

Advocate of Fair Competition in Barbados

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The Fair Trading Commission, and more specifically the Fair Competition Act seeks to ensure that all Barbadians enjoy the benefits of competition, namely competitive prices, product choice and quality services. In order to assist in achieving these objectives, the Commission endeavours to inform and educate businesses about the benefits of a competitive and fair process and their obligations in ensuring that this process is protected. Specifically, under the Act, the Commission has a responsibility to make available to persons engaged in business, general information with respect to their rights and obligations regarding matters which might affect their interests.

In executing this task, the Commission has developed advocacy programmes, where staff liaise with and make presentations to the members and prospective members of the business community. To date, the Commission has organised or been a part of approximately 15 seminars all aimed at highlighting the role the Competition Act plays in ensuring "fair play" among businesses and ensuring that these businesses are aware of competition legislation.

One of the initiatives of the Commission is a two-day training workshop entitled "Competition Law and Policy", which caters specifically to the business community and is aimed at exposing persons to the basic principles associated with competition policy and anti-competitive conduct. In 2010, the Deputy Director of the Bureau of Competition at the US Federal Trade Commission (USFTC) was the main facilitator of the seminar and he educated participants on many aspects of competition policy, namely, the harm of anti-competitive agreements, abuses of dominance, and anti-competitive mergers. The business community was well represented as representatives from areas such as retail, travel, broadcasting and manufacturing were in attendance and participated actively in discussions.

This year's workshop is the third of its kind hosted by the Commission. It will again be entitled "Competition Law & Policy" and will take place on March 30 and 31. At the end of the workshop persons will have a greater insight into the issues specific to competition policy and also have a better understanding of what is involved in investigating anti-competitive conduct. The seminar will include a presentation on regional anti-competitive conduct and will again feature a representative from the USFTC. Staff will also present on related topics, providing local examples of anti-competitive practices.

The Commission's responsibility to educate and inform businesses means that it seeks to collaborate with organisations such as the Small Business Association (SBA) and the Youth Entrepreneurship Scheme (YES), in order to reach more of the business community.

In the latter part of 2009 the Commission also presented at the monthly meeting of the Small Business Association, with the topic "Compliance with Competition Law: Competing Equitably in the Market Place". The presentation focused on the objectives of competition law and how it can relate to small businesses. It also looked at how the Commission investigates a complaint and makes decisions on the matter and why small businesses must be aware of the various anti-competitive practices. There was significant feedback from the presentation and the Commission has since followed-up on queries posed where potentially anti-competitive conduct may have been identified. For the past two years, the Commission has also continued to work closely with the SBA on panel discussions and subsequent meetings, all with the aim of identifying and eradicating unfair business practices in these sectors.

As the world becomes more integrated through a host of international trade agreements, competitive pressures on businesses in both local and international markets will increase. It is therefore imperative for businesses to be aware of the challenges that lay ahead and to have an understanding of how to compete effectively in this new environment. It is against this background that the Commission continues to develop its advocacy programme to ensure the exposure of a substantial number of businesspersons over time to the basic concepts of Competition Law and Policy and to the issues and competitive challenges likely to arise in this area.

The Commission has also extended its advocacy to the schools. Tertiary institutions were identified along with sixth-form secondary schools as part of the advocacy programme and to date the Commission has visited all the tertiary institutions. As prospective members of the business community, it is believed that information relating to competition among business would indeed be relevant to them.

The Commission sees advocacy as imperative to the development of a culture of effective competition where businesses are aware of potential anti-competitive practices and can take steps to avoid becoming a perpetrator or a victim of these practices.