

## LABOUR RELATIONS AGENCY

### MINUTES OF THE THREE HUNDRED AND FIFTY EIGHTH MEETING OF THE LABOUR RELATIONS AGENCY BOARD HELD AT 10.00 am ON THURSDAY, 26 AUGUST 2010 IN THE AGENCY'S OFFICES, 2-8 GORDON STREET, BELFAST

**Present:** Jim McCusker (Chair)  
Neal Willis  
Trevor Morrow  
Patricia O'Farrell  
Sally McKee  
Gordon Parkes  
Brenda Maitland  
Lyn Fawcett

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

#### **1. Apologies Action**

An apology was received from Peter Williamson.

#### **2. Minutes of Previous Meeting held on 24 June 2010**

The minutes of the meeting held on 24 June 2010 were proposed by Trevor Morrow, seconded by Neal Willis, and agreed as a true and accurate record of the meeting.

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

There were no matters arising which are not listed on the agenda for discussion.

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

##### ***4.1 Declarations of Board Member Interests***

It was agreed to incorporate the following note into the minute:

Dr Trevor Morrow drew to the attention of the Board the fact that a senior official of the Department for Employment and Learning involved in the review of methods for resolving workplaces disputes had submitted a dissertation plan to the University of Ulster for an MSc in Innovation Management in the Public Service. As a Senior Lecturer in the University of Ulster Dr Morrow raised the question of whether his possible involvement with the senior official in relation to his

dissertation could be perceived as a conflict of interest.

This question was considered at a meeting involving Dr Morrow, the Agency Chairperson and the Chief Executive. In the discussion consideration was given to the 7 Principles of Public Life and in particular to the principle of “integrity”.

At the conclusion of the discussion all 3 participants agreed in order to ensure Dr Morrow was able to contribute most effectively to the work of the Board and in particular to ensure that he was not inhibited in contributing to the development of Board policy on methods of dispute resolution, that he should propose to the University that he not be involved, in his capacity as a university academic, with the MSc dissertation of the senior official.

#### **4.2 Board Vacancy – update**

There was no further progress to report. It was noted that the DEL Review of the Agency had been issued and may have some impact on the specification.

#### **4.3 Board Member Training – 2009-10**

No training has taken place since the last Board meeting.

### **5. Research Committee**

#### **5.1 Minutes of the Research Committee meeting held on 28 May 2010**

The minutes of the meeting held on 28 May 2010 were ratified by the Board

#### **5.2 Research Committee Meeting held on 24 June 2010**

It was noted that the CEO had approved a business case in relation to tendering for an SROI scoping study.

**DAS**

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

#### **6.1.1 Generic Arbitration Scheme (Paper 23/10)**

Following lengthy discussion the Board agreed that the CEO discuss the following with DEL (1) the establishment of a full right of appeal (2) the proposed addition to the arbitrator terms of reference and (3) the potential for Tribunals being required to seek a compelling reason why alternative dispute resolution processes have not been utilised prior to the Tribunal proceeding with a claim.

**CEO**

#### **6.1.2 Review of LRA Arbitrator Panel (Paper 24/10)**

The Board discussed the two options for reviewing the arbitrator panel namely open competition and the incremental approach.

Following discussion the Board agreed the incremental approach.

The Board requested, taking into account the incremental approach, a further paper outlining the options, criteria for and costs of the appointment process. Consideration is to be given to the appointment process currently applied by ACAS.

**CEO/DCA**

It was noted that Brenda Maitland was of the view that the Board had no executive responsibilities with respect to the appointment of arbitrators as was indicated by the paper.

The CEO indicated that historically the appointment of arbitrators was not considered to be a decision made by the executive but by the Board. Authority had not been delegated to the CEO to appoint Agency arbitrators.

After further discussion the CEO agreed to examine the application of the public appointments process whereby, following a recruitment process involving executive staff recommendations for appointment would be made by the CEO to the Board.

**CEO**

### ***6.1.3 LRA Code of Practice on Discipline & Grievance (Paper 30/10)***

It was noted that this paper was provided with comments to be returned by Board members to the Agency by Thursday, 2<sup>nd</sup> September 2010 following which it was intended to issue the draft Code for public consultation.

**Board Members**

**DAS**

### ***6.1.4 Employment Bill – operational implications***

In relation to the implementation of the Employment Bill and the policy proposals of the DEL Review of Dispute Resolution the DCA and DAS reported on their impact on Agency operations.

Following discussion it was agreed that an update on the operational impact of the implementation of the Employment Bill and the DEL Review of Dispute Resolution policy proposals is included in the Board bi-monthly management reports

**CEO**

### ***6.1.5 Liaison with Assembly Employment & Learning Committee***

It was noted that the Agency would be invited to meet with the DEL Committee in relation to the Employment Bill. After some discussion it was agreed that the CEO prepare a short paper for Board approval and submission to the DEL Committee. The paper will set out the Board's views on the outstanding issues of Board concern which currently included (1) clarification on protections for staff in dealing with non-

jurisdictional mediation cases (2) a full appeal from statutory arbitration and (3) Tribunals seeking a compelling reason why alternative dispute resolution processes have not been utilised.

CEO

## **6.2 LRA Conference**

It was noted that the Minister is no longer available to give the opening address at the Agency Conference on 23 September. The Permanent Secretary, Alan Shannon, has agreed to open the conference and John Taylor, ACAS CEO has agreed to provide the closing remarks. Administration arrangements for the conference are on-going.

CEO

## **6.3 Framework for LRA Procurement (Paper 25/10)**

Board members were given assurances from the DCS that due attention was being paid to the required application of the procurement process. The CEO indicated that the procurement process was to be audited this year by ASM Howarth.

## **6.4 Blacklisting of Trade Union Members (Paper 26/10)**

The recommended Board response was approved with the following amendments:-

Q2 – change ‘extent’ to ‘existing’.

Q3 – state that the ‘Agency does not have evidence’.

CEO

## **6.5 Amendments to the Conduct of Employment Agencies & Employment Businesses Regulations (NI) 2005 (Paper 27/10)**

It was agreed that there are no direct implications for the Agency.

## **6.6 DEL Accounting Officer letter dated 8 July 2010**

Board members discussed the Permanent Secretary’s letter 8 July 2010 and agreed that the Agency should be paying attention to prudence. It was agreed that consideration be given to contingency planning plus prioritising opportunities that will allow for the maintenance of effective performance against reducing funding eg investment in information technology. It was also considered important to further develop the relationship with the Assembly Committee to ensure that the Committee was familiar with the challenges facing the Agency and was given the opportunity to support the work.

CEO

At this point Jim McCusker vacated the chair which was taken by Brenda Maitland.

Board members considered the Chairman’s attendance at the International Agencies conference in Washington in October. After some discussion it was agreed that the Chairman attend the conference reporting back to the Board on its value to the Agency and on the value of attending future conferences. It was noted that the Agency may have

the opportunity of hosting the International Conference in the near future.

**Chairman**

The chair reverted to Jim McCusker.

The Board went on to discuss the proposed joint LRA/LRC Board/staff meeting in November and agreed to proceed.

The Board also agreed to proceed with arrangements for attendance at external conferences 2010/11 and the joint Board/staff meeting in December.

#### **6.7 LRA Response to DEL Consultation on Success through Skills 2 (The Skills Strategy for NI) (Paper 28/10)**

In line with the recommended response it was agreed that the CEO should write to DEL recommending the need to have employment relations skills core to the skills strategy. It was agreed to endorse the overall strategic approach but the view was taken that the Agency was not in a position to comment on the details of the skills programmes. Members were of the view that it was important to indicate that the development of dispute resolution skills was central to the policy proposals of the DEL Review of Dispute Resolution.

**CEO**

#### **6.8 LRA/LRC Joint Meeting**

It was noted that the DAS will be progressing arrangements for the joint LRA/LRC Board/staff meeting on 18 November 2010. Board members will be kept informed of arrangements. Neal Willis offered his apology for the meeting.

**DAS**

#### **6.9 DEL VFM Review of the Agency**

After some discussion it was agreed that should the matter (pg viii, 1<sup>st</sup> para) of enhancing Board skills arise in communications with the Department prior to the September Board meeting, the Chairman will indicate that the Board felt it more important to consider accountancy skills which may or may not include strategic planning skills.

**Chairman**

#### **6.10 DEL ALB Review**

Nothing further to report.

#### **6.11 RPA**

Nothing further to report.

#### **6.12 Equal Pay**

Board members were advised that the Agency is in receipt of a NICS pay circular was being assessed with respect to equal pay implications.

**DCS/CEO**

### **6.13 Accommodation**

It was noted that the CEO has approved three projects (1) the installation of 3 security doors on the HQ building (2) the refurbishment of the ground floor and (3) the knocking through of walls to allow for disabled access throughout the three units of the HQ building.

**DCS**

### **6.14 Bi-Monthly Performance Report (Paper 29/10)**

It was noted that the format of the bi-monthly report will be revised and updated in light of the DEL Review of the Agency report.

**CEO**

It was agreed that the CEO examine alternate means of distributing Board papers ie electronically.

**CEO**

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

Noted.

### **8. Any Other Business**

Noted.

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

**Date of Next Meeting** – It was agreed to hold a special Board meeting to discuss the DEL Review of the Agency report on **Monday, 20 September 2010 at 2.00 pm in Room 1.**

Date of September Board – It was agreed to retain the scheduled meeting **30 September 2010.**

Apologies were received from Brenda Maitland and Sally McKee.

Following which a **Finance and Personnel Sub-Committee** meeting would be held **30 September commencing at 2.00 pm.**