

Careers: Is yours secure?

Here's a scary story for you. A guy we'll call Doug (for confidentiality reasons) was at the top of his game two years ago. He was a 44-year-old upwardly mobile member of the tech sector who had just left a senior sales job for an executive level position which paid in six figures.

He made a further leap within that same year to another position that got him into the two hundred thousand plus club.

And then—crash.

The hierarchy of company structure in the tech sector irrevocably changed. A third to half of management level positions have evaporated. So when Doug (already looking like a job hopper) was let go from his new position four months later due to "re-structuring," he found for the first time that no one was biting.

When they did bite, they offered him less than he felt he deserved. "I won't take less than \$150,000," he says.

Now he's working in construction. Unhappily.

I don't usually trade in scary stories. But the importance of telling Doug's is to remind you—especially those who are nearing the mid-40s—not to let your expectations get in the way of sound career decisions.

Nor either should you underestimate

your potential vulnerability for the next few years as the wait for the industry to re-create itself, and for baby boomers to start retiring, plays out.

We are still very used to traditional and linear modes of career growth: last year I made X dollars so this year I must make X dollars plus; last job I was a vice-president so this job I must be that level or better.

While standing up for your self-worth is essential, you must also always be monitor-

ing the same salary and seniority by asking those in the know—recruiters, reporters, analysts, colleagues, competitors. Ask for hard truths and listen well.

Keep following your interests and passions. Passionate people are far more compelling than desperate or bitter people.

Get innovative about what you do. Think about your skills and specialties and build a new career path around the skills, not the role.



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Career Checkpoint

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So what can you do when the walls of your executive suite come crumbling down?

Start not with your resume, but by re-evaluating everything you might take for granted: your career expectations, your industry, your strengths, weaknesses and unique benefits.

Assess whether or not you can expect

Look at jobs in alternative industries; this is a chance to break out of the tech space. If you've always thought about consulting or starting a business, now might be the time to take yourself out of the market.

Finally, let yourself be okay being with the unknown. As uncomfortable as uncharted territory may be, opportunities may occur that would have never happened had you been following the original plan.

We mortals tend to cause ourselves pain by clinging to "the way things should be." Letting go of old expectations, and being pro-active and optimistic about new opportunities, leaves you feeling in command of what you can control and yet open to whatever manifests next.

No one said that life was supposed to be a straight line. Learn to handle the deviations and the twists and turns, and that valuable skill will provide the safety you seek. A secure life happens because your future rests, not on the vagaries of the employer or the marketplace, but on you.

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Intellectual property versus personal information

PIPEDA countdown to Jan. 1, 2004

By John Wilkinson

You may think that the information your business has collected regarding individuals is just intellectual property owned by your business. Not necessarily so.

A failure to recognize the special status of such information and to understand new rules which are about to become law in Ontario regarding the treatment of such information could get you and your business into legal "hot water."

In particular, you may have already heard about the federal Personal Information Protection and Electronic Documents Act (PIPEDA). It is Canada's personal information privacy statute. PIPEDA regulates the collection, use and disclosure of personal information in the course of certain commercial activities. To date, the banking and telecommunications sectors have been most affected by this legislation.

As of Jan. 1, 2004, PIPEDA is to apply to the collection, use and disclosure of personal information in the course of any commercial activity throughout Canada, except in provinces where the federal government has determined that legislation

already in place is substantially similar to the PIPEDA.

Ontario does not have its own privacy legislation, which is why PIPEDA will apply within the province as of Jan. 1, 2004.

The term "personal information" is defined in PIPEDA as information about an identifiable individual—this does not include information that one might find on a business card, such as an individual's work address, phone number and title. It does include a home address and telephone number.

Accordingly, if information can be linked to an identifiable individual, even if it is intellectual property owned by a business, it is personal information for the purposes of PIPEDA.

PIPEDA applies to the collection, use or disclosure of personal information in the course of a "commercial activity". This is defined very broadly as meaning any particular transaction, act or conduct or any regular course of conduct that is of a commercial character. (Try to think of a business transaction outside this definition.)

Once you determine that PIPEDA applies to information handled by your

business, you must then comply with PIPEDA's "regime," which incorporates the 10 privacy principles listed below:

Accountability. Requiring an organization to delegate responsibility for compliance issues to an individual or individuals within the organization.

Identifying Purposes. Requiring an organization to inform individuals of all purposes for which personal information is collected.

Consent. Requiring an organization to obtain the consent of an individual for the collection, use or disclosure of personal information relating to that individual.

Limiting Collection. Limiting collection to personal information that is necessary for the purposes identified.

Limiting Use, Disclosure and Retention. Limiting use and disclosure of personal information for identified purposes.

Accuracy. Requiring an organization to ensure that personal information under its control is accurate and up to date as necessary for the identified purposes.

Safeguards. Requiring an organization to protect personal information under its control.

Openness. Requiring an organization to ensure that there is public availability of information relating to its compliance with PIPEDA.

Individual Access. Requiring an organization to have a process available by which individuals may request and receive their personal information.

Challenging Compliance. Requiring an organization to ensure that there is a process in place that permits individuals to challenge the organization's compliance with PIPEDA.

Finally, in order to make sure you comply with PIPEDA, you should consider conducting a privacy assessment dealing with the following: consider PIPEDA's applicability; create a privacy team; analyze existing practices; develop a plan and schedule; conduct internal compliance reviews; and train relevant staff regarding PIPEDA.

If you have questions about PIPEDA beyond this general overview, please contact John Wilkinson, partner, WeirFoulds LLP, Barristers and Solicitors, at 416-947-5010 or e-mail jwilkinson@weirfoulds.com