Managing antitrust risk

Linklaters Blue Flag®
Why antitrust eLearning from Linklaters?

Until recently, delivering antitrust risk management training to large and geographically diverse audiences has either been logistically impossible or prohibitively expensive. This has fundamentally changed with the advent of eLearning.

A sophisticated and focused antitrust eLearning course, targeted specifically at middle and senior management, has been designed to address the following issues:

- Senior and middle management tend to have the broadest view of activities within the business and are often best placed to identify potential areas of non-compliance and/or to recognise at an early stage the legal issues associated with proposed commercial arrangements.

- A product designed for all employees would be too general and/or simplistic for senior and middle management.

- Business units may often face similar and complex antitrust issues which go far beyond simple cartel avoidance.

- It is this group of people who, in practice, determine the culture and behaviour of an organisation. Increasing awareness at the top will inevitably result in a cascade effect to their direct reports and downwards.

- Senior and middle management stand to benefit most from the inherent advantages of eLearning: they are capable of taking in large amounts of information quickly and the “anytime, anywhere” feature of eLearning means that compliance training can easily be fitted around their tight schedules.

- In addition, the course content is provided within a commercial context and includes supporting practical advice, enabling business managers to understand the implications for their business rather than focusing merely on the “can’t dos”.

With all of the above in mind and the increased focus on regulatory compliance across the corporate world, the Linklaters’ Competition practice considers a suite of sophisticated and focused eLearning modules to be a key element of its client service offering and an important tool for business compliance training.
Description of the current Linklaters antitrust eLearning offering

The following modules have been developed:

Contacts with Competitors
Identifying the key risks when dealing directly with your competitors. This course deals with the risks of involvement in cartels (e.g. price fixing, market sharing, output restrictions) and information sharing. The course also considers practical compliance measures in everyday scenarios, including social events and trade associations.

Abuse of Dominance
Identifying the factors which determine dominance and practical measures to enable you to ensure that you continue to operate within the constraints of the law. This course seeks to raise awareness of the factors that can make a business dominant and help to ensure that businesses with strong market positions can achieve their commercial goals without falling foul of competition law obligations.

Dawn Raids
Using a series of interactive role-playing scenarios, this course provides users with practical guidance on how to deal effectively with a dawn raid carried out by antitrust investigators.
Key features and benefits specific to Linklaters eLearning

An intuitive interface enabling users to navigate easily through each module.

Clear instructions for any additional on-screen features.

Navigation by left-hand index, or “next page”.

Voice-overs for short animated sequences can be turned on or off (to be replaced by subtitles) as required by the user.

The company may also be sued for damages, for example, by a customer suffering loss as a result of the anti-competitive practice.
Each module is provided using a blend of animation, sound and text.

The courses give practical advice, do not simply focus on the “can’t dos”, and blend in real life examples, where appropriate, to reinforce key points.

**Abuse of Dominance: abuse sequences broken down into “prohibited behaviour”, “permissible behaviour”, “practical advice” and “real life example”.

**Contact with Competitors: anti-competitive agreements sequences broken down into “the rules”, “practical advice” and “real life example”.**
Several different styles of interactive pages to engage the user and re-enforce the learning message.

Mini-assessments are used to reinforce key learning messages.

Abuse of Dominance: user given opportunity to capture thoughts at point of learning.

Feedback supports learning process rather than simply stating “right” or “wrong”.
The Dawn Raids module uses true-to-life scenarios based on what might happen during the investigation.

It is also possible to track attendance and scores, although whether to do this and the level of detail measured is entirely at a client's discretion.
**Tailoring content**

An additional benefit of Linklaters eLearning is the ability for clients to tailor each module to their own organisation and commercial position. This can be done in three main ways:

- Clients can add their own introduction page displaying a picture of a senior executive, including a brief message on the importance of, and the company’s commitment to antitrust compliance.

- All Q&A sections within the modules can be tailored specifically for each client, so that they accurately reflect relevant industry scenarios and, if desired, actual company experience and policies.

- The “back page” can be integrated with an existing compliance programme, including links to relevant policies and contact details for the Legal and Compliance Departments.

Further tailoring may also be possible on a case by case basis. This ability to tailor modules allows the course to become an integral part of your compliance programme, maximising relevance and retention across your business.

**Languages**

The course is available in a number of languages. Please contact blueflag@linklaters.com for further information.

**Want to know more?**

We would be happy to come and give you a demonstration of courses at your convenience. Please speak to your usual Linklaters contact or email blueflag@linklaters.com.