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Competition Commission

Anti-Corruption Policy

30 March 2022

1. Introduction

The Competition Commission recognizes that the risk of corruption is present and may occur in any organisation. Through the adoption of this policy, the Competition Commission is committed to creating a workplace where integrity, transparency and accountability prevail, while at the same time ensuring ethical leadership with the view to establishing an atmosphere that is conducive to the fostering of high professional standards in all activities and limit unethical behaviours. An ethical and professional workplace acts as a safeguard against malpractices, misconduct, and corruption. The Competition Commission aims for a zero-tolerance corruption culture.

This anti-corruption policy sets out the full commitment of the Competition Commission for the deterrence and detection of corruption and for adherence to a culture of integrity.

2. Background of the Competition Commission of Mauritius

The Competition Commission is a statutory body setup in November 2009, to investigate possible anticompetitive behaviours by businesses and take remedial action if required. Anticompetitive behaviours can be in the form of cartels, abuse of monopoly positions and mergers that lead to substantial lessening of competition.

The Competition Commission operates with two independent arms: an investigative arm led by the Executive Director and an adjudicative arm led by the Commission, which comprises of five Commissioners.

3. Statement of Intent

The Competition Commission will not tolerate corruption in the administration of its responsibilities, whether from inside or outside. It expects the highest standards of conduct from its employees, Commissioners, and others dealing with it, including stakeholders and the public. It is committed to ensuring that the risks of corruption and the potential losses that might result are minimised.

4. Policy Statement

The Competition Commission is committed to promoting and adhering to the highest standards of probity, transparency and accountability in the operations and management of the organisation. Through this policy, the Competition Commission engages itself to fully and unequivocally adopt a zero-tolerance stance towards corruption and other malpractices and shall ensure compliance with the anticorruption legislation.

5. Anti-Corruption Commitment

The Competition Commission has committed itself to use all its capacity to always fight corruption in all its forms and by applying appropriate prevention and detection control measures.

For the purpose of ensuring sound implementation of this policy, the Competition Commission will ensure that:

- employees are aware of the anti-corruption policy.
- adequate controls to prevent corruption are known and used within the organisation.
- clear procedures and systems for handling suspected cases of corruption are put in place.
- the anti-corruption policy is brought to the attention of all stakeholders.

The main objective of this anti-corruption policy is to strengthen and sustain an integrity culture within the Competition Commission. This will be achieved through:

- a) the setting-up of effective processes characterized by broad participation and transparency.
- b) regular evaluation of corruption risks, systems, and procedures.
- c) ensuring that projects have clearly formulated goals, expected results as well as monitoring and follow-ups.
- d) learning from experiences and continually improving organisational performance and the corporate image.

6. Scope and Applicability

This policy covers measures and practices of the Competition Commission on preventing and combating corrupt, fraudulent, collusive, or coercive practices in its activities and operations. This policy applies to all Commissioners, management, employees as well as, parties under investigation, suppliers, and or any other parties having a business relationship with the organisation.

7. Definitions

For the purpose of this policy, corruption is defined as per section 2 of the Prevention of Corruption Act 2002 (POCA) as amended.

An “act of corruption”:

- a) is defined as an act which constitutes a corruption offence; and
- b) includes:
 - i. any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;
 - ii. the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
 - iii. the abuse of a public or private office for private gain;

- iv. an agreement between two or more persons to act or refrain from acting in violation of a person's duties in the private or public sector for profit or gain;
- v. any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.

All the sections of the law penalizing corruption offences are described in sections 4 to 15 of the Prevention of Corruption Act 2002 as amended. These include bribery by public official, bribery of public official, taking gratification to screen an offender from punishment, public official using his office for gratification, traffic d'influence and conflict of interest.

8. Responsibility of implementing the policy

The responsibility to develop, coordinate and implement the policy rests with the Anti-Corruption committee ("ACC") established for this purpose. The ACC shall set priorities, provide advice when ethical issues arise and communicate the policy to all levels of management and employees.

The Anti-Corruption committee

The committee shall comprise of members from both investigative and administrative departments of the Competition Commission.

A member shall be nominated to lead the Committee and chair all meetings. The Anti-Corruption Committee shall be responsible for coordinating and implementing the anti-corruption policy. It shall develop a time-bound programme with clear and precise deliverables and related budget and execute it once approved by top management. The committee must also designate a member to act as Secretary to the Committee.

The Committee shall meet at least twice annually or as decided by the Chairperson of the ACC. The Chair shall decide upon the setting up of sub-committees to assist the ACC in the implementation of any initiatives decided by the ACC.

Role of management

It is the responsibility of the management of the Competition Commission to promote the anti-corruption policy within their areas of operation. They are expected to actively deter, prevent, and detect corruption by maintaining effective control systems and ensuring that their employees are familiar with the policy.

Role of Employees

Each employee shall read, be familiar with and strictly comply with the policy. The organisation shall ensure that each employee is provided with a copy of this policy or otherwise has access electronically.

9. Risk Assessment

The Competition Commission is conscious that the risk of corruption may occur in every sphere of its activities and may evolve in the light of changing circumstances and working environment. In its endeavour to proactively address risks of corruption, the Competition Commission shall ensure that a proper risk management process is in place. Risk assessment should focus on a thorough analysis of the functional activities in close collaboration with employees involved in the process with a view to identifying potential or actual corruption risk areas. With respect to risks identified, necessary corruption prevention measures including policies and procedures should be developed to address the risks. The responsibility to plan, coordinate and monitor the risk management process rests with the ACC.

10. Handling and reporting suspected cases of corruption

Section 44 (1) of the POCA as amended provides that where an officer of a public body suspects that an act of corruption has been committed within or in relation to that public body, he shall forthwith inform his Supervising Officer.

Section 45 of the POCA as amended provides that where in the exercise of his functions, the Chief Executive of a public body is of the opinion that an act of corruption may have occurred, he may refer to the ICAC for investigation.

The Competition Commission may set up a committee to assist the Chief Executive in determining whether there is reasonable doubt for suspicion of corruption prior to referral of the case to the ICAC for investigation. The Competition Commission may also put in place measures that shall facilitate the reporting of suspected cases.

Confidentiality – Information pertaining to complaints shall not be disclosed to any unauthorised party.

11. Protection of Whistle Blower

There will be no reprisal by management against any employee, who in good faith reports an act of corruption or malpractice or suspected illegal and dishonest activity that he/she has witnessed. However, disciplinary actions may be taken against any person who knowingly had made false allegations.

12. Disciplinary Measure

The Competition Commission is committed to ensuring that this policy is duly implemented in the organisation.

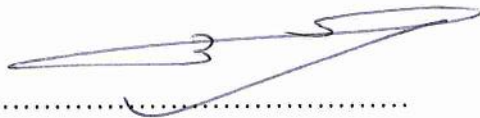
Disciplinary measures in accordance with established procedures will be taken against any employee who is found guilty of any act of corruption.

13. Training and Communication

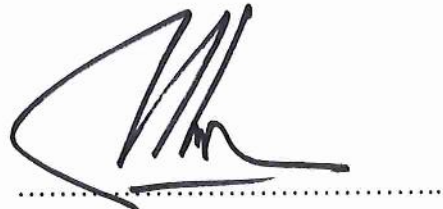
The Competition Commission recognizes that the success and credibility of this policy depends on effective training, communications, and the awareness of its employees throughout the organisation. Management shall ensure that the anti-corruption policy is clearly disseminated to all employees and that its contents are understood.

14. Review of policy

This policy will be reviewed from time to time. The Chairperson of the ACC should recommend the review to the Commissioners.



Mr M Bocus
Chairperson



Mr D Kowlessur
Executive Director