

Competition System Performance and the Quality of Agency Personnel

William E. Kovacic

George Washington
University/King's College London

Thailand Competition Day

Bangkok, 4 October 2019

wkovacic@law.gwu.edu

System Performance Factors

- Agency
 - Leadership
 - Powers
 - **Personnel**
- External
 - Political support
 - Collateral institutions: e.g., courts, citizen bodies, legal societies, media, trade groups

Agenda: Personnel Quality

- Why It Matters
- Recruitment
- Induction
- Training
- Retention
- Assessment
- Caveat: My Views Only

Staff Quality: Why Care?

- Output: Amount/Difficulty of Matters
- Due Process (Speed and Accuracy)
- Barrier to Improper Political Intervention
- Basis for Funding and Powers
- Deference from Courts
- Social Perceptions of Effectiveness

Recruitment: Who?

- Economists
- Lawyers
- Investigators
- Administrators
 - Example: Office services

Recruitment: How?

- Agency Activity: Creating a “Buzz”
- Universities
 - Placement events: OTCC participation
 - Professors who spot talent
 - Well-supervised internships
- Private Sector/Other Government Bodies
- Ramping Up: OTCC (20 to 70 to 300)
- Partnerships with Other Public Agencies

Key Recruitment Themes

- OTCC Does Important, Exciting Work
- New Venture: Building Elite Agency
- High Levels of Responsibility and Hands-on Experience
- Competition Law as Foundation for Good Careers at Home and Abroad

Induction

- Meet the Chair and Board
- Orientation Course on the OTCC
- Ethics and Professional Responsibility
- Social Gatherings

Training: What?

- Concepts
 - Statute
 - Implementing regulations/guidelines
 - Competition policy
- Practical Techniques
 - How to perform an investigation?
 - How to frame a theory of harm?

Training: How?

- An Internal OTCC Academy
- Global Resources: E.g., ICN manuals/videos
- Technical Assistance Courses Tailored to OTCC Needs and Taught by Experienced Officials
 - Practical simulation exercises
- International Cooperation: Secondments/visits
- Special Role of ASEAN: Academic Hubs, Teaching Materials, Secondments

Retention

- Agency Success Induces Poaching
- Antidotes
 - Interesting work
 - Recognition
 - Internal mobility
 - Graduate study opportunities
 - Regular constructive feedback
 - Returning alumni
 - OTCC protocols and handbooks

Assessment

- Individual Personnel Evaluations
- Employee Satisfaction Surveys
- Agency-Wide Assessment
 - Operations/overhead
 - Excellent personnel/total staff

Conclusion

- Personnel: Nothing Counts More
- Matching Commitments to Capabilities:
 - Ask for each project: *Who will do it?*
- Unmatched Opportunities to Learn from Others' Experience
- Modern Healthy Trend: Growing Emphasis on Policy Implementation