

# Whistle blown on asbestos training competition law breach

## Trade associations

THE UK Asbestos Training Association (UKATA) has been investigated for not complying with competition law after a whistleblower warned that it was recommending prices at which its members provide training services.

The Office of Fair Trading (OFT) launched a formal investigation into a suspected breach of competition law in asbestos awareness training for the construction industry.

In a statement, the OFT said the UKATA has "ended an arrangement that appeared to recommend prices",

after its intervention and promised to ensure its members compete on the price of training services.

An OFT spokesperson told HSW "it was caught at a very early stage, so the impact of the collusion was quite limited". He added: "The UKATA had breached competition law but we caught it and engaged with them proactively and they appeared to end the relationship.

"Though there was no additional follow-up, we wanted to send a message out to trade bodies that these arrangements are detrimental to the people who need this training."

In its earlier statement, the OFT stated that pricing recommendations by trade associations "may raise serious competition concerns where they result in their members not competing with each other on their merits".

UKATA has also assured the OFT that it will not enter into any similar arrangements, and provided further training to its members in April and May on the importance of complying with competition law.

Ann Pope, OFT senior director of services and public markets, said its targeted investigation had "resulted in a change of behaviour by UKATA and

we welcome its swift action" to ensure compliance.

In a letter to members on 26 March, UKATA reiterated the OFT's comments. A UKATA spokesperson has since told HSW the association would not be making any further statement.

Bal Dhillon, a barrister specialising in competition law compliance, told HSW: "There is a lack of awareness [among trade bodies/institutions] that their actions may be caught by competition law. Companies also wrongly think that, in some way, working through a trade association legitimises illegal activity."