



An Roinn Airgeadais  
Department of Finance

E109/115/02

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7 June 2002

**Circular 20/2002: Confined competition for appointment to Assistant Principal (Equality Officer/Equality Mediation Officer) in the Office of the Director of Equality Investigations, Department of Justice, Equality and Law Reform**

A Dhuine Uasail,

1. I am directed by the Minister for Finance to announce the holding of a confined competition, to be run by the Civil Service Commission, to set up a panel of qualified candidates for appointment to the post of Assistant Principal (Equality Officer/Equality Mediation Officer) in the Office of the Director of Equality Investigations, 3 Clonmel Street, Dublin 2. It is intended to make one appointment from the panel immediately, and the panel may be drawn from to fill further vacancies arising up until 31 December 2003.

The Office of the Director of Equality Investigations is an independent statutory office contributing to the achievement of equality by investigating and mediating complaints of unlawful discrimination. It operates in accordance with the principles of natural justice and with its core values of impartiality, professionalism, accessibility and timeliness.

The competition is open to Higher Executive Officers, Administrative Officers, Assistant Principals (standard scale) and certain other grades (see paragraph 6 for further details).

**Job Description**

2. **Equality Officers** are appointed under the Employment Equality Act 1998. Their powers derive from the Employment Equality Act 1998 and the Equal Status Act 2000. These powers may be extended by further legislation in the future.

**Equality Mediation Officers** are also appointed under the Employment Equality Act 1998. Their powers derive from the Employment Equality Act 1998 and the Equal Status Act 2000. At present they are selected from among the Equality Officer cadre and are given professional training to take on additional mediator duties. Therefore, the main duties and responsibilities of an Equality Mediation Officer are similar to those of the investigating Equality Officer with the addition of the exercise of mediation skills. Ideally applicants should be capable of carrying out both the investigative and mediation functions.

**To All Departments**

[For Departments, read Department/Office throughout this Circular]

### **Nature of Work**

3. An Equality Officer/Equality Mediation Officer is appointed by the Director of Equality Investigations. He/she has statutory independence in his/her main functions of investigating or mediating complaints of unlawful discrimination under the equality legislation.

The main duties and responsibilities include the following:

- To investigate the cases delegated to him/her in a judicious and appropriate way, including holding hearings and issuing legally binding Decisions.
- To ensure that his/her Decisions contribute to the development of a balanced and durable national framework of precedent case/law.
- To maintain a high level of personal knowledge of equality legislation and jurisprudence.
- To mediate the cases delegated to him/her in an effective and efficient manner.
- To manage in an adroit and timely manner the caseload assigned.
- To maintain a high level of personal knowledge of equality legislation and Jurisprudence.
- To interact with the complainants, respondents and their representatives with impartiality and professionalism, in a way that will assure confidence in the Office.
- To participate and co-operate with colleagues and top management in the overall management of the Office.

Relevant extracts from the current PMDS Role Profile Form are at Appendix II.

### **Personal Requirements**

4. **Essential:** An Equality Officer/Equality Mediation Officer must have a minimum of three years' experience at HEO or AO level or above in the preparation of legislation or the administration of a complex body of existing legislation.

**Desirable:** At least three years' experience at HEO or AO level or above in one or more of the following:

- The development or administration of equal opportunities policies and programmes.
- The legal, regulatory or policy aspects of the provision of goods or services (private or public sector).
- Industrial relations or employment law or practice.
- Social inclusion or inclusion issues.

### **Essential Skills**

5. The Office of the Director of Equality Investigations operates in accordance with the principles of natural justice and its core values are impartiality, professionalism, accessibility and timeliness. An Equality Officer/Equality Mediation Officer must be able to work in accordance with the principles of natural justice and to balance a commitment to equality with the requirements of impartiality and fairness, in adherence to the Office's

core values. An Equality Officer/Equality Mediation Officer must possess the qualities necessary to discharge effectively the range of duties at Assistant Principal level, with an emphasis on the following skills:

- A demonstrated ability to analyse, synthesise, evaluate and interpret at a conceptual level complex material from a range of sources.
- Sound judgment, a capacity for flexible and innovative thinking and a preparedness to discharge an independent decision-making profile.
- A proven background of planning and prioritisation in a pressurised administrative environment.
- Clarity in oral and written presentation, with the skills to put forward an argument or position persuasively and precisely in both modalities.
- The personal presence necessary to effectively carry out the functions of an Equality Officer, including - good listening, information-gathering, interviewing and related interpersonal skills; a sensitivity to the needs of the different groups covered by the legislation.
- Ability to mediate skillfully between people and to encourage them to reach a balanced settlement.
- Demonstrated commitment and willingness to put in the extra effort and display a high level of persistence in ensuring all work is completed to high standard.
- A good knowledge of, or a preparedness to learn about, the key issues in the equality area.

### **Eligibility**

6. In order to be eligible to compete, candidates must, on the date they apply for the competition:

(a) on the date they apply for the competition be serving in an established capacity in the civil service in one of the following grades:

- Assistant Principal (standard scale)
- Assistant Regional Director or Regional Director on secondment to FÁS from the Civil Service
- Assistant Principal on secondment to the Health and Safety Authority from the Civil Service

### **OR**

(b) be serving in an established capacity in the Civil Service as an Administrative Officer or a Higher Executive Officer or in a departmental grades listed in Appendix I to this Circular, or be serving as Higher Executive Officer on secondment to FÁS or Health and Safety Authority from the Civil Service

### **and**

on 1 June 2002 have not less than three years' service in their existing grade or an aggregate of three years' service in eligible grades (as defined above), except in the case of a Social Welfare Officer or an Administrative Officer or a Higher Executive Officer who

has prior service in the Social Welfare Officer grade or the former grades of Higher and Supervising Officer of Customs & Excise (see paragraph 7 below). In this context, credit is given for all job-sharing service on the same basis as full-time service.

7. Social Welfare Officers will be required to have not less than eight years' service to be eligible for the competition. Social Welfare Officers may count service, up to a maximum of five years, in the grade of Executive Officer as service in the Social Welfare Officer grade for this purpose. Former Social Welfare Officers and former Higher and Supervising Officers of Custom & Excise who have been recertified as Higher Executive Officers and/or appointed as Administrative Officers **and** who have less than three years' service in the Higher Executive Officer and /or Administrative Officer grades, will be required to have an aggregate of not less than eight years' service in eligible grades to be eligible for the competition. Service in the former grades of Higher and Supervising Officer of Customs & Excise will count as service in an eligible grade. Former Higher and Supervising Officers of Customs & Excise may count service, up to a maximum of five years, in the grade of Executive Officer or in the former grades of Officer and Indoor Officer of Customs & Excise as service in the Higher and Supervising Officer grades for this purpose.

8. Candidates who, other than on an allowance basis, are serving as Higher Executive Officer/Systems Analyst or who have prior service as Higher Executive Officer/Systems Analyst may count such service as Higher Executive Officer service for the purpose of paragraph 6 above.

9. Officers on probation are not eligible to compete except where they would have been eligible had they remained in their previous grade and they have served continuously since satisfactorily completing a period of probation (periods of special leave without pay should not be considered to break continuity of service for this purpose).

10. Officers on special leave with pay may apply, if otherwise eligible. Officers on special leave without pay (e.g. to serve with the EU) may be eligible - Personnel Sections should check individual cases not covered by Department of Finance Circular 33/91 with this Department.

11. Officers on career break may apply if the terms of their career break conform with the provisions of Department of Finance Circular 18/98 and if they are otherwise eligible.

12. A candidate who resigns, retires, or is dismissed from his/her post will cease to be eligible for appointment from this competition.

### **Conditions of Appointment**

13. The appointment will be to the grade of Assistant Principal (standard scale). It will be in an acting capacity for at least one year and will be subject to the usual conditions governing such appointments. An officer whose service is not satisfactory may, at any time up to the end of twelve months, be returned to his/her former Department at his/her former grade. Any extra payment arising from the appointment to the Office of the Director of Equality Investigations would then cease.

14. Starting pay will be calculated in accordance with the provisions of Department of Public Service Circular 34/77 (Starting Pay on Promotion or Establishment).

### **The Competition**

15. Selection will be by competitive interview conducted by the Civil Service Commission. The Commission may, on the advice of the interview board (who will examine the applications of all candidates by reference to the nature of the duties and the personal requirements outlined at paragraphs 2-4 above), decide that not all of the candidates will be invited to attend before the board for interview. In addition, the Commission may, at its discretion, on the advice of the interview board, require candidates to undergo a preliminary interview and invite only those who reach the requisite standard to attend for competitive interview, which will determine which candidates are fully qualified for appointment. The interviews will be conducted by a board(s) set up by the Commission. The onus is on candidates to make themselves available for interview at short notice. Requests for postponements will not be considered.

16. In placing in order of merit the candidates considered best qualified for appointment, the Civil Service Commission will give credit for proficiency in both Irish and English, in accordance with Department of Public Service Circular 43/75 and Department of Finance Circular 30/90, to candidates qualified for the award of such credit on or before the date of the interview, or such other date as may be agreed between the Official and Staff Sides.

### **Applications**

17. Candidates should obtain their application forms from their own Personnel Section. The Civil Service Commission will supply application forms to Personnel Sections on request. Candidates should return their completed application forms directly to the **Chief Executive Officer, Office of the Civil Service Commission, Chapter House, 26-30 Abbey Street Upper, Dublin 1, or via e-mail to: Gillian.holmes@publicjobs.ie** as soon as possible but not later than **5.30 p.m. on Thursday 27 June, 2002. This closing date must be strictly observed.**

18. The Civil Service Commission will contact Personnel Sections in respect of candidates being called to competitive interview. For each such candidate the Personnel Officer will be required:

- (i) to certify that he/she
- has worked well and been satisfactory in his/her present grade,
  - has been satisfactory in general conduct,
  - fulfils the conditions of **eligibility** set out in paragraphs 4-12 above,

**and**

- (ii) to send to the Commission an assessment of the candidate's suitability for
- appointment to the post applied for, and

- promotion (if appropriate),  
on a form to be supplied by the Civil Service Commission.

19. Candidates should note that (i) eligibility for the competition and (ii) health and the level of sick leave are not verified by the Civil Service Commission until a candidate comes under consideration for appointment. Admission to the competition, therefore, does not imply acceptance by the Commission. In particular, candidates should note that the Personnel Officer will not have verified health and the level of sick leave of those called to competitive interview - accordingly, admission to the competition, and/or an invitation to competitive interview does not imply that they meet the health and sick leave criteria. In considering a successful candidate's suitability from the point of view of health and sick leave the Commission will have regard to Public Service Circular 34/76 (as amended by Department of Finance Circulars 32/91 and 33/99). Candidates with doubts about any aspect of their eligibility, are advised to clarify their position with their Personnel Section before proceeding with the application.

### **Circulation**

20. Personnel Sections should bring this Circular to the notice of all eligible officers serving in their Departments and associated Offices without delay, including eligible officers on maternity leave, career break or any other forms of leave.

21. If candidates have any queries about this Circular they should contact their Personnel Section. Subsequent enquiries about their candidature should be addressed directly to the Civil Service Commission.

Mise le meas,

Joe McGovern  
Assistant Secretary

## **Appendix I**

### **DEPARTMENTAL GRADES ELIGIBLE TO COMPETE**

#### **Office of the Comptroller and Auditor General**

Auditor

#### **Department of Foreign Affairs**

Third Secretary

#### **Office of the Houses of the Oireachtas**

Senior Clerk

#### **Department of Social, Community and Family Affairs**

Social Welfare Officer

**Certain officers serving in FÁS and NAOSH (see paragraph 6 of the Circular).**

## **Appendix II**

### **[Extract from current PMDS Role Profile Form]**

#### **Job Title**

Equality Officer/Equality Mediation Officer in the Office of the Director of Equality Investigations.

#### **What is the purpose of the job?**

- To exercise independent statutory quasi-judicial functions in the investigation of complaints of unlawful discrimination under the equality legislation, in relation to employment and to access to goods and services
- To mediate between the parties in relation to a complaint of unlawful discrimination.

**The main duties and responsibilities** include the following:

#### **Operational:**

- The main function of the statutorily independent Equality Officer is to investigate the cases delegated to him/her in a judicious and appropriate way. This work includes gathering and assessing evidence, holding quasi-judicial hearings, considering the further evidence in the light of precedent case law, reaching a Decision, writing clear, accessible and reasoned Decisions.
- Maintaining a high level of personal knowledge of equality legislation and jurisprudence.
- Participating in specialised training as required.
- Mediating the cases delegated to him/her in an effective and efficient manner.
- Managing in an adroit and timely manner the caseload delegated.

#### **Human Resources**

- High level of involvement in teamwork.

#### **Customer Service:**

- Interacting with the complainants, respondents and their representatives with impartiality and professionalism, in a way that will assure confidence in the Office.

#### **Strategy/Planning:**



- Participating and co-operating with colleagues and top management in the overall management and long-term development of the Office.

**The Key Long Term Objectives (over the next three years):**

- Develop a high level of personal knowledge of equality legislation and jurisprudence
- Investigate and mediate cases assigned expertly and effectively and in accordance with the ODEI guide to procedures
- Ensure that his/her decisions contribute to the development of a balanced and sustainable national framework of precedent case law consistent with the relevant Irish and EU jurisprudence
- Ensure that s/he contributes to the development and operation of an effective mediation service
- Manage casework in accordance with agreed KPIs.

**Key Objectives for the coming year:**

- Familiarisation with equality and other relevant legislation and with equality and associated case law
- Participation (if appropriate) in Mediation training
- Management of a limited number of cases including reaching Decisions
- Acquisition of an overall understanding of the equality area through acting as Registrar for a period.

**Key Performance Indicators** (These KPIs will be adjusted to reflect the date of appointment and opportunity for the successful candidate to become familiar with the equality area):

- Decisions must be delivered within 3 months of a hearing unless there are extenuating circumstances
- Active casework management should be demonstrated by statistics at the end of each quarter in accordance with the agreed system
- The annual number of Decisions/Mediation Agreements should not be less than the target output agreed with the Equality Officers

**Critical Success Factors/Possible Responses:**

- Reasonable workload
- Prompt responses from the Parties
- Co-operation from Parties in the scheduling of hearings
- Effective support systems
- Availability of in-house and external training
- Clear understanding of precedent case law and legislation
- Complexity of complaints.

**Identification of Competencies for the job:**

- Achievement Drive - Creates new personal standards which go beyond previously accepted norms within the role or area of responsibility
- Teamworking - Participates willingly and supports team decisions. Is seen as a 'good team player'
- Analytical thinking - Sees complex relationships between disparate sets of data. Understands the consequences of particular developments outside one's own section.
- Conceptual Thinking - Applies complex concepts to see simpler patterns within complex information
- Decision Making and Judgement - Takes decisions on complex issues by rationalising information
- Written Skills - Writes persuasively with a sensitivity to the particular audience
- Interpersonal understanding - Understands underlying issues or problems of others
- Information seeking and management - Personally investigates a problem or situation to understand current status. Uses routine data and standard processes to improve own output and efficiency.

**Knowledge and Skills required (Essential):**

- An Equality Officer/Equality Mediation Officer must have a minimum of 3 year's experience at HEO or AO level or above in the preparation of legislation or the administration of a complex body of existing legislation
- An Equality Officer/Equality Mediation Officer must be able to work in accordance with the principles of natural justice and to balance a commitment to equality with the requirements of impartiality and fairness, in adherence to the Office's core values of impartiality, professionalism, accessibility and timeliness
- An Equality Officer/Equality Mediation Officer must possess the qualities necessary to discharge effectively the range of duties at Assistant Principal level, with an emphasis on the following skills:-
- A demonstrated ability to analyse, synthesise, evaluate and interpret at a conceptual level complex material from a range of sources
- Sound judgement, a capacity for flexible and innovative thinking and a preparedness to discharge an independent decision-making profile
- A proven background of planning and prioritisation in a pressurised administrative environment
- Clarity in oral and written presentation, with the skills to put forward an argument or position persuasively and precisely in both modalities
- The personal presence necessary to carry out effectively the functions of an Equality Officer, including good listening, information-gathering, interviewing and related interpersonal skills; a sensitivity to the needs of the different groups covered by the legislation
- (If relevant) Ability to mediate skilfully between people and to encourage them to reach a balanced settlement
- Demonstrated commitment and willingness to put in the extra effort and display a high level of persistence in ensuring all work is completed to a high standard
- A good knowledge of, or a preparedness to learn about, the key issues in the equality area.

**Desirable:**

At least three years' experience at HEO or AO level or above in one or more of the following:

- The development or administration of equal opportunities policies and programmes
- The legal, regulatory or policy aspects of the provision of goods or services (private or public sector)
- Industrial relations or employment law or practice
- Social inclusion or inclusion issues.