

**MINUTES OF THE THREE HUNDRED AND FORTY EIGHTH MEETING OF THE  
LABOUR RELATIONS AGENCY BOARD HELD AT 10.00 AM  
ON THURSDAY, 27 AUGUST 2009  
IN THE AGENCY'S OFFICES, 2-8 GORDON STREET, BELFAST**

**Present:** Jim McCusker (Chair)  
Peter Williamson  
Trevor Morrow  
Brenda Maitland  
Patricia O'Farrell  
Lyn Fawcett  
Roden Ward  
Julie Anne Clarke

**In Attendance:** William Patterson (Chief Executive)  
David McGrath (Director, Advisory Services)  
Gerry O'Neill (Director, Corporate Services)  
Penny Holloway (Director, Conciliation & Arbitration)  
Anne Gunning (Minutes Secretary)

**1. Apologies Action**

An apology was received from Neill Willis.

**2. Minutes of Previous Meeting held on 25 June 2009**

The minutes of the meeting held on 25 June 2009 were proposed by Roden Ward, seconded by Trevor Morrow, and agreed as a true and accurate record of the meeting.

**3. Matters Arising from the Previous Minutes not listed on this Agenda**

**4.1 Meeting with Minister 17 June 2009**

It was noted that with regard to the approved additional temporary posts business cases were now being prepared in support of the posts becoming permanent.

**DCS**

**4.4 Board Vacancies**

The Chairman reported that the final interviews had been completed. Following procedures in line with the Office of Public Appointments, it is anticipated that the Minister will take decisions on the recommended appointees before the end of September.

### **5.1 ADR Seminar 3 June 2009**

There was a reminder that a list of seminar attendees is to be provided for the Board.

**CEO/Secretary**

### **9.2 Presentation to Tom McComb**

The Chairman referred to a letter from Tom McComb in which Tom thanked the Board for his gift on the occasion of his retirement.

## **4. Chairman's Business**

### **4.1 Declaration of Board Member Interests**

It was noted that, in view of Item 6.3 on the agenda - "*Employment Commissioner Appeal to the Industrial Court*", the Chairman declared that he had been a former long serving member of the Industrial Court. Peter Williamson indicated that he was a current serving member of the Industrial Court.

### **4.2 Training for Board Members**

The Chairman referred to upcoming Board Member training for 2009/10 and advised members who wish to attend any of these events to contact the Secretary.

**Board Members**

It was noted that Audit Committee training was normally provided through the CEF training programme. The DCS indicated that this would be covered by the Agency annual training programme to be submitted to the Board in September.

**DCS  
Board Members**

The Chairman also reminded members that it had been previously agreed that the evaluation of Board Member training should be shared with other members and recorded in Board Minutes.

**Chairman**

It was noted that DEL has indicated that all Boards should include a member with a financial background or experience. It was agreed that this would be discussed at a future Board meeting.

**Chairman**

### **4.3 CIPFA Audit Committee Training**

It was agreed that any Board Member who wishes to avail of this training should contact the Secretary.

**Board Members**

### **4.4 Board Member Performance Appraisals 2008/09**

The Chairman requested that Board Members return the appraisal forms which he had forwarded to them in order that the process can be completed.

**Board Members**

It was noted that the Chairman had his performance appraisal interview at DEL earlier that week.

#### **4.5 External Conferences 2009**

It was noted that Brenda Maitland and David McGrath would be attending the TUC Conference – 14-16 September in Liverpool.

It was also noted that Trevor Morrow would be attending the CIPD Conference in Manchester in November.

It was agreed that the Agency should be represented at the next CIPD Ireland conference. The Secretariat is to check out details of upcoming conferences.

**Secretariat**

#### **4.6 Future Board Meetings**

It was agreed that the annual Public Board Meeting would be held in Omagh in October.

**CEO**

It was agreed that arrangements should be made to hold the joint annual LRA/Equality Commission meeting possibly in November.

**CEO**

It was also agreed that the Board Meeting would be held in Derry in either January or February 2010.

**CEO**

Board Members also discussed the possibility of holding a joint LRA/LRC meeting. The potential agenda items for this meeting are to be discussed at the September Board meeting.

**Chairman**

### **5. Chief Executive's Business**

#### **5.1 Employment Bill 2009**

It was noted that Assembly discussions have commenced on the provisions of the Employment Bill 2009. Discussions are to continue after the summer recess. Board Members discussed a previous Board Paper (28 August 2008) regarding the Public Consultation on Proposals to amend Trade Union Law issued by DEL on 2 June 2008.

It was agreed that the first paragraph of the Conclusion should be unchanged in that the Agency should make no comment on Part 1 of the Consultation.

The Board discussed the second paragraph regarding legal representation at Industrial Court hearings on employment relations matters. It was agreed that the Agency maintains its position.

With reference to the letter from Sir Reg Empey of 4 August it was agreed that the Agency should be consulted through the Chairman on

the arrangements and selection criteria for appointments to the Labour Relations Agency. Members concluded that it was important, through consultation, to maintain the credibility gained through the tripartite composition of the Agency Board. The Chairman indicated that he would reply to the Minister accordingly.

**Chairman**

### **5.2 *Amendment to the Conduct of Employment Agencies and Employment Businesses Regulations (NI) 2005***

After discussion the recommended response was agreed subject to the omission of the last sentence on Page 3, 2<sup>nd</sup> paragraph.

**CEO**

### **5.3 *Letter from Valerie Reilly, DEL to CEO re: European Public Limited-Liability Company Regulations (NI) 2004***

Board Members noted the paragraph in the letter which referred to the role of the Agency in respect of the new Northern Ireland employee participation regulations, which will remain unchanged.

### **5.4 *DEL Review of Agency Terms of Reference***

It was noted that the forthcoming DEL Review would be focused mainly on value for money and will concentrate on corporate governance, performance and financial controls. The DCS had a constructive introductory meeting with Maria McDonald from KPMG on 20 August. She will also be meeting with the Chairman, Chief Executive and other Directors in the coming weeks. It was noted that the SMT will be meeting to discuss Review. The CEO will also be addressing the Review Terms of Reference with staff 4 September. The CEO has indicated to KPMG that NIPSA Branch 28 is also available to meet.

**SMT**

### **5.5 *Continuous Improvement***

It was noted that there will be a paper will be submitted to the Board in September.

**CEO/DCS**

### **5.6 *RPA***

It was noted that the Chief Executive has written to Adrian Kerr, LGSC with respect to the Public Service Commission's 2009/10 objective of delivering effective regional collective bargaining. The Chairman and CEO are considering sending a similar letter to those responsible for employment relations in each government sector, asking if the Agency can offer any assistance.

**CEO/Chairman**

### **5.7 *Equal Pay Audit***

It was noted that the equal pay audit was progressing.

## **5.8 Draft Bi-Monthly Management Report 1 April-31 July 2009**

It was noted that members had deferred discussion of the new Bi-Monthly Management Report from the last Board Meeting. The Directors highlighted their section activities for the period. It was agreed to defer discussions on the format of the report until the September meeting.

**SMT**

## **5.9 Monthly Management Report**

### ***Chief Executive***

It was noted that the CEO had met with Tom Evans DEL on the DEL Review of Dispute Resolution.

It was noted that the Research Committee Meeting scheduled for 25 August has been postponed.

### ***Director (Advisory Services)***

The DAS referred to the new seminar programme which has been produced for the autumn period. This is the first time a more professional brochure has been produced and issued to a wider client base. A specially designed poster and leaflets highlighting employment related information for expectant mothers had also been designed and issued to doctors' surgeries. General leaflets have been produced to be used in widening the scope of advertising Agency services and raising the profile of the Agency.

**DAS**

### ***Director (Conciliation & Arbitration)***

It was noted that the amount of claims have been increasing over the period. Clerical Staff were commended for the extra amount of work carried out.

### ***Director (Corporate Services)***

It was noted that the vacant Finance Officer post will be advertised in early September.

It was agreed that appreciation should be expressed to all staff in the Advisory Section for their work in promoting the Agency through their core work, literature and the helpline, to all staff in the Conciliation & Arbitration section for their recent work on pre-claims and on the equal pay cases and to the Corporate Services section for their work in IT and management and administrative support.

**CEO**

## **6. Review of Dispute Resolution in NI**

### **6.1 4<sup>th</sup> June Seminar Questionnaire Response**

The responses to the June seminar were noted.

## **6.2 NIPSA Branch 28 Response to Board Proposals**

At this point in the meeting Maxine Murphy Higgins and Tommy Wright representatives of NIPSA Branch 28 joined the meeting. A presentation was given to the Board on the Branch's comments regarding the draft Agency response to the DEL Review of Dispute Resolution.

The Chairman thanked the representatives for their contribution. Thanks were also offered for the Branch's letter of submission.

Following discussion it was agreed that the CEO respond to the Branch indicating (1) the Board's acceptance that more emphasis was required on the pre-claim services of the Agency (2) that the 3 step approach to discipline and grievance should be retained in a future Agency Code of Practice (3) sector educational campaigns should be considered as part of the Agency business plan and (4) that while the Board welcomed the suggestion of Agency inspections as a means of 'getting the employer right' it was thought that an inspection role for the Agency posed too great a risk to the reputation of the Agency as an independent and impartial body.

**CEO**

## **6.3 Appeal to Industrial Court**

Following extensive discussion it was agreed that the Agency submission to the DEL Review of Dispute Resolution should, as appropriate, be amended to the effect that an appeal from an Employment Commissioner should be dealt with by the Industrial Court and not, as presently drafted, an Employment Appeals Tribunal.

**CEO**

## **6.4 Employment Commissioner Scheme**

The paper was welcomed by the Board as introducing a number of critical issues that will need to be addressed in more detail over coming months. Following discussion it was agreed that further papers should be brought to the Board on the matters raised when the considerations and/or outcomes of the DEL proposals on the Review of Dispute resolution emerged.

**CEO**

## **6.5 Northern Ireland Assembly Committee for Employment & Learning – Report on the Review of Workplace Dispute Resolution**

It was agreed that the report was very positive.

## **6.6 LRA Interim Position on a Response to the Consultation Questions**

The Board discussed the response to the 36 questions and agreed the amendments in bold.

The Board subsequently authorised the Chairman and CEO to amend the draft Agency submission on the DEL Review of Dispute Resolution in line with the above decisions and to submit the amended response to DEL by 4<sup>th</sup> September.

**Chairman/CEO**

It was agreed that a further seminar should be considered as and when appropriate.

## **7. Corporate Correspondence Received Relevant to Board**

- *Letter dated 7 July 2009 from June Ingram re 2009-12 Corporate Plan/2009-10 Business Plan*

It was agreed that the Corporate/Business planning process 2009/10 should be considered at September's Board Meeting. With reference to the comment regarding closing the gaps in respect of employment procedures, it was agreed that it may be useful to look at the Agency's statutory powers.

**CEO**

## **8. Any Other Business**

### **8.1 Public Relations**

- *Equality Times article on 'Focus on Dispute Resolutions'*
- *Business Telegraph article on 'The LRA might play a larger part in resolving disputes and help avoid the expense of Tribunal proceedings' by John Simpson*
- *LRA Seminar Programme Autumn 2009*

It was agreed that the above outlets were useful means of publicity for the Agency.

It was noted that the PR Strategy would be discussed at the September Board Meeting.

**CEO**

## **9. Date of Next Meeting**

The next meeting of the Board will be held on **Thursday, 24 September 2009**, beginning at 10.00 am in Room 1.

**The Audit Meeting will meet prior to the Board Meeting at 9.30 am in order to validate the minutes of the last Audit Committee Meeting.**

Trevor Morrow apologised in advance for being unable to attend the next Board Meeting.