

MY CAREER

LEGAL EAGLE



Alec Gabbett

Q I recently joined a new company. My manager asked me to travel to meet people in head office. This required a round trip of 250 miles, with mileage at 30c per mile. I informed him this would be insufficient to cover my costs and I would not be using my car again to carry out company business. I have since been asked to carry company products in my car. My manager has now sent me my contract of employment which states I must use my own car to carry out company business. Can the company make the use of my private vehicle a condition of employment?

A If you agree to it your employer can make the use of your vehicle a term of your employment. It is normal that the company would either provide you with a motoring allowance or pay you a rate (in cent per kilometre) to reimburse you for the use of your car.

Rates of reimbursement are often based on guidelines used by the Civil Service in order to ensure the employer “no more than reimburses” the employee (in order for the payment to remain tax free) for the expenses of qualifying business travel. An example of the current rates of reimbursement (per kilometre) as at 1 July 2005 (for a car between 1201cc and 1500cc) are 60.85c for the first 6,437 kilometres per annum and 30.31c for anything above 6,438 kilometres. In some instances reduced per kilometre rates apply to certain types of travel (between 19.52c and 25.47c per kilometre) and these rates may apply to you as you appear to be office-based. You should check this with the Revenue Commissioners.

You should also ensure your car insurance policy covers business use and the carrying of samples. Failure to notify your insurance company that you are using your car for business purposes could result in your insurer not covering you in the unfortunate event of an accident. There is an additional premium payable to the insurance company for having this level of cover.

To conclude, if it is a term of your employment that you use your own car to carry out your work you should ascertain what rate your employer is willing to pay you and whether this rate is sufficient to “no more than reimburse” you. You should note that excessive per kilometre rates which exceed recommended rates may be taxed as income.

Alec Gabbett is a partner at Vincent & Beatty Solicitors.

QUERIES

If you have any employment-related legal queries you would like answered on this page by our team of solicitors, please email: legaleagle@whitespace.ie or write to: Jobs & Careers legal team, Whitespace Publishing Agency, Top Floor, Block 43B, Yeats Way, Park West Business Park, Nangor Road, Dublin 12.

For more information visit: www.acoi.ie

A CAREER AS A COMPLIANCE PROFESSIONAL

Hole in the wall gang

Keeping the banks in line can be a lucrative career and there is a growing demand for compliance professionals. **Laura Coates** reports



Eleanor Fitzgerald of FBS Compliance says the job allows her to be her own boss

DIRT, Ansbacher, overcharging – it’s a familiar list of sins committed by financial institutions in Ireland in the past decade. The Financial Regulator (formerly the Irish Financial Services Regulatory Authority) was set up in 2003 to clean up the sector and since then there has been an explosion in demand for compliance professionals to make sure companies are playing by the rules.

Compliance professionals working within a company are the ones responsible for rooting out fraud, cheating or simple non-compliance with financial services rules administered by the Regulator. They need to be sticklers for paperwork and strong characters who aren’t afraid to question the actions of top management across all sections of an organisation.

“Compliance officers work with various internal functions, including the board of management, to ensure they are compliant with all relevant statutory codes of conduct and legislation,” says Jill Forde, press officer with the Financial Regulator, which regulates approximately 7,000 financial services firms. She adds they need to be familiar with the ever-changing rules that apply to the financial services industry. The Regulator maintains a dialogue with compliance professionals to keep them up to date.

The industry needs to hire compliance professionals to keep them on the straight and narrow. The only problem is “people are like gold dust” at the moment, according to Anne

SOMEONE WHO HAS COMPLETED A LEGAL DEGREE BUT DECIDED NOT TO BECOME A SOLICITOR MIGHT BE IDEAL TO GO INTO COMPLIANCE

Quinn, senior banking consultant with recruitment agency Brightwater. Because it is such a new sector in Ireland there is a lack of experienced senior professionals in the market. Some companies, according to recruiters Joslin Rowe, are being forced to fit their vacancies around the skills of any candidates that become available.

Quinn describes the job as “a cross between a legal, banking and accountancy role”. The specific skillset needed will vary depending on whether the job is in insurance, risk, stockbroking, funds management and so on. Those currently working in compliance in Ireland generally have a mixture of legal, accountancy or banking backgrounds. Most positions are in-house, although there are opportunities to consult in specific sectors.

“Someone who has completed a legal degree but decided not to become a solicitor might be ideal to go into compliance,” says Quinn, pointing out that they can earn higher salaries in a shorter time than they would in a traditional legal career.

“If someone is thinking of going into the area, now is the

time,” she adds, noting the demand for compliance professional looks set to be maintained in the future.

According to Paul Cotter, managing director of Joslin Rowe, candidates with experience are worth far more than they were two or three years ago. “Companies are hiring them because they have to,” he says. He favours candidates who have a legal background and points out that 10 years ago in the UK compliance began to be seen as a viable alternative for graduates that didn’t want a career in law. The Dublin market is now catching up with this.

“It’s a rewarding and well-rewarded career,” he says. Recent surveys from both Brightwater and Joslin Rowe found senior compliance managers can earn up to €80k. Starting salaries for junior compliance officers are about the €32k mark.

The Association of Compliance Officers in Ireland, which is part of the Institute of Bankers, runs a foundation certificate and a professional diploma in compliance for those working in the area. Visit www.acoi.ie for details.

Case study — complying with the law

Two years ago Eleanor Fitzgerald joined FBS Compliance, the small family firm founded by her father Eamonn to provide compliance advice to regulated intermediaries. She had spent 18 years working in banking and compliance roles in Dublin, New York and London.

“I wanted to take on the challenge of being my own boss while using the skills learned in financial

services,” she said. She obtained a degree in financial services at night from University College Dublin and the Institute of Bankers.

“What is fantastic about my job is that no two days are the same. I spend a large part of my time out of the office working with clients the length and breadth of the country on specific projects.

“A client’s need can be anything from a simple question on how to amend a document to ensure it is in compliance with the Financial Regulator’s guidelines to something more complex such as writing a procedures manual to cover each aspect of their office processes or examining their mediation process as they advise a client on a financial product,” she says.