to their colleagues and whether the content was pitched at the right level. A generic evaluation questionnaire is sent out to all attendees of training and the feedback is discussed with the trainers at a **wash-up session** so that

⁴⁶ Australia, Germany, United Kingdom, Singapore, and Poland,

any feedback can be addressed in future sessions. A more in-depth evaluation is undertaken for some programs.

Developing In-house trainers

To identify in-house trainers, persons are designated as ‘Champions’ or as ‘Subject Matter Leads’ at the divisional level. These persons have the responsibility for conducting trains in additions to their divisional responsibilities. The amount of time to be spent on training by the persons is arrived on discussion with the supervisor/ reporting officer.

The identified persons are then provided training and resources to be able to effectively function as a trainer. Trainings relate to topics such as- Training Design, Presentation Design, and Presenter Training etc.

In addition a detailed document titled ‘**Training Design-Step by Step Guide**’ has been developed in-house for use by trainers. The guide maps the process of training delivery and provides structures and templates for each stage. The guide details various aspect of training delivery such as identification of information types, identification of learning objective, organisation of content etc. For each stage it identifies the document templates that are useful.

The guide also provides links to a variety of templates for aide memoire, case study handout, course brief, referral guide etc.

A suite of materials has been developed in order to support staff to develop and deliver training. The reason for the same being:

To provide templates for staff to develop training content which would both standardise the look, feel and structure of training

Reduce the amount of effort required by staff involved in training development

Widen the group of facilitators. There are trainer notes available for each and the same is made available to new facilitators. This has led to an increase in the number of facilitators.

An intranet page with guidance on developing training content is available to staff across the agency.

Training outside the Agency

The staff also has access to Civil Service Learning (CSL) programs. CSL is the learning provider for all for all civil servants in United Kingdom. The curriculum covers the core skills that civil servants need. The programs from CSL, utilised by CMA range from leadership and management, to personal effectiveness and soft skills etc.

Certain specified professional streams are identified as cross-government professions under CSL e.g. project delivery, economists, lawyers etc., and those professions foster communities of practice which offer additional support to staff for instance through mentoring across the profession or additional technical training specific to that profession. Each profession has learning opportunities, standards, and competencies to help with career development. For example, the governments Legal Department provides a program of training available to all government lawyers on cross-cutting legal issues including judicial review, legislative drafting and information law.

The agency funds staff to attend open external training courses where there is no internal or CSL equivalent. The agency supports a small number of staff to complete further education such as diplomas and MScs where these support the individual’s professional development needs and will also be of benefit to the agency. Individual applicants decide which type of course they wish to complete. However, long term full-time courses are only considered in exceptional circumstances. Distance learning has historically been the most popular means of undertaking long term study.

The CMA offers access to an external mentoring program across a network of United Kingdom regulators (including e.g. Ofgem, ORR, Ofwat, the Electoral Commission). The staff is matched across organisations, giving staff the opportunity to work with a mentor or mentee from another organisation. The agency also facilitates mentoring within the organisation.

Going Forward

The agency intends to increase the resources available online to staff for accessing training through e-learning modules. They have recently developed an animated film on the subject of Criminal Disclosure and two 'talking head' videos providing thoughts on Litigation and Competition Enforcement.

6.3) *Sponsoring of employees*

One of the methods being utilised by the competition authorities for building the staff capacity is through sponsorship. Of the 36 surveyed jurisdictions, it was found that 22 jurisdictions provided sponsorships to their staff for pursuing courses.⁴⁷ Trinidad & Tobago are currently considering the sponsorship method.

Amongst these 22 jurisdictions, 14 jurisdictions sponsored either correspondence/ online or part-time programs for its staff. 10 jurisdictions sponsored full-time courses,⁴⁸ and of these Indonesia, Korea, and Turkey offered only full-time programs. 4 jurisdictions sponsored all types of programs be they correspondence/ online, part-time or full time.⁴⁹

CARICOM stated that most staff members enrol in self-funded post graduate distance learning courses in competition law and policy. Columbia has an employee fund, which is occasionally used by employees to obtain loans to further their education.

Key Practices 7: Utilization of External Resources

Agencies may consider wider use of external programs, to support and supplement existing internal programs. Some areas that can be considered are:

- *Usage of programs offered by academic institutions opportunities*
- *Training and capacity building provided by other governmental entities*
- *Opportunities with international counterparts or international organizations, such as joint training or experience sharing*

Budget permitting, utilising correspondence, online or part-time programs as part of training and capacity building programs allows for a more in-depth approach to the subject. Further, participating employees can be used as trainers on completion of their programs. Such programs can also be included as part of the retention strategy of the organisation.

⁴⁷ Australia, Botswana, Brazil, CARICOM, European Union, Finland, Hong Kong, Hungary, India, Indonesia, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Singapore, South Africa, Turkey, United Kingdom and USA

⁴⁸ Indonesia, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Singapore, Turkey, and USA

⁴⁹ Kenya, Latvia, Japan, and Singapore.

6.4) *Measuring effectiveness*

Measurement of effectiveness is crucial for gauging audience involvement and for seeking reactions of the participants. The responses received can be used to identify areas of improvement, and for providing feedback to the trainers.

In this regard, the questionnaire specifically sought whether feedback is taken from participants. In response to this question, 33 authorities⁵⁰ replied that they collected feedback from participants after each training in order to determine the training's effectiveness. Two authorities⁵¹ indicated that they do not collect such feedback.

Of the authorities collecting feedback, 18 collected such feedback anonymously⁵² and 13 did not⁵³.

Further information was sought as to the metrics against which participant's training effectiveness is measured. The metrics identified were:

- i. Do the participants use any of the ideas or techniques they learned or were exposed to?
- ii. Are they more open to innovation in their work than before?
- iii. Does training improve their confidence or their feeling of competency?
- iv. Would they consider the time spent on it as valuable part of their jobs?
- v. What would they like to see added or removed in the future training?

28 authorities utilised at least some of these aspects, and 7 of them took into account all of them.⁵⁴ On the issue of staff response to trainings,

Agency Experience 7: Poland and Measurement of Effectiveness

In Poland, training effectiveness is measured by means of surveys circulated among participants. In cases of major training projects, in addition to surveys, the agency tracks the implementation of the training goals.

The agency took part in a project launched by the Chancellery of the Prime Minister on – 'Processes, Goals, and Competences – integrated management of a Public Authority'. Under the project the agency's management programs were reviewed by a project-team comprising of high-level officials, and areas needing improvement were identified. An important aspect of the project was the introduction of a quarterly 'Performance Review' for employees.

As an outcome of the review, the work of each staff member is discussed with the employee and a detailed plan of individual development is created.

⁵⁰ Australia, Brazil, Bulgaria, Botswana, Columbia, Czech Republic, El Salvador, Estonia, the European Union, Finland, Germany, Hungary, Hong-Kong, India, Indonesia, Italy, Jamaica, Japan, Kenya, Republic of Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Trinidad & Tobago, Turkey, the United Kingdom, the United States of America.

⁵¹ Cyprus and Croatia. Croatia previously collected such feedback but has stopped doing so.

⁵² Australia, Brazil, Estonia, the EU, Hungary, India, Indonesia, Jamaica, Hong-Kong, Republic of Korea, Latvia, the Netherlands, Poland, South Africa, Sweden, Taiwan, Turkey, the USA.

⁵³ Bulgaria, Botswana, Columbia, Cyprus, El Salvador, Finland, Italy, Japan, Kenya, Malaysia, Norway, Singapore, the United Kingdom.

⁵⁴ Columbia, Estonia, Germany, Japan, the Netherlands, Taiwan, the USA.

and the utilization of techniques learnt in day to day work, the agencies state that they were satisfied with the staff reception of the learnings.

In response to the question whether staff members engage in discussions relating to training issues, whether with their superiors or one another, 30 responded positively. Of those 30 responses, 20 agencies stated that such discussions were both of an informal and a formal nature⁵⁵, 9 responses stated that only informal discussions occurred,⁵⁶ and Kenya indicated that only formal discussions took place.

6.4.1) Feedback and Follow up support

Most agencies utilise both formal and informal methods for seeking feedback. The responses also indicate that the participants have been uniformly found to be receptive of techniques and methodologies used for training and capacity building.

In Columbia, the determination of the success of the training program is based on the application of the knowledge acquired in the daily work of the participants. The agency has developed a detailed document on training proceedings (*Procedimiento Capacitación GT02-P06*), which is utilised by the human resources department to undertake satisfaction evaluations of the staff regarding the content of the courses, their expectations and speakers' quality.

In South Africa, there exists a performance management review process where employee and manager discuss training needs to address performance gaps and future needs. This information is recorded on the employee's personal development plan that is signed by the employee and manager. As regards specific trainings, feedback is sought from the facilitator, participants and participant's managers.

The US FTC mainly utilises Level 1 and Level 2 evaluations based on the 'Kirkpatrick Model' for evaluation of trainings and is working to implement some Level 3 evaluations. Under this model, four levels are designed as a sequence of ways to evaluate training programs, which are **Reaction** –what participants thought and felt about the training, **Learning** – the resulting increase in knowledge and/or skills, and change in attitudes, **Behavior** –transfer of knowledge, skills, and/or attitudes from classroom to the job, and **Results** – the final results that occurred because of attendance and participation in a training program.

In the United Kingdom, the feedback questionnaire seeks information on whether the training achieved its objectives, whether the content was pitched at the right level, and whether the participant would recommend the training to a colleague. Additionally, on the conclusion of a training, the feedback received is discussed with the trainers at a wash-up session, so that any shortcomings can be addressed in future session.

⁵⁵ Australia, Cyprus, Czech Republic, El Salvador, Estonia, the EU, Germany, Jamaica, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Taiwan, Trinidad & Tobago, Turkey, the United Kingdom, the USA.

⁵⁶ Brazil, Bulgaria, Columbia, Croatia, Finland, Hong-Kong, Italy, Japan, Republic of Korea.

In Brazil, the effectiveness of trainings is measured through questionnaires and assessment surveys on the trainee's perceptions about the training, the instructors' ability, the quality and accuracy of the content, the appropriateness of the objectives and the structure of the program.

Germany, Korea and Taiwan monitor success of programs through participant surveys. Kenya uses informal evaluation of performance before and after training program, to ascertain the level of success that such training programs bring in developing the skills of the agency staff.

In Latvia, informal feedback is sought from the employee, employee's mentor and reporting senior to measure effectiveness.

Japan conducts 'proficiency' examinations in relation to some trainings. It also conducts examinations in legal and economics training, which is held at the end of the staff training program. The Personnel Division notifies the results of the examination not only to the staff taking examination but also to their manager.

In Jamaica, staff is required to submit a report that summarizes the key learnings as well as make presentations to other members of the agency. Managers use standardized benchmarks to assess the presentation.

– *Follow-up to training*

In response to the question whether they provide follow-up support to improve staff efficiency, 25 agencies replied that they did.⁵⁷

For Germany, Korea, Taiwan and the United Kingdom, this primarily took the form of a mentoring scheme, whereby staff members were assigned a more senior member of staff to provide them with guidance.

Jamaica said that it held monthly internal training meetings where past training outcomes could be discussed and future training planned. Japan replied that it organised examinations to test participants on their economics and legal training, the results of which are used in personnel evaluations.

In South Africa, face-to-face group feedback sessions were organised post-training to discuss the training session. In the USA, participants in training sessions were encouraged to also take advantage of follow-up training which is made available online. They are also provided with a list of reading materials.

The Norwegian authority explained that they did not provide follow-up specific to training sessions, but that staff efficiency was constantly assessed.

⁵⁷ Australia, Botswana, Brazil, Bulgaria, Columbia, Croatia, Estonia, the EU, Finland, Germany, Hong-Kong, Jamaica, Japan, Kenya, Latvia, Malaysia, the Netherlands, Poland, Singapore, South Africa, Taiwan, Trinidad, Turkey, the United Kingdom, the USA.

Key Practices 8: Training Effectiveness

On conclusion of a training or capacity building program, collecting participant response and suggestions for the program help in continuously and regularly improving programs. The response from the participants can be collected either through a questionnaire or through informal group discussion.

The feedback collected should be taken into account while designing future programs. In addition, the feedback received should be discussed with the training provider.

6.5) Problems Faced

A specific question was asked regarding the problems that may be faced by agencies with respect to training and capacity building. By far the most prevalent problem that has been identified is cost. 25 agencies stated that cost was one of the main issues hindering capacity building and training⁵⁸. Of the 25 agencies, 5 agencies⁵⁹ consider cost as the *only* factor causing impediment to achieving such programs, while the remaining 20 regard a multitude of factors for the same, with cost being one of the many factors. It should be noted that 11 agencies⁶⁰ *did not* identify cost as a factor.

Scarcity of time is the second major reason for constraining capacity building practices. Out of 34 agencies, 20 competition agencies asserted that this was also one of the factors hampering training and capacity building by the competition agencies.

Other factors which may be read into, together, are shortage of staff (11 out of 34 agencies) capacity of workforce (7 out of 34 agencies). 9 agencies responded that learning by doing is more efficient than the organization of trainings.

United Kingdom response states that its model for training is largely based on the use of internal staff for both the development and delivery of training and that one particular challenge has been staff capacity to contribute to training alongside their busy frontline jobs. To overcome this challenge, it is developing a suite of trainer support materials so that training could be delivered by a wider group of staff. The CMA has also begun to explore the use of digital learning in order to extend reach and provide learning outside the face-to-face schedule.

The competition agencies of Indonesia, Kenya and Latvia have marked lack of in-house or external experts in the field as a factor which affect capacity building.

Hong Kong has highlighted the problem that was faced by it at the time of commencement of operation. At the time of commencement, only a few of its staff members had a background in competition law. In particular the junior staff who are the front line in handling complaints and

⁵⁸ Australia, Botswana, Brazil, Bulgaria, CARICOM, Columbia, Croatia, Cyprus, Czech Republic, El Salvador, Estonia, Hungary, Indonesia, India, Italy, Jamaica, Kenya, Latvia, Malaysia, Norway, Poland, Singapore, Taiwan, Turkey, United States of America.

⁵⁹ Botswana, Bulgaria, CARICOM, Croatia, Italy.

⁶⁰ Namely Finland, Germany, Hong Kong, Japan, Korea, the Netherlands, Sweden, Trinidad & Tobago, United Kingdom, South Africa, European Union.

inquiries had little knowledge of competition matters. This limited their ability to give an immediate response without first discussing the issue with more experienced staff. To overcome this problem, the agency has encouraged staff participation in international events.

They have also found on the job training to be useful for the junior staff. Over the past year having dealt with more than 1800 inquiries and complaints, the improvement in the functioning of the junior staff is apparent. The staff has been found to be more confident and competent in undertaking a preliminary analysis of the issues raised in calls and emails. The nature of questions asked also reflects the higher level of understanding gained over the year.

6.5.1) Sources of agency funding

A separate section of the 1st Stage Questionnaire sought information regarding source of income and the spending on training and capacity building. The responses indicate that government grants form the main source of funds for a majority of the agencies. 29 out of 36 agencies receive most of the budgeted amount in the form of grants.⁶¹ Of the 29 agencies, 20 rely solely on such grants for their funding.⁶²

2 jurisdictions namely Italy and Turkey do not depend on government grants. Under article 39(c) of the Turkish Competition Act, the authority receives 0.04 % (four per ten thousand) of the capital of all newly established partnerships, incorporated and limited companies. The amount payable increases commensurately in case of increase in capital.

6.5.2) Expenditure on training

On the question of percentage of expenditure on training out of total expenditure in the last financial year, responses were received from 26 out of 36 agencies.

This information highlights that 11 agencies spend a very small amount of 0 to 1% of their total expenditure on training. Most agencies expend less than 5% of their total expenditure on training and capacity building. No significant trend can be discerned with respect to such spending.

Italy has introduced a new form of funding replacing all earlier sources of funding in the year 2013. Towards this, Law Decree n. 1/2012 was brought into effect. The new system is based on a mandatory contribution of 0.06 per thousand, by companies incorporated in Italy whose turnover exceeds a threshold of EUR 50 million. The revenues from this contribution replace all previous forms of funding (merger fees and public budget). At the time of its introduction mandatory contribution was 0.08 per thousand. In the 2014, the agency reduced the contribution levy to its current level of 0.06 per thousand, following a strict spending review process. The obligation covers both public and

⁶¹ Australia, Botswana, Brazil Columbia, CARICOM, Croatia, Cyprus, Czech Republic, El Salvador, Estonia, Finland, Germany, Hong Kong, Hungary, India, Japan, Kenya, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Trinidad & Tobago, United Kingdom, and USA

⁶² Australia, Brazil, Columbia, Croatia, Cyprus, Czech Republic, El Salvador, Estonia, Germany, Japan, Latvia, the Netherlands, Norway, Poland, Singapore, Sweden, Taiwan, Trinidad & Tobago, United Kingdom, and USA

private limited companies, and social-cooperatives are required to pay the contribution. In the case of consortia or joint venture companies, the contribution is to be paid only by the consortia. Foreign companies are required to pay the contribution only if they have offices in Italy with permanent and mandatory registration with the Register of Companies.⁶³

6.6) *Role of International co-operation*

The trend of increasing international co-operation resonates in the findings of this study. Responses demonstrate that competition regulators engage in varying forms of international co-operation including through bilateral/multilateral agreements with foreign competition agencies, international organisations, and foreign universities. In fact, all 36 competition agencies participating in this study have indicated that they engage in some degree of international co-operation. The responses identified certain important means of international co-operation i.e. engagement with International Competition Network, Organization of Economic Co-operation and Development, collaboration with 'other' institutions, including administrative agencies, foreign competition agencies, and non-binding memorandum of understanding (MoU) with partner agencies.

The results indicate that there is a consistent effort by the agencies to engage with specialized international bodies through bilateral agreements and MoUs for developing joint training / capacity building programs and skill development programs.

Additionally, 29 agencies⁶⁴, confirmed their participation in training courses provided by officers of foreign agencies. The study also indicates that 28 agencies have sent their officers for imparting training abroad in the last two financial years⁶⁵.

6.6.1) *Bilateral arrangements*

A number of competition agencies implement co-operation arrangements by executing an MoU. These MoUs are mostly bilateral, and are concluded at the initiative of the respective competition authorities. The terms and scope of these MoUs reflect their specific co-operation needs, which are driven by the experience of the agency and the complexity of cases being handled by them.

⁶³ PWC, New mechanisms for financing the Italian Competition Authority: the annual contribution on capital companies (2012) accessed on 27 February 2017. Also see Agency FAQ, accessed on 27 February 2017 available at http://www.agcm.it/en/contribution_cat/133-faq/2241-faq-%E2%80%93-answers-to-the-frequently-asked-questions.html

⁶⁴ South Africa, Australia, Botswana, Brazil, Bulgaria, CARICOM, Columbia, Croatia, Cyprus, Czech Republic, El Salvador, Estonia, Finland, Hong Kong, Hungary, India, Indonesia, Italy, Jamaica, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, Taiwan, and Turkey.

⁶⁵ Australia, Botswana, Brazil, CARICOM, Columbia, Croatia, DG Comp, El Salvador, Estonia, Germany, Indonesia, Italy, Jamaica, Japan, Kenya, Korea, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, Turkey and United Kingdom, USA.

The responses show that 26 agencies have entered into MoUs,⁶⁶ with partner agencies, foreign educational institutions and other administrative bodies. Most agency-to-agency MoUs establish a basic framework of continuous dialogue between the two competition authorities and typically include provisions for procedural transparency, effective inter-agency communication, technical co-operation, including organising or participating in conferences, seminars, workshops or training courses, exchange of personnel or study trips, and providing assistance in advocacy activities. The framework provided by bilateral MoUs among competition regulators encourages technical co-operation in the nature of workshops, conferences etc. as can be seen from the responses of 13 countries.⁶⁷

6.6.2) Multilateral Agreements & organisations

Apart from bilateral MoUs, the responses also show that the agencies have entered into multilateral MoUs. Some important examples are the MoUs entered into between the BRICS competition authorities, the European Competition Network (ECN), the Nordic Alliance, Central European Competition Initiative (CECI), Andean Community, Association of Southeast Asian Nations (ASEAN), Asia-Pacific Economic Cooperation (APEC), and Common Market for Eastern and Southern Africa (COMESA).

Apart from the above-stated multilateral arrangements, 12 agencies have stated that they are a part of multilateral arrangements.

Competition agencies also rely on multilateral organisations such as the ICN and OECD to enhance their training and capacity building programs. All agencies are members of at least one multilateral organisation.

Agency Experience 8: Columbia and International Cooperation

COMPAL is a program that provides technical assistance in competition and consumer protection for Latin-American countries, including Columbia. It has the support of the State Secretariat for Economic Affairs Switzerland and UNCTAD. The program seeks to strengthen every country's capacities, institutions and policies in these fields. In 2009, Columbia joined this program in its second phase, as a mechanism to strengthen its agency's technical skills.

In 2015, COMPAL III was launched in Lima, Peru. This version of the program focuses on: (i) the reinforcement of acquired skills and strengthening of regional cooperation; and (ii) the promotion of compliance of the competition and consumer protection laws in the private sectors.

Columbia has been contributing to the design of activities, and has participated in internships funded by the program. For instance, in November 2015, three officers participated in the 'First Training Program on Competition Defence regarding Leniency Programs'. This training program was held in Lima, Peru, and was hosted by UNCTAD and the Peruvian competition agency (INDECOPI).

⁶⁶ Australia, Botswana, Brazil, Bulgaria, Columbia, Croatia, Cyprus, El Salvador, Estonia, Germany, European Union, , India, Indonesia, Italy, Japan, Kenya, Malaysia, the Netherlands, Norway, Republic of Korea, Poland, South Africa, Taiwan, Turkey, United Kingdom, and the United States of America.

⁶⁷ Australia, Bulgaria, Columbia, Croatia, European Union, Hungary, India, Indonesia, Italy, Japan, Kenya, Turkey, and USA had undertaken technical co-operation under the framework of a MoU.

For instance, the OECD Korea Policy Centre is a joint venture between the Korean government and the OECD. It started in May 2004 and works with competition authorities in the Asia-Pacific region for developing and implementing an effective competition law and policy regime. More specifically, 6 countries have identified the OECD Korea Policy Centre as an effective source of training and capacity building.⁶⁸

6.6.3) Foreign Academic Institutions

International co-operation has also been achieved by many agencies by entering into agreements with foreign universities. Based on the 36 responses received, 9 agencies have entered into agreements with foreign universities for the purpose of technical training.⁶⁹ In particular, several regulators have participated in training activities in association with King's College London⁷⁰, Barcelona Graduate School of Economics⁷¹, and George Mason University School of Law⁷², which are renowned centres that have made significant contributions in the field of competition law and policy.

Amongst the 10 out of 36 jurisdictions that sent their officers for training to foreign academic institutions, the number of staff sent for training by Indonesia seemed substantial with 102 staff-members attending training outside their jurisdiction. It is also interesting to note that Norway stated that generally, around half of their officers/case handlers attended at least one course every year abroad.

(This space has been intentionally left blank)

⁶⁸ The countries which identified the OECD Korea Policy Centre as a source of training and capacity building include Australia, Hong Kong, India, Japan, Singapore, Taiwan.

⁶⁹ Brazil, Finland, Hungary, India, Italy, Kenya, South Africa, Sweden, and Taiwan stated that they participated in training activities in association with foreign universities.

⁷⁰ India, Italy, Singapore, South Africa and Sweden stated that they participated in training activities in association with King's College, London.

⁷¹ Hungary, Italy, Kenya, and Singapore stated that they participated in training activities in association with Barcelona Graduate School of Economics.

⁷² Brazil and Taiwan stated that they participated in training activities in association with George Mason University School of Law.

6.6.4) Other than through Agreements

The responses of the agencies also reflect an interesting trend of international co-operation between foreign agencies even without definitive agreements. It emerges that 28 competition regulators⁷³ have undertaken training, knowledge and skill-development exercises with other foreign agencies. For example, Hungary stated that it participated in training exercises with 10 competition regulators⁷⁴ in 2014 and with 5 competition regulators⁷⁵ in 2015.

Similarly, Columbia engaged with the competition regulators of Honduras and Chile in 2016. Further, there is also

an inclination of agencies in the same geographic region for entering into co-operation and skill development exercises. The most significant example emerges from the practices followed by the Japan Fair Trade Commission (JFTC). JFTC undertakes technical assistance activities through the framework of Japan International Co-operation Agency (JICA). JICA focusses on group-training and country-focussed training. The group training courses which are held once every year since 1994, entails both theoretical lectures and practical lectures for targeting a wide range of countries which don't have a comprehensive system of competition law framework, to those that have a long standing experience in this field. Most importantly, under the JICA framework, JFTC sent its staff as long-term expatriate expert to the Indonesian competition authority for a period of two-three years.

The US FTC has entered into an inter-agency agreement to help achieve capacity building for the competition authorities of Central America, the Philippines and Ukraine. The FTC also works closely with the US Department of Commerce to provide assistance to the competition authorities of Pakistan, Afghanistan and the countries of the Gulf Co-operation Council. In addition, the US FTC

Agency Experience 9: Australia, New Zealand and ASEAN

The Australian Competition and Consumer Commission has implemented a program funded by Australia and New Zealand called the 'Competition Law Implementation Program', which is designed to help implement and strengthen competition law and competition agencies throughout the ASEAN region.

As part of this program, Australia sent its staff for conducting training courses in the ASEAN agencies, and also seconded its staff to the ASEAN agencies for the period of a few weeks to a few months. Further, Australia was also involved in conducting weekly training sessions for secondees from the ASEAN agencies. Further, as part of its Competition Law Implementation Program, the ACCC had also seconded its staff to the ASEAN agencies for periods ranging from a few weeks to a few months.

⁷³ Australia, Botswana, Brazil, Bulgaria, Columbia, Croatia, Czech Republic, El Salvador, Estonia, European Union, Finland, Hong Kong, Hungary, India, Indonesia, Japan, Kenya, Latvia, Malaysia, the Netherlands, Norway, Poland, Singapore, South Africa, Sweden, Taiwan, United Kingdom and U.S.A. had undertaken technical co-operation outside of the MoU framework.

⁷⁴ According to the response provided by Hungary, it engaged with Austria, Czech Republic, Greece, Italy, the Netherlands, Slovakia, Slovenia, South Korea, Spain and Sweden for the purpose of training on international co-operation in 2014.

⁷⁵ According to the response provided by Hungary, it engaged with Latvia, the Netherlands, Portugal, Slovenia, and Sweden for the purpose of training on international co-operation in 2015.

provides training for other competition agencies from its own resources based on bilateral discussions, such as India, Brazil, Mexico, Argentina, Indonesia, and others from time to time.

South Africa stated that its officers received training from the staff of the European Union and the United States of America as well as from experts of the OECD Competition Policy Division.

– Twinning Programmes

‘Twinning’ is an EU instrument for institutional co-operation between public administrations of EU member States and beneficiary countries. These beneficiary countries include the countries that are part of EU as well as the countries that are present in the European neighbourhood. Twinning projects aim to bring together public sector expertise from EU Member States and beneficiary countries with the aim of achieving concrete mandatory operational results through peer to peer activities.⁷⁶ Twinning strives to share good practices developed within the EU with beneficiary public administrations and to foster long-term relationships between administrations of present and future EU countries. Some of the twinning projects, described below, have also been implemented towards building capacity of newly created competition agencies.

For instance, Poland has participated in several twinning programs which are generally aimed at increasing capacity and consistency of newly created competition and consumer protection agencies. Within the framework of such twinning programs, officials from Poland carried out training sessions and shared their knowledge and experience in conducting proceedings and issuing administrative decisions. In 2014, Poland was involved in a project that intended to provide expert assistance for the newly created Georgian competition protection authority, and its officials conducted several trainings for the Georgian counterparts.

Further, Italy provided many training programs under the sponsorship of international organizations such as the EU. This includes the “twinning projects” signed by Italy under the EU sponsorship with agencies from Albania, Algeria, Bulgaria, Croatia, Malta and Romania. Italy has also been involved in the European Commission program for Technical assistance and information exchange (TAIEX). Italy has also participated in training programs sponsored by OECD and the UNCTAD such as the Sofia Competition Forum.

– Secondments

Another method of providing training for officers is the secondment programs. For instance, in furtherance to the treaty establishing the European Community, the EC through its decision dated 12 November 2008 has laid down detailed rules regarding treatment of national experts⁷⁷. Further, the US FTC stated that it provided sponsorships to its officers for secondments at other competition

⁷⁶ European Commission. (2017, December 6). Twinning - European neighbourhood policy and enlargement negotiations - European commission. Retrieved February 22, 2017, from https://ec.europa.eu/neighbourhood-enlargement/tenders/twinning_en.

⁷⁷ European Commission. (2008, November 12). COMMISSION DECISION of 12.11.2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training. Retrieved February 22, 2017, from [https://ec.europa.eu/jrc/sites/jrcsh/files/c\(2008\)6866.pdf](https://ec.europa.eu/jrc/sites/jrcsh/files/c(2008)6866.pdf).

agencies. Poland stated that in April 2015, it had carried out a secondment program at the United Kingdom for one employee of the Department of Market Analysis.

– Others

Bulgaria stated that although it did not send its resources abroad, Bulgaria was in-charge of organising the *Sofia Competition Forum*, which was a joint initiative of Bulgaria and the UNCTAD. The Forum is an informal platform for technical assistance, exchange of experience and consultations in the field of competition policy and enforcement. The Forum aims to assist countries in the region in adopting and enforcing competition law and to maximize the benefits for these countries of well-functioning markets. The Forum is designed to provide capacity building assistance and policy advice through seminars and workshops on competition law and policy.

Annexure 1: Summary of Agency Responses

Section 1: Basic Information about the Agency and Its Employees

4 Scope of agency's enforcement activities

		YES	NO	N/A	TOTAL
4.1	Enforcement against cartel and anti-competitive conduct	36	0	0	36
4.2	Enforcement against abuse of dominance/unilateral conduct	35	1	0	36
4.3	Merger review	33	3	0	36
4.4	Competition Advocacy	36	0	0	36
4.5	Competition Impact assessment	29	7	0	36
4.6	Sectoral regulation	6	30	0	36
4.7	Consumer Protection	13	23	0	36
4.8	Others	8	28	0	36

5 Age of agency:-

		YES	NO	N/A	TOTAL
5.1	0-5 years	5	31	0	36
5.2	6-10 years	4	32	0	36
5.3	11-20 years	6	30	0	36
5.4	More than 20 years	21	15	0	36

Section 2: Implementation of Training and Other Capacity Building Programs

1. Is there a separate department in agency to oversee trainings and capacity building of staff/officers?

YES	NO	N/A	TOTAL
30	6	0	36

2 Does agency have a process for identifying training and professional development needs (Training Need Analysis) of staffs/officers?

YES	NO	N/A	TOTAL
30	6	0	36

4 Does agency prepare a training plan or calendar?

YES	NO	N/A	TOTAL
28	8	0	36

5 How far into the future does this Training Calendar plan for?

		YES	NO	N/A	TOTAL
5.1	6 Months	6	24	6	36
5.2	12 Months	23	7	6	36
5.3	24 Months	2	28	6	36
5.4	None of the above	1	29	6	36

6 Frequency of Training Need Analysis undertaken:-

		YES	NO	N/A	TOTAL
6.1	To be undertaken in future	1	28	7	36
6.2	Monthly	7	22	7	36
6.3	Every Six Months	4	25	7	36
6.4	Annually	13	16	7	36
6.5	Other	6	23	7	36

7 Did you utilise external resource person/agency for organising domestic training programme in last financial year:-

YES	NO	N/A	TOTAL
29	7	0	36

10 Teaching methods agency prefer:-

		YES	NO	N/A	TOTAL
10.1	Lectures	29	3	4	36
10.2	Case studies based on concrete examples	29	3	4	36
10.3	problem solving in small groups	21	11	4	36
10.4	Simulation exercises (e.g., witness interviews)	19	13	4	36
10.5	Peer to peer discussions	21	11	4	36
10.6	Role plays	15	17	4	36
10.7	Any other	3	29	4	36

14 What level of staff is provided with training?

		YES	NO	N/A	TOTAL
14.1	Chairperson/ Members (Senior management)	24	11	1	36
14.2	Mid-level management	33	2	1	36
14.3	Entry level staff/ Junior management	30	5	1	36

15 Has your agency sent its officer as a resource person to impart training in other jurisdictions?

YES	NO	N/A	TOTAL
28	8	0	36

16 Does your agency provide any sponsorship to its staff/ officers for undertaking long term course on competition policy?

YES	NO	N/A	TOTAL
22	14	0	36

17 If Yes, Which type of course is preferred by your staff?

		YES	NO	N/A	TOTAL
17.1	Correspondence/online	13	17	6	36
17.2	Part-time	14	16	6	36
17.3	Fulltime	10	20	6	36

18 Does agency organise induction training for newly joined officers.

YES	NO	N/A	TOTAL
33	3	0	36

20 Do you utilise external resource persons/ agencies for conducting the induction training program?

YES	NO	N/A	TOTAL
12	18	6	36

22 Does your agency organise refresher course for experienced officer:-

YES	NO	N/A	TOTAL
30	6	0	36

23 Do you utilise external resource persons/ agencies for conducting the refresher course:-

YES	NO	N/A	TOTAL
19	12	5	36

24 Factors prevent you from meeting or achieving your training or capacity building needs:-

Q. No.	Problems	YES	NO	N/A	TOTAL
24.1	Cost	25	11	0	36
24.2	Staff shortage	12	24	0	36
24.3	Capacity of workforce	8	28	0	36
24.4	Scarcity of time	23	13	0	36

Q. No.	Problems	YES	NO	N/A	TOTAL
24.5	Geography and location of venue	10	26	0	36
24.6	Lack of managerial support to organise the training	1	35	0	36
24.7	Lack of in-house or external experts in the field	5	31	0	36
24.8	Inadequate feedback received from staff/officers who participated previously	2	34	0	36
24.9	Learning by doing is more efficient than the organisation of trainings	10	26	0	36

Section 3: Measuring Effectiveness of Training Programs

1. Does your agency take feedback from participants after each training to determine the effectiveness?

YES	NO	N/A	TOTAL
32	2	2	36

2. Are these feedback filled anonymously?

YES	NO	N/A	TOTAL
18	13	5	36

3. Aspects of training effectiveness

Q. No.	Query	YES	NO	N/A OR CANT SAY	TOTAL
3.1	Do the participants use any of the ideas or techniques they learned or were exposed to?	30	3	3	36

Q. No.	Query	YES	NO	N/A OR CANT SAY	TOTAL
3.2	Are they more open to innovation in their work than before?	23	7	6	36
3.3	Does training improve their confidence or their feeling of competency?	30	3	3	36
3.4	Would they consider the time spent on it as valuable part of their jobs?	27	3	6	36
3.5	What would they like to see added or removed in the future training?	20	2	14	36

- 4 How easily did new staff members adapt to the techniques, ideas, and attitudes presented in initial training?

GOOD	VERY GOOD	N/A	TOTAL
13	17	6	36

- 5 Have any of the ideas proposed in training been adopted in practice, and how well are they working?

GOOD	VERY GOOD	EXCELLENT	FAIR	N/A	TOTAL
15	10	1	1	9	36

- 6 Do staff members discuss training issues with seniors or with one another?

YES	NO	N/A	TOTAL
34	1	1	36

- 7 What are the mechanisms of these discussions?

		YES	NO	N/A	TOTAL
7.1	FORMAL	23	12	1	36
7.2	INFORMAL	31	4	1	36

8 Does your agency provide follow up support to improve the efficiency of staff?

YES	NO	N/A	TOTAL
25	8	3	36

Bibliography

- Boner, Roger, 1995. "Competition Policy and Institutions in Reforming Economies." In *Regulatory Policies and Reform: A Comparative Perspective*, World Bank.
- Clement, C., A. Gavil, G. Korsun and W. Kovacic. 2001. "Competition Policies for Growth: Legal and Regulatory Framework for SSA Countries." IRIS Center, U. of Maryland.
- Dutz, Mark A. and Maria Vagliasindi, 2000. *Competition Policy Implementation in Transition Economies: An Empirical Assessment*. *European Economic Review* 44:762- 772.
- Evenett, S.J. 2006. *Effectiveness Of Technical Assistance, Socioeconomic Development, And The Absorptive Capacity Of Competition Authorities*, University of St. Gallen and CEPR 10 April 2006
- Evenett, S.J. 2006A. *The Effectiveness of Technical Assistance, Socio-Economic Development, and the Absorptive Capacity of Competition Authorities.* Presented to ICN Annual Conference May, 2006.
- Gal, M, 2004. *The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries.* In *Competition, Competitiveness and Development*. UNCTAD.
- ICN, 2003. *Capacity Building and Technical Assistance: Building credible competition authorities in developing countries and transition economies*. Report prepared by the ICN Working Group on Capacity-Building and Competition Policy Implementation. ICN Second Annual Conference. Mérida, Mexico. 23–25 June
- ICN, 2005. *Assessing Technical Assistance for Competition Policy: Preliminary Results*, ICN Competition Policy Implementation Working Group: Subgroup 1 – Technical Assistance, May 2005
- ICN, 2006. *Lessons To Be Learnt From The Experiences Of Young Competition Agencies*, Competition Policy Implementation Working Group), May 3-5, 2006
- ICN, 2007, *Findings Related to Technical Assistance for Newer Competition Agencies* May 2007
- ICN, 2008. *Agency Effectiveness Project* Kyoto, Japan, April 2008
- ICN, 2011. *The ICN'S Vision for its Second Decade*, Presented at the 10th annual conference of the ICN, The Hague, Netherlands 17-20 May, 2011
- ICN, 2013. *Agency Effectiveness Handbook (Chapter 3: Knowledge Management)*, April 2013 & April 2014
- ICN, 2014A. *Human Resource Management in Competition Agencies (Competition Agency Practice Manual)*, April 2014
- ICN, 2016. *Ethics Rules in Competition Agencies*, ICN Agency Practice Manual April 2016
- Kovacic, William, 1997. "Getting Started: Creating New Competition Policy Institutions in Transition Economics." *23 Brooklyn Journal of International Law* 403-453
- Kovacic, William and Mariniello, M., 2016 "Strengthening the Global Trade And Investment System For Sustainable Development". The E15 Expert Group on Competition Policy and the Trade System

Krakowski, M., 2005. "Competition Policy Works: The Effect of Competition Policy on the Intensity of Competition—An International Cross-Country Comparison." HWWA Discuss. Paper No. 332.

Nicholson, M.W., D.D. Sokol, and K.W. Stiegert. 2007. Technical Assistance for Law & Economics: An Empirical Analysis in Antitrust/Competition Policy, Legal Studies Research Paper Series Paper No. 1025

OECD, 1991. Principles for Evaluation Of Development Assistance, Paris 1991

OECD, 2002. Technical Assistance In Competition Law and Policy: Beneficiaries' Views Of Their Needs and Preferred Delivery Methods--Implications For Providers, Secretariat Note, Session II, OECD Global Forum on Competition. 14-15 February 2002.

OECD, 2005. Evaluation of the Actions and Resources of Competition Authorities, DAF/COMP30.

OECD, 2009. Challenges faced by young competition authorities. Note by the Secretariat.

OECD, 2013. International Enforcement Co-operation: Secretariat Report on the OECD/ICN Survey on International Enforcement Co-operation

Serebrisky, Tomas, 2004. What do we know about competition agencies in emerging and transition countries? Evidence on workload, personnel, priority sectors, and training needs. Policy, Research working paper; no. WPS 3221. Washington, DC: World Bank.

Sokol, DD, 2007. Monopolists Without Borders: The Institutional Challenge of International Antitrust in a Global Gilded Age." Berkeley Business Law Journal 4: 37-122.

Sokol DD and Stiegert KW, 2008. An Empirical Evaluation of Long term Advisors and Short term Interventions in Technical Assistance and Capacity Building. The Global Competition Law Centre Working Papers Series, College of Europe. GCLC/02/08

Sokol DD, 2009. The future of international antitrust and improving antitrust agency capacity. Northwestern University Law Review, Vol. 103, N 2, pp 1081-1096.

Sokol DD and Stiegert KW, 2010, Exporting Knowledge through Technical Assistance and Capacity Building. Journal of Competition Law and Economics, Vol. 6, pp. 233-251, 2010

Stewart, Taimoon 2004, Competition Issues in Selected CARICOM Countries: An Empirical Examination. Sir Arthur Lewis Institute of Social and Economic Research, University of West Indies, St. Augustine.

UNCTAD, 2006. Review of Capacity-Building and Technical Assistance on Competition Law and Policy, Note by the UNCTAD secretariat, 3 August 2006

UNCTAD, 2007. Review of Capacity-Building and Technical Assistance on Competition Law and Policy, Note by the UNCTAD secretariat, 3 May 2007

UNCTAD, 2009. Review of Capacity-Building and Technical Assistance on Competition Law and Policy, Note by the UNCTAD secretariat, 26 Apr 2009

UNCTAD, 2011. Effectiveness of Capacity-Building and Technical Assistance Extended to Young Competition Agencies, 29 June 2011

UNCTAD, 2011A. Foundations of an Effective Competition Agency, Note by the UNCTAD secretariat, TD/B/C.I/CLP/8, 9 May 2011

UNCTAD, 2014. Review of Capacity-Building and Technical Assistance in Competition Law and Policy' April 2014

UNCTAD, 2015. Capacity-building and technical assistance on competition and consumer protection law and policy: Review and outlook (Note by the UNCTAD secretariat), 27 April 2015