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Are you securing the market's top candidates?



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Today's legal recruitment market is very much a candidate driven one. That is, when it comes to sourcing candidates, both agencies and employers are finding there is a shortage of good potential employees to choose from. In order to ensure that your company is attracting and securing the market's best candidates, it is essential to promote your company above the rest of the competition.

Remember, candidates are interviewing you as much as you are interviewing them. There are 3 simple steps to making sure you hire the right person for the job:

- A. Create an attractive job description
- B. Read the CV thoroughly
- C. Ask the right questions

A. Create an attractive job description

Writing a job description is one of the most important steps in the recruitment process. A good recruitment consultant will be able to assist you with this. It will help you focus your search and ensure that you ask the right questions during the meeting. Job specifications do not need to be very long and should ideally be divided into three sections:

- i) Profile of the firm
- ii) An outline of the role
- iii) A list of the experience and qualifications required

Providing the candidate with a detailed job description before they come to the interview will help them understand the role better and will also project a more professional image of your company. The job description gives you the opportunity to promote your company to the candidate above other potential employers. Therefore, adding to the job specification any other relevant company information or press coverage of your firm is advisable.

B. Read through the CV thoroughly

When reviewing a candidate's CV, pay attention to dates of employment and gaps in work history. For example, a CV that states a position was held in "2001" does not clearly indicate the length of employment. The job could have lasted from one day to 12 months. A CV should be well written and free of any spellings or grammatical errors. Candidates who take the time to produce a clean and professional CV demonstrate attention to detail and a desire to make a favourable impression. Be wary of phrases such as "exposure to," "familiar with" and other qualifiers. These often indicate that the candidate lacks hands-on experience. Read each entry from the bottom up; candidates will often list their least flattering information last!

C. Ask the right questions

Make sure that you present your firm in a professional and competent manner. Give a short introduction to your firm and the benefits of working there. Make sure that the person from your company who will undertake the interview has a good interview technique. This may sound obvious, but many candidates are now very used to the interview process and so

will be expecting the interviewer to have prepared as rigorously for the meeting as they have. As the interviewer you should show that you have read the candidate's CV by referring to some detail. You will need to be able to sell the position, highlight the benefits of working for your firm and give emphasis to progression opportunities.

Make sure you allow enough time to talk to the candidate and get to know them, so schedule interviews during the least busy times of your day, but remember to be flexible as the person may need to meet with you outside of office hours. Also, you will probably need more than one interview as it is always advisable to ask the candidate back again to meet other senior members of staff and get a second opinion from an office manager or a Human Resources Manager. This will also give the candidate the opportunity to ask any additional questions they may have.

Before the interview, make a standard list of appropriate questions and prioritise them by topic. Most interview questions fall into 3 general categories: **role responsibilities**, **commercial aptitude** and **interpersonal skills**. Ask open ended questions to ensure you gather as much information from the candidate as possible during the interview.

Role responsibilities

Questions relating to the work achievements of the candidate can help you to determine whether a candidate possesses the necessary background for the position. For example, include; 'What are your main responsibilities?', 'What was your greatest achievement at your last firm?', 'How many files do you currently run?' or 'How do you add value in your current firm?'. Get the candidate to give you examples.

Commercial Aptitude

Questions that assess business aptitude and problem-solving abilities will allow you to evaluate someone's business knowledge. For example: "When faced with a difficult situation how did you resolve the problem?".

Interpersonal Skills

Questions relating to communication and interpersonal skills help you evaluate a candidate's sense of time management, ability to work under pressure and team work, e.g. 'How do you cope with multiple tasks?', 'Why do you want to leave your current position?'. Hiring an additional member to your team means you have to be sure you find the right personality fit for your company. Ask questions such as; 'What sort of work environment do you prefer?', 'Why do you want to work here?'. What you are looking for is for the candidate to demonstrate a good understanding of his or her current employer's goals. Inability to answer these types of questions may highlight a lack of interest that could carry over into your firm.

Take the time at the beginning to plan and structure the recruitment process and you will reap the rewards. Carefully plan your questions for the interview and you will prompt better responses and ultimately strengthen your chances of hiring the best candidate for the job.

Jenny Hayes, IBEC, Offers 10 Steps to Managing Conflict at Work



Introduction

Conflict arises when someone tries to achieve an outcome to the exclusion of others. If you're tasked with resolving a conflict and with preventing it becoming an intractable rift, you must deal with the original issues but also examine the behaviour and feelings of all parties. If conflicts were only about issues, then forming solutions would be simple. However, how people behave and the emotions that arise are often the key to conflict resolution.

Reactions to Conflict

There are 3 broad approaches to dealing with conflict some of which were outlined by Thomas Kilman, TKI, these include:

Fight:

The person in this case will not compromise any of their own preferred outcomes. There are also people who use this style regardless of how important the issue is as they see each conflict as a threat and a potential power struggle.

Avoid:

Avoidance behaviour results from a fear of confrontation or a desire to maintain a relationship. This style can also be used when one person feels there is nothing to gain by dealing with the cause of the conflict.

Resolve:

In this approach both parties try to resolve the disagreement in a way that is mutually beneficial. Both sets of needs are deemed to be equally important and dealt with accordingly. Resolution can be achieved when both people involved agree to compromise as a way of moving forward.

Causes of Conflict

There are many causes of conflict within the organisation and these include:

1. Poor organisation structures where people may feel alienated or isolated
2. Poor communication lines where people do not have the opportunity to express how they feel
3. Personality conflicts that are left unresolved and become accepted
4. Large changes that are poorly managed lead to people feeling insecure and threatened
5. A poor teamwork performance culture
6. Overall, conflict often arises when there is a non - acceptance of the differences which exist between people at work

Managing Yourself

One underlying principle that needs to be clear before looking at the 10 steps is that we have most influence over our own behaviour when dealing with others. Changing your behaviour towards someone is likely to influence the way they deal with you.

10 Practical Steps to Managing Conflict Effectively

1. Decide when there is a benefit in confronting. The key here is that you have the choice as to how you deal with the conflict.
2. Picture the situation as you would like it to be and how you see the conversation with the other person going. Try to imagine how they will react to what you're saying so you can be prepared and insulate yourself from emotional responses.
3. Practise assertiveness. Focus on expressing how you feel in a way that is not aggressive. Describe the behaviour of the other person and the effect of their behaviour on you and then what you need them to do differently in the future to avoid further conflicts e.g. "You made a comment about my department at the meeting today which made it appear that I didn't know what was going on in my department. I am disappointed, angry etc. and in future I would ask you to make any comments you may have to me directly."
4. Step back - try to look objectively at the conflict. Everybody believes there are two sides to every argument except the one they are involved in. Consider how you might be contributing to the problem.
5. Don't just do something, sit there. Don't deal with the issue when you are very angry or emotional. Emotion in negotiation means people start to focus on the personality not the problem. Be specific and stick to the issues at hand.
6. Listen to the concerns of the other person. Ask questions and try to avoid making statements about our point of view until the other person's position is clearly understood. The other person will feel their position has been heard and therefore be more open to listening to yours.
7. Invite a free expression of feelings/frustrations regarding the conflict from the other person once a safe environment has been created. Both people must understand the goal or desired outcome and the need to say how they feel without being interrupted as a first step to gaining understanding.
8. Ask why the other person cares about the outcome and what needs are threatened for them by the conflict. Choose which strategy is appropriate for you in terms of the outcome and how your needs compare to those of the other person e.g. accommodating, avoiding, competing etc.
9. Brainstorm - look for a way forward by jointly brainstorming possible solutions or alternatives. Encourage all those involved in the conflict to participate and share their ideas.
10. Agree an action plan. Who will do what, when and how. Monitor progress and review within an agreed period. End the conflict on a positive note - you have to work with this person in the future.

Once the conflict has been dealt with, both parties should try to develop their working relationship in the future by building on the experience gained. If the issue has been tackled and resolved, it can be a means to actually developing the depth of understanding which two people have for each other and towards building respect towards each other in the future.

Conflict resolution is about taking personal responsibility and not allowing tension and bad feeling to build up and damage the relationship. It may be difficult to do, but by coaching ourselves by using some of the points outlined earlier and learning from each experience, we can ensure we grow and develop in all our interpersonal relationships.

IBEC provides its members with a wide range of services including legal representation, HR and IR consultancy and policy input.

Contact **Jenny Hayes**, Head of Management and Training, IBEC jenny.hayes@ibec.ie for more information.



Sarah Kelly
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Commercial Property Lawyer

Reference: SK 1
 Location: Dublin
 Expectation: €75,000 & benefits
 Availability: 1 month

A qualified solicitor with a number of years' experience in private practice, this candidate is a very experienced property lawyer. Their background covers small to medium sized practices where they have gained vast experience in litigation, conveyancing, probate, drafting, contracts and leases. They have worked on both residential and commercial property agreements. This candidate is a friendly, professional and competent individual.

Senior Company Secretary

Reference: SK 4
 Location: North Dublin
 Expectation: €70,000 & benefits
 Availability: 2 months

This candidate is ICSA qualified with more than 10 years' experience as a company secretary. They trained in private practice before moving to an in-house role. Their current position is very broad, involving a range of areas including general corporate governance, corporate restructuring, data protection, general legal work and other ad hoc issues. A very competent, friendly and professional individual, I would highly recommend them for interview.

Legal Risk Lawyer

Reference: SK 2
 Location: Dublin
 Expectation: €90,000 & benefits
 Availability: 1 month

This qualified lawyer has 7 years' post qualification experience. In their current role they are responsible for all legal risk transactions, advising on regulatory and compliance matters and liaising with external legal advisors in relation to risk policies and their implementation. A professional and personable individual, this candidate is now actively looking for a new role.

Senior Corporate/Commercial Lawyer

Reference: SK 5
 Location: Dublin
 Expectation: €110,000 & benefits
 Availability: 2 months

This high-calibre experienced candidate is both UK and Irish qualified, with a wealth of corporate experience from both in-house and in private practice. They have worked for several blue chip companies as their in-house legal counsel, working in a team providing support to various business units. Their work covers software licensing agreements, proposals and tenders, general contract drafting and negotiating and compliance.

Senior In-House Counsel

Reference: SK 3
 Location: Dublin
 Expectation: €100,000 - €120,000 & benefits
 Availability: 1 month

A qualified senior lawyer with extensive experience in the IT and telecoms sectors, this candidate has worked with a number of start-up organisations. Having worked on areas including software licensing, SOX projects, commercial contracts, mergers and acquisitions (both public and private companies) this candidate is now seeking an organisation in which they can expand on their already broad experience. A confident, conscientious and professional individual they are keen to begin a new role as soon as possible.

Senior In-House Commercial Lawyer

Reference: SK 6
 Location: Dublin
 Expectation: €120,000 & benefits
 Availability: 1 month

This candidate is an experienced corporate and commercial lawyer who has specialised in start up and rapid growth organisations. With a background in the IT and telecoms sectors this candidate is widely experienced in; negotiating license and contract agreements, mergers & acquisitions, disposals, service level agreements and general corporate and commercial work. This candidate is a professional and conscientious individual with over 10 years' corporate law experience. They are immediately available for interview.



Allison Watson
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Banking Solicitor

Reference: AW 1
 Location: Dublin
 Expectation: €50,000
 Availability: 1 month

This high calibre candidate from a top 20 firm gained excellent experience from their current role where they have done rotations in banking, commercial and residential conveyancing and commercial litigation. Their electives have included banking & corporate finance, commercial conveyancing and tax in conveyancing as well as dispute resolution. They have worked in their current role for an extensive period and have a lot of valuable experience in diverse areas. They have previous financial services experience and a good knowledge of funds and now are keen to specialise in the area of banking law and develop their financial services experience further. This candidate is bright and friendly and comes across as very professional.

Commercial Lawyer

Reference: AW 2
 Location: Dublin
 Expectation: €65,000
 Availability: 1 month

Qualified in Australia and having worked for several years in leading practices as well as in-house, this candidate has a great array of experience and has had a huge amount of exposure to commercial law, property law and business law. They have worked on a range of corporate and commercial ventures and they are keen to expand on this knowledge. Since arriving in Dublin they have worked in a top tier practice in the professional support department. This candidate is keen to find a position where they can use their commercial and company law knowledge. This is an exceptionally bright and capable candidate who would be a very effective manager and a good addition to any team.

In-house Lawyer

Reference: AW 3
 Location: Dublin
 Expectation: €65,000
 Availability: 1 month

Currently working in a senior in-house Legal Advisory position, this candidate has a lot of responsibility for their firm. They have worked extensively in company and commercial law as well as dealing with all aspects of employment law, company secretarial work, IP/IT and compliance issues for the firm. They have very good qualifications and strong contracts and licensing experience as well as drafting all legal documentation for the company and other ad hoc legal requirements. They are very capable and have a strong network base and come across very well at interview.

Newly Qualified Solicitor

Reference: AW 4
 Location: Dublin
 Expectation: €55,000
 Availability: 1 month

This newly qualified candidate has a very strong academic background as well as having had a very thorough traineeship where they gained experience in various areas. They have had rotations in general litigation where they gained specialist experience in medical negligence and defamation as well as having worked in commercial litigation. They are now looking for a position ideally in general commercial or litigation. Their corporate and commercial work includes IP and IT, drafting agreements, competition law and company secretarial. This is an exceptionally bright candidate who would fit in very well to a fast-paced team.

Senior Company Secretary

Reference: AW 5
 Location: Dublin
 Expectation: €60,000
 Availability: 1 month

This ICSA qualified Company Secretary has had over 6 years' experience both in practice and in industry. They have worked extensively in excellent practice roles where they have prepared minutes for meetings, completed statutory filings and worked with a variety of clients as well as taking sole responsibility for large clients and working extensively in a supervisory capacity. They have had great experience in industry where they have had sole responsibility for the company secretarial matters of the firm – dealing with statutory changes, AGM's and EGM's, regulatory reporting etc. This candidate is intelligent, corporate and diligent and they are keen to progress further.

UK Qualified Solicitor

Reference: AW 6
 Location: Dublin
 Expectation: €50,000
 Availability: Immediate

This UK qualified lawyer is a focused and bright candidate who would suit a professional environment. They qualified earlier in August this year having gained extensive experience from their current firm, a medium sized general practice. In their role they dealt with a range of cases in contentious and non-contentious litigation, commercial and residential conveyancing, wills and probate. Originally from Ireland, they are now very keen to return and develop in the areas of banking and financial services or corporate/commercial. They intend to relocate as soon as possible and are available for interview immediately.

Company Secretary

Reference: AW 7
 Location: Dublin
 Expectation: €35,000
 Availability: Immediate

With a very strong funds background and several years' experience in financial services, this ICSA qualified candidate is now keen to use their qualification to develop in a corporate/company secretarial department. They have been working as a financial reporting administrator for a well regarded firm where they have had good experience dealing with a range of clients on regulatory issues, filings, reporting and preparation of board materials and organisation of quarterly board meetings. They are very professional and bright and have previous management experience. They are keen to gain experience in company secretarial/ corporate governance and would be an asset to any team.



Andrew Ganly
 Consultant
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Financial Accountant

Reference: AG 1
 Location: City Centre
 Expectation: €45,000
 Availability: 1 month

This candidate is a newly qualified accountant with a Post Graduate Diploma in Information Technology. This candidate has spent the last two years' working in a US multinational where they have been involved with preparing monthly management accounts, assisting with budgeting & forecasting and balance sheet reconciliations.



Paul McArdle
 Director
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Financial Controller

Reference: PMcA 1
 Location: City Centre or South Dublin
 Expectation: €90,000
 Availability: 1 month

This Financial Controller has experience in specifying and implementing systems, cashflow management and managing small finance teams. Very strong on corporate governance, enhancing the quality and timeliness of management reporting and managing external professional relationships. This Big 4 trained FCA is now looking for a senior finance role in a professional services environment.

Bookkeeper/Office Manager

Reference: AG 2
 Location: South Dublin, Wicklow or City Centre
 Expectation: €30,000
 Availability: 1 month

This candidate is an excellent professional candidate with over 6 years' finance experience in a large company environment. They work in a team of 4, and their role incorporates accounts payable, bank reconciliations of the main account, intercompany recharges, accruals and prepayments etc. They are proficient in Sun and Pegasus Opera. They plan on beginning the IATI in 2007.

Senior Finance Manager

Reference: PMcA 2
 Location: Dublin
 Expectation: €110,000
 Availability: 1 month

Experienced Finance Manager within large company environments. Excellent staff management and development skills. This candidate has managed teams of up to 25 staff, has had over 10 legal entities reporting into them and managed all external reporting. This candidate also has strong systems development experience.

Assistant Accountant

Reference: AG 3
 Location: West Dublin
 Expectation: €36,000 plus study support
 Availability: Immediate

This candidate has worked mainly in the construction and services sectors. They have prepared month end and year end accounts, and have exposure to payroll also. They are part-qualified CIMA, and have working knowledge of Sage accounts and Take 5, and good MS Excel.

Management Accountant

Reference: PMcA 3
 Location: City Centre or Southside
 Expectation: €55,000 - €60,000
 Availability: 1 month

Qualified Accountant with 2 years' post qualification experience gained in a professional services environment. Their key duties include preparing management accounts for company subsidiaries, reconciling balance sheet accounts, intercompany accounting and fixed assets. This candidate is currently looking for a new challenge.

Will new defamation laws defuse the legal minefield for online publishers?

By Maxim Kelly

Gossiping about your boss is a pastime as old as authority itself. Whether it's kids sending up their teacher or staff having a chinwag about the chairman, everyone has been at it at some stage or another. Problems arise, however, when a little tittle-tattle turns nasty, spreads around the office, and individuals' reputations are besmirched.

Disparaging material published on the internet is now doing the damage, and not just around the water cooler.

The latest serious example occurred in February when a judge at the Central Criminal Court asked each juror attending a high-profile murder trial whether they had read prejudicial comments anonymously posted on the web. Newspapers reported that after careful consideration the judge, Justice Phillip O'Sullivan, decided not to dismiss the jury and collapse the trial when the 12 jurors confirmed they had not read material on the internet and promised not to do so.

The comments on the site, called The El Paso Times, were seriously compromising: labelling the accused a "murderer" before he was convicted.

Such amateur journalism posted online is not a private communication and is potentially perused by a massive readership. The latest International Telecommunications Union internet usage figures report 1.02 billion, or one in six people, surf the net.

An increasingly prevalent form of expression on this vast global interconnector is blogging. A blog, or web log, is a journal kept online - typically updated daily using software necessitating little technical knowledge. Anyone can set up these websites, and readers publish replies to bloggers' musings to create the interactively expanding "blogosphere".

Although most bloggers deliberately avoid posting libellous material, the assumed anonymity provided by the internet enables increasingly bolder publications of defamatory remarks. The other platform for potentially offensive content is online bulletin boards - especially those discussing the musings of bloggers and other "new media" opinion formers.

A case last year at the High Court in London is a pertinent example. The court ordered a financial discussion site, The Motley Fool, to disclose identifying data of an anonymous subscriber who posted allegations about City analyst Terry Smith. Fellow financier Jeremy Benjamin, who used the nickname "analyser71", was eventually identified via his e-mail address and had to pay substantial damages to Smith.

According to defamation expert Karyn Harty of McCann Fitzgerald solicitors, no similar order has yet been made in Ireland. However, in March 2005 Ryanair obtained an interim injunction in the High Court prohibiting the Ryanair European Pilots Association (REPA) from deleting any codenames used on its message board after the airline complained about comments posted there.

Harty said bloggers may presume immunity because of their apparent anonymity. However, if someone feels defamed on the internet they can request the blogger to remove the offending material. Harty further recommends approaching the site's host, such as an Internet Service Provider (ISP), because unlike in the US, ISPs may currently be held liable for content transmitted on their systems in Ireland.

"The same principles apply to internet libel as to libel in books or newspapers. The difficulty can often be tracing the person responsible. However, it is usually possible to find out the identity of the administrator of a website/blog, which can be of assistance if a website/blog has been created and specifically targeted at a company or individual," she said.

According to Harty, if an ISP is notified but does not remove defamatory material then a court could decide the ISP is responsible for compensating the person defamed.

"ISPs will often refuse to deal with complaints on the basis that US law applies, but if material is downloaded in Ireland then the ISP may be held liable for the publication of the material under Irish law," she said.

Speculation that the Government may legislate on this issue is rife amongst the online community. The Minister for Justice, Equality & Law Reform, Michael McDowell currently has his defamation legislation before the Seanad at time of writing.

The bill does specifically mention ISPs but as it currently stands they will not be treated as regular publishers.

TJ Macintyre of Digital Rights Ireland suggested that online publishers bound by any proposed code of press conduct should be represented on a press council. Macintyre foresees problems if non-council members find it difficult to avail of libel defences such as reasonable publication. "The individual blogger may be left out in the cold," he said.

Part of the EU's e-commerce directive dealing with ISP's legal liabilities is also incorporated into the bill.

Hugh Mohan SC chaired the committee that drew up proposals for the bill two years ago. He hoped the final draft would recognise current realities. Right now, unwitting distributors of possibly illegal content, such as ISPs, are currently wholly responsible for any content hosted, yet they remain unregulated and difficult to police, Mohan said.

"ISPs should have a graded responsibility for illegal content based on reasonable care," he suggested.

A government spokeswoman previously told ENN the bill would be finalised by April. However, hints of opposition from Fianna Fail ministers who perceive it as easing the burden of existing libel laws on the media, without increasing corresponding privacy rules, may scupper it yet.

In draft form, the defamation reforms have reportedly been ready for well over a year, but it remains to be seen if these proposals will solidify Ireland's current laws in the face of the fluidity of the internet.

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The Panel Launches a New IT Division

The Panel is proud to announce the launch of **The IT Panel**, a new division of the company specialising in the recruitment of IT professionals across all the major categories including Software Development, Systems Analysis, IT/Project Management, Telecommunications, Technical Support, QA/Technical Writing and ERP consultancy on both a permanent and contract basis.

The IT Panel is headed up by Fergal Keys. Prior to joining **The IT Panel**, Fergal held a number of senior positions within the networks and telecommunications sector in BA Systems & GE Capital Woodchester. Fergal also ran his own system integration telecoms company providing services to telecom companies in the Cable, TV and Wireless markets both nationally and internationally.

The IT Panel will offer the same high standards of recruitment service you've come to expect from The Panel Group.

Give Fergal a call on (01) 637 7060 or email fergalk@thepanel.com if we can be of help with any of your recruitment needs.



Fergal Keys and Paul McArdle



THE IT PANEL

CPD Presentation Skills Course with Carr Communications The Panel recently held a very successful CPD course for solicitors and accountants with the help of Eoghan McDermot of Carr Communications. The topic of the night was Presentation Skills and over 35 people attended. We would like to extend our gratitude to Eoghan.



Damien Carroll, McNerney Saunders and Sarah Kelly, The Legal Panel



Eamon Shortall, Barrister, Allison Watson, The Legal Panel, and John Lynch, Whitney Moore Solicitors

On the Move

After 3 years with The Legal Panel, Sarah Randall (left) will be moving on to a new role within The Panel group as Manager of Mark Mitchell Sales and Marketing Recruitment. However, Sarah will be replaced by Sarah Kelly (right), Manager, who joins us from our sister company The Accountants Panel.



Sarah Randall

Sarah Kelly

Upcoming Events at The Panel:

The Panel will be running another CPD Course in conjunction with Carr Communications in January 2007. We will be covering the topic of Time Management. If you are interested in attending the course please contact Allison Watson on 01 6377 012 or allison@thepanel.com

THANK YOU!

The Panel would like to extend our sincere thanks to all of our clients for their business in 2006. We look forward to working with you in 2007 and wish you all a very enjoyable festive season!

Jacqueline Kelly of A & L Goodbody examines the topic of workplace discrimination



Jacqueline Kelly
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Advertising and age discrimination

Age discrimination is the hot topic of the moment amongst employment lawyers in England. That's because age discrimination as an employment ground has only recently been introduced there. It has been part of the Irish legislation since 1998. It has not created quite the stir that say race and sex discrimination claims have done. That is partly because of the composition of the workforce. It is young and there are plenty of jobs to go around. As the workforce ages, age discrimination will probably more come to the fore.

The landmark decision in relation to advertising for vacancies is the Ryanair case. This was the case in which Ryanair advertised for a young dynamic professional. The Equality Authority took exception to this advert on the grounds that it indicated an intention on the part of Ryanair to discriminate on the age ground, contrary to the employment equality legislation and referred the matter on to the Director of Equality Investigations. In the end Ryanair was ordered to pay c.€12,000 as compensation for the effects of the discrimination. What made the publishing industry sit up was the suggestion by the Equality Officer that the Equality Authority should not only consider pursuing the advertiser but should also go against the newspapers, by using its powers to seek an injunction against both the publisher and employer to prevent the advert being published in the first place. This cautionary remark to the publishing industry to introduce appropriate equality proofing mechanisms or risk being enjoined, has had an impact and these days it is relatively hard to find adverts as blatantly ageist as the Ryanair case.

The Equality Authority now have their sights set on adverts that say things like "not more than 2 years' post qualification experience required" or "not less than 10 years post qualification experience required". This wording is especially popular in adverts for accountants and solicitors. Earlier this year the Equality Authority wrote to the editor of the Law Society Gazette complaining that such adverts, published in its magazine, indicated an intention to discriminate on the age ground. As a result of this approach the Law Society Gazette has said that it will no longer publish such adverts. The argument goes that the requirement that no more than 2 years' post qualification experience is required be included in an advert excludes people with more than two years' pqe. These people would generally tend to be older than newly qualified solicitors. There have been a number of cases when job applicants have applied for jobs and been refused on the basis that they are over qualified. In many cases this is an employer's way of saying "too old for the job". With the Law Society having taken the plunge it is quite likely that other publications will follow suit and adverts looking for "newly qualified solicitors" or "accountants with no more than 2 years post-qualification experience" will go the way of "young and dynamic".

Other protection against age discrimination

Since 2004 the automatic upper age limit of 66 years has been removed from the unfair dismissals legislation. This means that if the employer does not fix a retirement age (i.e. include a retirement age in the contract of employment) then the employee continues to have the protection of the unfair dismissals legislation above and beyond the age of 66, as well as protection under the equality legislation. An employer is entitled to fix a compulsory retirement age for that employment or for a particular class or description of employees in their employment and that in itself does not amount to age discrimination. To avoid getting caught out by the unfair dismissals legislation it is important that employers include a retirement age in an employee's contract of employment.

References and race discrimination

A decision of the Equality Authority that has grabbed the headlines over recent months is the case of Czerski v Ice Group. This was a case in which the claimant alleged that she was discriminated against by Ice Group, a recruitment agency, on grounds of race in relation to access to employment. Ice Group imposed a requirement that applicants provide two employment related references. In this case the claimant was only able to provide one work related reference in relation to her Irish employment from 2000 to the date of the interview in August 2001. The claimant could not furnish a second reference as she was at home raising her family between 1986 and 2000 and, prior to that, she was employed in Poland. In this case the Equality Officer concluded that the absolute insistence by Ice Group that the claimant furnish two employment related references constituted less favourable treatment on the grounds of race and amounted to indirect discrimination on the race ground. The Equality Officer ordered the respondent to pay the claimant €7,000 by way of compensation for the distress suffered by her as a result of the discrimination.

There is nothing in this decision to indicate the basis upon which the Equality Officer decided that the insistence on two references by a prospective employer operates to the disadvantage of a non-Irish national as compared to an Irish national. The Equality Officer does not appear to have relied on any statistical evidence and one wonders what is the basis of this assertion. Why for instance is it more difficult, given the world-wide availability of e-mail and internet access, for an English, American or Polish person to obtain a second work reference than it is for an Irish person?

In order for such a decision to have any credibility one would expect at a minimum that the Equality Officer insist on some empirical evidence rather than assume that it is easier for Irish people to get employment references than it is for non-Irish and expect everyone else to accept this assumption on its face value without any supporting evidence. It is just too simplistic. Be that as it may, this is the most recent authority and employers therefore are forced to take note of it; subject to the decision being overturned or qualified or explained in some way.

The views in this article are not intended to constitute legal advice or be exhaustive. Specific advice should always be sought in individual situations.