

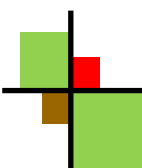
COMPETITION AUTHORITY OF KENYA

KNOWLEDGE HUB

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In this eleventh issue of the Knowledge Hub, we get to learn from the 2024 group of Young Professionals: Mr. Eric Kweni, Joshua Mekenye, Mr. Alex, Kariuki, Ms. Dorothy Musango and Ms. Jacinta Gichiu. They share on their experiences at the Authority; how they carried out research and used information and knowledge resources, and, finally challenges and lessons learnt during their one year program.





n atypical day, what activities did your role entail?

Eric: In the Buyer Power department, my responsibilities involved the preparation of preliminary analysis reports, updating and formulating schedules of evidence, preparing various correspondences, doing reminder notices of investigations among others. I was also tasked with the preparation of minutes during departmental meetings, and also when we had various stakeholders. I was also tasked with the mapping of various stakeholders within the city, as well as the registration of and communicating with stakeholders in instances where we were carrying out sensitizations. In the Enforcement and Compliance department, the duties were more or less similar to what I did in Buyer Power. In addition to that, I was tasked with writing the minutes during hearings with external stakeholders. In the mergers department, I would prepare reports that dealt with the mergers, non-mergers, mergers approved, and mergers implemented without approval. I also took part in investigations and I was a part of the team that carried out a covert investigation in Kisii.

Joshua: While in the Enforcement and Compliance department, I was assigned cases on abuse of dominance and compliance cases. I also took part in fieldwork investigations and writing

reports for the same. I was also assigned to carry out research to view what other agencies had done about various markets. In the Buyer Power department my assignment was related to the case I was assigned one such was in the insurance regulation industry. I joined the Mergers department when I was out on field assignment then shortly after I attended the ACER training immediately after which I proceeded on leave hence, I was only able to handle two exclusion cases in the department.

Alex: I was attached to Enforcement and Compliance, Mergers, Buyer Power and Consumer Protection departments. I would be included in various cases depending on the levels at which they were. In the Consumer Protection department, the volume of complaints was quite high. On a typical day we would be handling new cases at times I would be handling up to five new complaints. In the Mergers department, I got the chance to handle a merger from application to the end and took part in developing the management paper. In the Buyer Power department, I assisted in ongoing cases and the main role was to push the cases so that they do not delay. I however, got a chance to handle one case from beginning to end. At the Enforcement and Compliance department I have handled two cases.

Dorothy: I was attached to the M&A and CP departments. While in M&A I would review some

of the advisory requests, I would draft a report for the department about the advisory opinions and I would also combine the reports. I also took part in sensitizing external stakeholders. At CPD my daily activities were mainly, to receive and acknowledge, review and developing complaints analysis reports, and analyzing, responses from the parties. I was also involved in the drafting of recommendation reports for the Authority to make decisions on whether to proceed with a notice or proposed decision.

Jacinta: I was attached to the Legal department for the entire program. My roles and responsibilities, involved, reviewing existing laws and their impact on the core functions. I participated in the review of legislation to ensure they are pro-competitive. On a regular basis I would watch brief on behalf of the authority, especially on the cases where the Attorney General's office was representing the Authority. I would also develop a court update memo, which I would share with the department to inform them on the status of ongoing cases. I also attended court sessions both virtual and physical and from that I learnt how to present myself before a tribunal or a court. I drafted legal notices, and I would follow through until approval and signing. I also drafted a number of contracts, and memorandum of understanding and this helped me gain skills in contract negotiations.



Which resources did you first turn to when looking for information to enable you perform your tasks?

Eric: I mostly carried out desktop research, hence I would use the internet to access reports mostly from the other government agencies such as KIP-PRA. I would also make use of online books. As I developed my research paper for the ACER conference, I referred to papers done by members of staff such as Dr. Njako, Mr. Benard Ayieko and, Ms. Alexia. I also picked a lot of data and information from the Authority's Annual report. OECD website equally had a lot of relevant resources.

Joshua: My first point of contact was the DMS where I would seek for cases previously done. I would look for almost similar cases and access relevant data from the same. For buyer power cases I mainly referred to the Competition Act as most of the cases required interpretation of the Act. I would also refer to information resources on the OECD website.

Alex: While in consumer protection, my first source was information provided by the complainant after which I would further go online to seek further details. I also used information provided by merging parties during a merger notification in addition to which I would do background checks from online resources. I also relied on data and evidence collected after fieldwork and investigations as well as carrying out desktop research.

Dorothy: The Act was my first point of information from the beginning after which I would go to the Authority's website to retrieve determinations previously done for reference purposes. I also interacted a lot with staff to gather information.

Jacinta: when looking for information, especially when coming up with submissions for the department, I would go to the CMS and review previous submissions done by the Authority. I also made use of external websites such as Kenya Law Report, as well as consulting my supervisor and colleagues.

How often on average did you use each of the following as you carried out your assignments?

♦ **Information resources available at the resource center**

Eric: I interacted with these at least twice a week as I carried out my research.

Joshua: I would interact with the digital repository on a need basis and more so when I would seek plenary session presentations.

Alex: Monthly

Dorothy: Bi-weekly

Jacinta: Monthly

♦ **Document Management System:**

Eric: I was interacting with CMS and DMS daily. I found the platform easy to use and I preferred working on a document assigned when it was online rather than downloading it.

Joshua: Daily

Alex: Daily

Dorothy: Daily

Jacinta: Daily

♦ **Department-operated database:**

Eric: In Mergers & Acquisition and the Enforcement departments, I used their databases on a need basis as per the work assigned.

Joshua: I would make use of these weekly

Alex: I used the mergers database twice and the buyer power database weekly when submitting weekly reports

Dorothy: Daily as I used to update the case matrix every day.

Jacinta: Weekly

♦ **Organization policy/ procedures manual or guidelines**

Eric: I think for departmental, would say daily.

Joshua: Weekly. I however referred to the ICT policy twice.

Alex: Twice a month

Dorothy: Quarterly

Jacinta: Twice. I first interacted with the HR Manual during the induction period.



What did you do During a work process where you did not have critical knowledge or information for an assignment?

Eric: I would first try and research more on the assignment and then reach out to my seniors, the case handler, or the supervisor. The Manager Mergers had an open-door policy and I would freely walk into his office to make consultations. I once was tasked with contacting external stakeholders in the insurance sector from insurance companies, model assessors, valuers, and garages. I had to contact about 200 members through email and they would call back for clarifications. In this instance, Ms. Damaris Nderitu was of great assistance as she assisted me in connecting with these stakeholders.

Joshua: I would approach my supervisor or colleagues for assistance who would then lead me to the relevant resources. While in the Enforcement & Compliance Department, Mr. Nyagol was particularly helpful.

Alex: I would engage the seasoned officers in the department. I would also seek to know what are jurisdictions are doing. I particularly would make reference to the South African competition agency.

Dorothy: I would approach my supervisor or my colleagues and then reach out to the accused parties or seek more information from their websites. I also interacted with the South African Competition agency website for resources.

Jacinta: I would go to the registry and request for the file that I'm working on do that I can review previous submissions. If I wouldn't get the needed information from the files, I would seek assistance

from my supervisors. There were instances where I would try to find an argument and I couldn't get the kind of argument that would be in favor of the authority, I would then approach, Mr. Nzuki and Ms. Gloria and we would brainstorm on the issue and come up with a lucrative solution. When developing contracts and I wasn't sure about what to include, I would liaise with the procurement department and get a way forward. I've also dealt with the Mergers department where I was assigned to look for court documents of which the authority was not party to. With the assistance of my supervisors, we drafted a letter requesting the courts to grant us the pleadings and everything that we needed.

What additional knowledge or skills did you gain from the Authority?

Eric: I would say that I've learned a lot in terms of report writing, stakeholder engagement experience, and time management. My interpersonal skills have equally improved as I have been engaging a lot with external stakeholders an example is the sensitization that was held in Eldoret. I also got to present my research paper at an international conference and this experience really boosted my interpersonal skills.

Joshua: I particularly gained a lot of knowledge in Competition law which I had just heard about but didn't exactly know what it entailed. I gained analytical skills and I'm now able to interpret the completion law better. I'm now able to relate competition law to marketing which is my area of specialty.

Alex: I gained skills in Competition Law as well as enhancing my research skills where I'm now able to search for relevant information resources without struggling.

Dorothy: My report writing and investigative skills have greatly improved. I learnt how to gather credible information after carrying out interviews with consumers and complainants.

Jacinta: I've gained skills in carrying out stakeholder engagement and with the interactions, I'm able now to interact with the stakeholders from different departments and all over. I took part in public participation of the competition amendment bill 2024 where I was in charge of inviting all the stakeholders. I have improved on my contract negotiation skills. I now understand how the tender process works because I was involved in one of the tender opening committees. I have also gained skills in drafting legal documents.

Which colleague (s) would you go to when seeking advice/information in the following areas:

♦ **Management and leadership knowledge/advice:**

Eric: Mr. Benson Nyagol

Joshua: Mr. Benson Nyagol

Alex: Dr. Adano

Dorothy: Mr. John Daina

Jacinta: Dr. Adano



◆ *Subject matter expertise/content knowledge*

Eric: Ms Ninette Mwarania

Joshua: Mr. Benson Nyagol

Alex: Mr. Mburu & Mr. Kanyi

Dorothy: Mr. Wilson & Mr. Ronald

Jacinta: Mr. Nzuki & Ms. Rono

◆ *Institutional/historical knowledge about the*

Authority:

Eric: Benard Ayieko

Alex: Mr. Benson Nyagol

Dorothy: Mr. Daina

Jacinta: Mr. Mugambi

Did you face any constraints in accessing or sharing knowledge? If so, kindly state them.

Eric: I didn't face any constraints as everybody in the Authority is open. Colleagues easily guide you and are read to give you information or references to helpful sources. I was equally given the opportunity to share my knowledge an example is during the stakeholder engagement in Eldoret where we had plenary sessions and I was given the platform to respond. I was given adequate opportunity to share my skills and knowledge.

Joshua: I was given adequate platform to speak and share my ideas even as we did case analysis. In the Enforcement & Compliance Department, I was encouraged to share and provided with strategies on how to implement certain areas. I was also encouraged to put down my ideas in writing and this

would be shared with the other team members for input. However, when it came to accessing information, I faced some constraints especially on retrieving old documents which were yet to be uploaded on the DMS. My colleagues would however assist if they had these particular files.

Alex: There were instances where you could need access to a certain file but you can see it has been allocated to someone else so that becomes difficult. I would also be looking for older files done around

2018, 2019 and these were not available on the DMS

Dorothy: I did not experience any constraint

Jacinta: Probably in the first quarter where mostly it would be an issue with ICT and I could easily approach them and ask them, how do I get to this? they were really helpful and after the first quarter, I was very conversant with the systems, and I could

be able to access the type of knowledge that I needed from the Authority.

In your opinion, which critical knowledge is at risk of being lost in the department you worked in?

Eric: Enforcement and Mergers have developed a database of all the cases they have handled since the inception of the Authority hence I didn't see anything that may be at risk of loss in those two departments. The Buyer Power however does not have a database hence it becomes cumbersome searching for a case on the CMS and if you are not the case handler you may not be able to access the same. My proposal to the department would be to develop a database of all cases handled by the

department to ease retrieval and make access faster. This I would consider a risk to the buyer power department. The Mergers department should identify a method of accessing market share information especially when one is analyzing a merger. Most of the online resources require subscription or payment hence the department should factor this in as this is an information risk which affects decision making in merger analysis.

Joshua: In the Enforcement & Compliance Department, even though the case decision is available, there lacks a trail of the steps taken to arrive at the decision, this makes it difficult for a new employee to understand or know the decisions that were made during the process. Critical information will therefore be lost if the steps are not documented.

Alex: All information and knowledge was well documented across all the departments.

Dorothy: I think the authority has done much in regards to knowledge and knowledge sharing. I don't think whether there, there's any, any knowledge that is at risk of being lost. But I think there's the need of continuous trainings, for example in terms of business continuity, you may find someone in the technical department is interested in the supporting department activities.



Staff should be trained in all aspects in the Authority for purposes of ensuring business continuity.

Jacinta: Information was well managed and easily accessible both in hard and soft copy, however I felt like there was a need for more confidentiality or controls in terms of the materials that you access from the legal department.

Which information or knowledge that you don't currently have do you think you need to have to enable you to do your job better?

Eric: When being on boarded, we were to rotate to four departments. I did not get an opportunity to serve at Consumer Protection department despite it being one of the technical departments. I will be leaving the Authority without capacity and skills in consumer protection issues.

Joshua: I did not have access to credible market industry reports yet these would have been critical when writing reports. The Authority can consider creating access to the same.

Alex: I would have desired to be equipped in matters to do with forensics.

Dorothy: I needed analytical skills especially while in the Mergers department. This would have enabled me to understand how the merger analysis up to the determination level is done.

Jacinta: I desired to have rotated to the other technical departments in order to have maximum skills in competition issues. The legal department advises all these departments hence it would have been a good platform to learn about their processes in total.

Which suggestions would you give to encourage the flow of knowledge within the department you were assigned?

Eric: I appreciate the plenary sessions that are carried out in the Authority. My suggestion would be to have the same cascaded down to departmental level where members share learnings that are specific from trainings on departmental mandates.

Joshua: Each department should document all the steps and agreements and decisions made as they carry out cases and not just provide an end report.

Dorothy: The departments should consider having their case databases searchable sector wise.

Jacinta: The flow of knowledge in the department as adequate.

Which training and development or plenary session did you find useful?

Eric: I particularly appreciated the ACER Week and Annual Competition and Consumer protection Symposium.

Joshua: All the plenary sessions I attended were resourceful as they covered different areas. The ACER week and Annual Competition Symposium was very insightful as I got to also interact with people from different jurisdictions.

Alex: The plenary session on consumer protection done by the Consumer Protection Department stood out for me, as I picked very valuable lessons.

Dorothy: The capacity building partnership between the Office of Competition and the Consumer Protection of Poland and the authority.

That was helpful as it gave insight to what other jurisdictions are doing. The ACER week and Annual Competition Symposium was also very insightful.

Jacinta: This wasn't a plenary per say but a stakeholder engagement on the amendment of the competition bill with major stakeholders where I actually understood what goes into amending bills. I also attended a plenary on bid rigging and got to understand the processes in enforcement. The plenary session on Consumer protection also stood out for me.

Do you have any suggestions or comments on how the KM unit can gather and use the knowledge of employees better?

Eric: The unit should implement the proposals that are given during the plenary sessions. Due to some proposals having budgetary implications, the unit can begin with non-monetary proposals and forward the same to management. This will encourage employees to actively participate in plenaries. The unit should also consider working with other government agencies to further create sensitization about the Authority to the public one such agency is the Kenya Innovation agency where they can join them as they carry sensitizations to the public.



Do you have any suggestions or comments on how the KM unit can gather and use the knowledge of employees better?

program run for 2 years allocating six months each in a department as this would be ample time to effectively learn.

Joshua: Have the Authority publish journals and share the same to all staff using the institutional repository.

Alex: You should consider doing exit interviews bi-annually or at the end of every quarter whenever one moves from one department to the next.

Dorothy: The unit can consider a session in a week or in a month maybe to interact with colleagues from other nontechnical departments for the knowledge exchange. Also encourage YPs to write opinion pieces which can be published.

Jacinta: The unit can consider doing surveys quarterly to gather topics of interest from staff members so as to have them discussed during plenaries.

Dorothy: I would like to thank the Authority for giving me this opportunity to be part of the 2024 Young Professionals Program. The Authority can consider having a post training period where after 3 months under a case officer the YP is given 3 more months to carry out a task independently.

Jacinta: The program being a training program, I would recommend to have the YPs rotating in all technical departments to enable them get adequate skills in Competition matters.

*****THE END*****

Additional Comments

Eric: I appreciate the Authority for giving me a chance to be part of the team and I have learned a lot in the Competition Sector hence I will be a champion of competition issues as I exit.

Joshua: I thank the Authority for giving me this opportunity to gain knowledge in Competition matters.

Alex: Everyone I've interacted with has been very kind and very willing to assist. I have had a very comfortable stay at the Authority, and I'm leaving enriched. The Authority should consider having the

