



Issue: 4-21 October 1, 2021



FTCNewsLine is an online quarterly newsletter of the **FAIR TRADING COMMISSION** that contains information on competition matters dealt with by the Fair Trading Commission as well as other competition agencies from around the world. The aim is to provide readers with insights into some of the matters that are prosecuted in other jurisdictions; and assist businesses and consumers in better identifying issues that may pose competition concerns.

Competition legislation is specific to each jurisdiction and prohibited activities in one jurisdiction are not necessarily prohibited in other jurisdictions. For information on the prohibitions under Jamaica's competition legislation, the **FAIR COMPETITION ACT (FCA)**, please visit our website at www.iftc.gov.jm.

In this Issue, we feature matters arising during the period July 1 through September 30, 2021.

Market Study on the Nursing Homes Sector

The FTC completed its interim report on the nursing homes sector in September 2021. The study was launched to examine issues in the nursing homes sector that affect the efficient functioning of the sector. These issues include availability and access to information, contract terms and scope for consumer redress.

The FTC will host a consultation exercise during October where stakeholders will be invited to submit comments on the report.

FTC Hosts Merchant's Seminar

On August 26, 2021, the FTC hosted the first of two scheduled Merchant's Seminars for the 2021/2022 Financial Year, where Ms. Michelle Phillips, Legal Officer, presented on the topic "Is the Pricing Right?" The seminar aimed to educate merchants on pricing practices and disclosure of information that may contravene sections of the Fair Competition Act. Ms. Phillips focused on five areas: (i) Resale price maintenance; (ii) Price fixing; (iii) Double ticketing; (iv) Sale at a bargain price; and (v) Sale above advertised price.

Among those participating in the seminar were representatives of pharmacies, bookstores, appliances outlets, and supermarkets.

FTC Participates in Press Briefing: Jamaica Consumer Talks

Mr. David Miller, Executive Director of the FTC participated in a joint press briefing with the Consumer Affairs Commission (CAC) on July 16, 2021. The briefing which was held under the Caption “Jamaica Consumer Talks” was moderated by Mrs. Sancia Bennett Templer, Permanent Secretary at the Ministry of Industry, Investment and Commerce (MIIC) and featured presentations from Dr. Norman Dunn, State Minister in the MIIC; Mr. Donovan White, Chairman of the FTC and the CAC; Mrs. Dolsie Allen, Chief Executive Officer of the CAC; and Mr. David Miller, Executive Director of the FTC.

Mr. Miller discussed the FTC’s recent intervention in the telecommunications sector and the ensuing benefits to consumers. The intervention resulted in material information being disseminated to consumers to assist them in making informed choices when purchasing data and mobile packages. The FTC had investigated several complaints of misleading advertising against Flow and Digicel regarding the term ‘unlimited.’ Consumers were directed by Flow and Digicel to their Fair Usage Policy (FUP) which was not easily accessible. Following discussions with the FTC, both companies took steps to ensure that the FUP was more accessible to consumers, and that the relevant information was disseminated through their respective communication points such as website, social media platforms, apps, text messaging and by customer service agents.

Development of an Enterprise Content Management System

In September 2021, the FTC participated in three system demonstrations conducted by LPA Corporate Solutions Limited, the software developer that has been contracted to create a customized enterprise content management system (ECMS), for use by the FTC and the Consumer Affairs Commission (CAC). The project is currently at the testing phase where the FTC and the CAC will verify that the functionality of all Modules of the ECM solution work according to the specifications.

The ECMS will assist the FTC and the CAC in managing and controlling information and streamlining business processes to increase productivity and efficiencies. Businesses and consumers will benefit from a user-friendly system when submitting complaints or requesting information. Additionally, they will be provided with a tracking number that will enable them to independently check for general status updates on matters submitted.

The scheduled date for the full deployment of the ECMS is February 2022.

Upcoming Events

FTC to Host Competition Law Virtual Seminar in October

The FTC will host a Competition Law Virtual Seminar on October 14, 2021. Dr. Kevin Harriott, Competition Bureau Chief, will present on the topic “Competition Advocacy During and in the Aftermath of the COVID-19 Crisis.” Click [here](#) to register.

FTC to Host Shirley Playfair Lecture

On November 24, 2021, the FTC will host its 19th Shirley Playfair Lecture, under the theme, “Integrating Competition Law and Consumer Protection Law: Optimizing Consumer Welfare”. The Guest Speaker is Mr. Stephen Calkins, Law Professor at the Wayne State University. Stephen Calkins has served as a member of The Competition Authority of Ireland and Director of its Mergers Division and later as a member of the melded Competition and Consumer Protection Commission of Ireland.

Mr. Calkins is no stranger to the FTC and the work of the Commission. In 2009, he conducted the FTC’s 6th Competition Law Workshop for Members of the Judiciary, and in the FTC’s 2020 Issue of *Compete*, FTC’s annual magazine, Mr. Calkins published an article on combining competition and consumer enforcement.

The lecture will commence at 10:00am via Zoom. Click [here](#) to register.

FTC Annual Magazine

The FTC will publish the 26th issue of its annual magazine, *Compete*, in January 2022 under the theme, “*Intersection of Competition, Consumer Protection and Data Privacy Enforcement.*” The world has become increasingly digitized with the online space being the primary mode for consumers and businesses to interact. This shift to and rapid increase in online transactions is accompanied by privacy concerns about the ownership and use of consumer data. The magazine will explore the balancing of consumer protection concerns with competition issues arising in the context of ownership and privacy.

Articles from several agencies as well as highlights of the work of the FTC will be compiled. *Compete* is distributed to Government Ministries, Departments and Agencies, academic institutions, business enterprises and professionals; and is posted on the FTC’s website at www.iftc.gov.jm.

News from other Competition Agency Australian Competition and Consumer Commission (ACCC)

Banks’ COVID-19 Relief Programme Authorized to Continue

The ACCC has granted interim authorization to allow the Australian Banking Association (ABA) and banks to continue to work together on a variety of existing COVID-19 related relief packages, so they can respond to any further outbreaks as required.

The COVID-19 related relief packages allow for temporary and limited coordination between the ABA and participating banks to defer loan repayments and waive certain banking fees for small businesses impacted by the pandemic.

The ABA's authorization is subject to several conditions, including an obligation for the banks to notify the ACCC before any coordination on further specific financial packages. The authorization does not allow the banks to coordinate on any element of prices for any service or product.

Source: Australian Competition and Consumer Commission-Media release, August 12, 2021.