

Competing for talent: Staying on the right side of competition law

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High level advice

Microeconomic research

Investigation outcomes

Targeted guidance

GOV.UK

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CHEATING OR COMPETING

It's your business to know the difference.
Learn how to spot, avoid and report illegal business cartels

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CMA Competition & Markets Authority

Guidance

Employers advice on how to avoid anti-competitive behaviour

Published 9 February 2023

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CMA Competition & Markets Authority

Competition and market power in UK labour markets

CMA Microeconomics Unit

25 January 2024
Report no. 1

Speech

The CMA's research on competition and UK labour markets

Jan 2024

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Culture

Broadcasters fined £4m for freelance pay collusion



Paul Glynn
Culture reporter
21 March 2025

DEADLINE

Major UK Drama Antitrust Probe Dropped; BBC & Others Fined \$5.4M For Colluding Over Crew Pay In Sports Production

By Jake Kantos
March 21, 2025 1:45am



Netflix's 'Black Doves' was made by Sister

Mar 2025

Competing for talent

What businesses need to know when recruiting workers and setting pay and other working conditions

9 September 2025

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Case study

Businesses handed £4.2 million in fines following freelancer pay investigation

Lessons from the Competition and Market Authority (CMA)'s investigation into sports broadcasting and production companies that colluded on rates of pay for freelance workers.

Sept 2025



Sports broadcasting - freelancer pay investigation

BBC, BT, ITV, IMG, Sky
broke the law by
**sharing sensitive
information about
freelancer pay rates**

Information-sharing took
place between pairs of
the companies

- 15 occasions (each
involving 2 of the 5
companies)

Often with the explicit
aim of **coordinating**
on freelance pay

Including discussions
about avoiding
"bidding wars" and
presenting a "united
front" on rates

Total fines: £4.2 million

See our Case Study on this investigation:

[Businesses handed £4.2 million in fines following freelancer pay investigation - Case study - GOV.UK](#)

Competing for talent

What businesses need to know when recruiting workers and setting pay and other working conditions

9 September 2025



Contents of the guidance

- Explains why we care - collusion can have harmful consequences:
 - Reducing employees' pay packets
 - Reducing employee mobility and choice
 - Limiting a business's ability to expand
- Addresses some 'myths' about competition law
 - 'Competition law doesn't apply to agreements between employers about wages or working conditions — that's an HR issue, not a business one' - **FALSE**
 - 'I'm not competing with that other company for customers, so it's fine to agree with them how much we will pay to our staff' – **FALSE**
- Identifies 3 main types of anti-competitive behaviour:
 - No poaching
 - Wage fixing
 - Exchange of competitively sensitive information
- Explains that **no-poaching** is problematic
 - *When it involves no-hire agreements or agreements not to solicit another business's employees*
 - *But not when it involves no-solicitation clauses in certain commercial agreements*

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Contents of the guidance

- Explains that businesses competing for the same employees should not engage in **wage fixing**
 - *Including agreeing to fix pay, benefits or other terms and conditions of employment*
- Explains the law on **Information exchange** such as might occur in 'benchmarking'. Things to think about include:
 - *Public v confidential information*
 - *Aggregated v individualised*
 - *Past / current / future information*
- Gives some examples of information exchange that are less likely to be problematic (including the use of a third party that ensures information is anonymised and sufficiently aggregated)
- Deals with **collective bargaining** between workers and employers
 - *The CMA will not seek to enforce competition law whenever workers and companies come together to reach a **genuine collective bargain***
- Provides some top tips on how businesses can avoid breaking competition law

Law-firm reporting

“The Guidance is the **most substantial statement to date** from the CMA on the interface between competition law and labour markets.”

“The Competing for Talent guidance primarily provides a **user-friendly overview** of the CMA's approach to three key types of anti-competitive behaviour that can arise in labour markets.”

“The new guidance **formally debunks the myth** that competition law doesn't apply to agreements between employers about wages or working conditions.”

“The Guide [...] provides an **important reminder** of the need for businesses to understand the risks.”

“The CMA Guidance **will be welcomed** as it provides more detailed information around the key areas of concern that will be relevant to all businesses”

People Management

HR Magazine

Personnel Today

HR Grapevine

Possible discussion points

Capturing our case
experience in the
guidance

Information exchange and
'benchmarking' content –
may be useful in terms of
other inputs / purchase
markets

The balance between
detail and user-
friendliness. *Have we got
the balance right?*

Limited buy side case law
to drawn on – hence
draws on general
principles and sell side
analogies

Questions

