

**MINUTES OF THE 384th MEETING OF THE LABOUR RELATIONS AGENCY BOARD  
HELD AT 10.00 am ON THURSDAY, 28 FEBRUARY 2013  
IN THE AGENCY'S OFFICES, GORDON STREET, BELFAST**

**Present:** Jim McCusker (Chair)  
Albert Mills  
Neal Willis  
Gordon Parkes  
Trevor Morrow  
Alison Millar  
Pauline Shepherd  
Gary McMichael  
Sally McKee

**In Attendance:** Bill Patterson (Chief Executive)  
David McGrath (Director, Advisory Services)  
Gerry O'Neill (Director, Corporate Services)  
Karen Tarr (Acting Director, Conciliation & Arbitration)  
Anne Gunning (Minutes Secretary)

*Action*

**1. Apologies**

There were apologies from Lyn Fawcett and Penny Holloway.

**2. Minutes of Previous Meeting held on 31 January 2013**

The minutes of the meeting held on 31 January 2013 were proposed by Trevor Morrow seconded by Gordon Parkes, and agreed as a true and accurate record of the meeting, subject to an agreed amendment to wording under 5.3 *Neutral Assessment*.

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

**3. 6.1 DEL Quarterly Review of LRA**

It was noted that the closing of the report had been raised at the DEL Quarterly meeting on 26 February. DEL had no opposition to looking at the final report and closing off. It was agreed that Tom Evans will sign off the report and it will be submitted to the Board.

**CEO**

**6.6 Collective Conciliation Mediation Evaluation Reports**

It was noted that there is plenty of PR work taking place at present. There have been three exhibitions/events and 37 talks on the Arbitration Scheme and more seminars are planned over the next few months. It was also noted that the Mediation evaluation report is ready for issue.

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

### ***4.1 Declarations of Interests***

The Chairman declared an interest in the TUPE consultation (5.2 on agenda), as he is a member of the Public Service Commission. The Commission has been responsible for the smooth transfer of staff from various aspects of public service to new public service departments not yet re-organised.

Alison Millar also declared an interest in TUPE as she was involved in negotiations around transfers.

No other interests were declared by members.

### ***4.2 Board Member Training***

The Chairman reported on a meeting to which he and the CEO had been invited by Andrew Hamilton in DEL on 11 February to discuss the LRA Roundtable Forum. It was noted that the meeting had been amicable and the Deputy Secretary had been briefed on various ongoing issues.

The Chairman reported on his attendance at a CIPFA seminar on 26 February on the outcome of the 2010 UK spending review and key finance issues for the Executive.

Albert Mills reported that he had attended a very informative seminar on Public Accountability and Governance hosted by CEF on 27 February.

It was noted that the next On Board training for Board members will be held on 7 June 2013. Any member of the board who has not attended this training should contact the Secretariat.

**Secretariat**

### ***4.3 Update on Stakeholder Meetings***

The Chairman reported on the ER Roundtable workshop on 8 February. The discussions covered three areas:-

- *Routing cases to Labour Relations Agency in first instance*

The group endorsed this principle, but considered that more work is needed on the details of the new process. It was agreed that further consideration would be given to this matter at the next Roundtable meeting on 11 April.

- *Qualifying period for unfair dismissal rights*

No conclusion was reached and it was decided to discuss this matter further at a meeting of the Roundtable to be held after the Board meeting. It was noted that the CEO will provide Agency statistics.

**CEO**

- *Reform of tribunals*

The ER Roundtable agreed strongly that the tribunal system should stay with DEL and not be merged with the tribunal system set up under the auspices of the Department of Justice.

**Chair/CEO**

Following discussion it was agreed that there will be a presentation to the Board of

NISRA statistics at the April Board meeting.

**CEO**

#### **4.4 DEL/LRA Management Statement/Financial Memorandum**

It was noted that there had been no response from Tom Evans to the letter from the Chairman regarding the outstanding issues relating to the MS/FM. It was noted that this had been raised at the DEL Quarterly meeting on 26 February and it is expected that a response will be sent by Tom Evans within the next two weeks.

**Chair/CEO**

#### **4.5 Visit to the European Foundation and LRC Dublin**

It was noted that Board members and staff had attended a meeting at the European Foundation in Dublin on 21 February. They had also met with the Labour Relations Commission.

#### **4.6 LRA/International Agencies Conference**

It was noted that Kieran Mulvey and the CEO had met on 18 February to discuss the conference. The Chairman went through the proposed updated programme for the day. It is proposed that the three workshops will be led by speakers from New Zealand, South Africa and a CIPD/ACAS/TU speaker. It was noted that the Roundtable had shown an interest in the speaker from New Zealand and this would be discussed at their meeting in the afternoon. There was a suggestion that John Kramer could be approached as a possible speaker at the conference.

**CEO**

#### **4.7 LRA Seminar**

It was noted that, while the Agency is awaiting publication of the DEL employment relations and employment law consultation document, one or two topics will be considered for the proposed seminar.

**Chairman/  
CEO**

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

#### **5.1 Presentation on Social Media by Invest NI**

Shauna Fenton from Invest NI provided an overview of Invest NI's experience in using social media. Shauna also answered members' questions on the challenges and opportunities which social media can bring when engaging with customers.

After Board discussion it was agreed that a discussion paper would be produced for a future Board meeting which would consider in greater depth the implications for the Agency of utilising social media.

**CEO**

#### **5.2 TUPE Consultation – LRA Response (Paper 4/13)**

Following discussion, the majority agreed that the Agency would not make a response to the Consultation. However it was agreed that a letter of acknowledgement would be sent to DEL.

**CEO**

#### **5.3 DoJ Tribunal Reform – LRA Response (Paper 5/13)**

The CEO presented the updated draft response to the DoJ discussion paper on the future administration and structure of Tribunals in NI. This paper was first discussed at the Board meeting in January 2012. Following discussion the response, with some minor amendments, was approved.

#### **5.4 Re-routing of Claims – LRA Response to DEL (Paper 6/13)**

The Board discussed the delivery model for the re-routing of potential tribunal claims to LRA. The following points were raised:

- Provision for LRA to contact claimant/respondent's representative in the first instance.
- "Stopping the clock" - it was noted that there was a difference of opinion between Board members.
- Concern was expressed regarding the possibility of ACAS contacting a respondent against the wishes of a claimant.
- Additional resources would be required if the re-routing proposal is implemented.

The model was approved by the Board, subject to the above points being considered by the Department.

**CEO**

#### **5.5 LRA Neutral Assessment Service (Paper 7/13)**

It was noted that following discussions at the January Board meeting the Chairman had written to the DEL Minister regarding the feasibility of the proposed Neutral Assessment model as a potential option to Agency ADR services. The Board discussed the 12 principles which they had proposed at the last meeting, and after some agreed amendments, the model LRA Neutral Assessment Service to DEL was approved for public consultation.

**Chair/CEO**

#### **5.6 Bi-Monthly Management Report April 2012-January 2013 (Paper 8/13)**

Following discussion the bi-monthly management report was ratified by the Board.

#### **5.7 Promotion of ADR**

It was noted that promotion of ADR was ongoing, on an ad hoc basis, through Agency seminars, events etc. However it was agreed that an enhanced promotional programme would require extra finance. This has been raised with the DEL Minister and it was agreed that promotion of the Agency's ADR services would be highlighted after the Department publishes the consultation documents for a Neutral Assessment Service and Re-routing of Claims to LRA.

**CEO**

#### **5.8 DEL McClure Watters Research Report (Paper 9/13)**

The draft executive summary was presented to the Board.

#### **5.9 Employment Law Agenda 2012-15 (table)**

The contents of the table were noted. It was agreed that the information was concise

and much appreciated by the Board.

#### **5.10 DEL Advisory Group**

It was noted that the Group had met on 4 March. There had been a presentation by the Law Society on the submission to the DEL Review. It was noted that the presentation had been very supportive of the Agency's ADR services and of the work of the Agency.

It was agreed that copies of the submission would be provided for the Board at the next meeting.

**CEO**

#### **5.11 Staff Conference**

The DCS reported on the half-day Staff Conference, held on 20 February. It was noted that there were 35 staff members in attendance. The programme included progress on the Agency corporate objectives and the outcome of the recent staff survey. There were also presentations on iP planning and the HR strategy, as well as an update on the cross directorate groups.

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

#### **6.1 University of Ulster**

It was noted that correspondence had been received from the University of Ulster thanking the Agency for continuing to sponsor the LRA Award for Best Dissertation on the MSc HRM. Appreciation was also expressed to the CEO for attending the ceremony and presenting the cheque.

### **7. Any Other Business**

The Chairman referred to the death of Sir George Quigley and indicated that he would write to Sir George's widow on behalf of the Board.

There was no other business reported.

### **8. Date of Next Meeting**

The next Board meeting will be held on Thursday, 18 April 2013 at 10.00 am in Gordon Street.