

**MINUTES OF THE THREE HUNDRED AND FIFTY SIXTH MEETING OF THE  
LABOUR RELATIONS AGENCY BOARD HELD AT 9.30 am  
ON FRIDAY, 20 MAY 2010  
IN THE MOUNT CONFERENCE CENTRE, BELFAST**

**Present:** Jim McCusker (Chair)  
Peter Williamson  
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)  
Penny Holloway (Director, Conciliation & Arbitration)  
Gerry O'Neill (Director, Corporate Services)  
Anne Gunning (Minutes Secretary)

**1. Apologies Action**

No apologies were received.

**2. Minutes of Previous Meeting held on 30 April 2010**

The minutes of the meeting held on 30 April 2010 were proposed by Peter Williamson, 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**

**4.6 Joint LRA/LRC Board Meeting**

CEO confirmed that he had contacted Kieran Mulvey regarding follow-up to the recent joint LRA/LRC meeting in Dublin. It was noted that a reply is awaited.

**CEO**

**4. Chairman's Business**

**4.1 Declaration of Board Member Interests**

The Board Conflict of Interest forms were distributed to Board Members for the register of board members' interests as at 30 April 2010. Completed forms were returned to the Secretary at the end of the meeting.

**CEO**

#### **4.2 Board Conflicts of Interests**

It was noted that a revised conflict of interest policy will be incorporated, by DEL, into the information pack for applicants for Board membership. The Policy proposes that anyone appointed to the Agency Board, who is also a member of an Agency arbitration panel, would be expected to resign from arbitration activity for the term appointed to the Agency Board. This would also apply to membership of Industrial Tribunals, Employment Tribunals. If the applicant is a Civil Servant, the interview panel will consider the applicant's role as part of the civil service and determine whether or not a conflict of interest arises and whether or not it can be managed. It was noted that the Department is satisfied with the revised conditions.

It was also noted that the Department has finalised the revised specification for the appointment of an independent member of the Board. The Department has also suggested the possibility of running a joint competition to fill an upcoming employee background vacancy in December 2010.

The Chairman has indicated to the Department, as they have revised the information pack for independent members of the Board that the specification should be revised for employer background and employee background appointments.

#### **4.3 Joint LRA/Equality Commission Meeting**

It was noted that the joint meeting would be held immediately after the Board Meeting. The DAS is to set out the Agency position on the DEL Review of Dispute Resolution report. A similar presentation from the Equality Commission is to be followed by an informal question and answer session.

#### **4.4 Review of Dispute Resolution in NI – Board Considerations**

It was agreed that the composite details of presentations made by the DCA 13 May and DAS 20 May are to form a draft record note of the Board position on the DEL Review of Dispute Resolution. The note is to be appended to the minutes of the formal May meeting. It was agreed that the details of the record note can be discussed and finalised at the next Board meeting in June.

#### **4.5 Board Member Training**

There was no training noted.

#### **4.6 Attendance at Conferences 2010**

It was noted that the International Conference will probably now be held in October in the Washington DC area.

No information was available in relation to the CIPD Ireland conference. It was agreed that this should be followed up.

**Secretariat**

#### **4.7 Review of Board Timetable**

After consideration of the timetable of meetings for the rest of 2010, the following changes were agreed:

- The Finance & Personnel meeting in September was scheduled for the same week as the TUC Conference. It was therefore agreed to change the date from 15 September to 30 September at 2.00 pm, to follow the monthly Board Meeting.
- With regard to the Board Meeting on Friday, 29 October, which will be followed by the launch of the Annual Report and Public Lecture, several suggested venues were discussed. It was agreed that the event should be held in Belfast City Centre.
- It was agreed that the Board Meeting on 25 November would be held at 2.00 pm.
- It was agreed that following the success of last year's Christmas Board/Staff lunch, a lunch would be held after the Board Meeting on 16 December.
- It was agreed to hold the January 2011 Board Meeting on Thursday, 27 January at 10.00 am.

**Secretariat**

**CEO**

With reference to the next Board Meeting in June in Derry, it was agreed that the Annual Report and Accounts 2009/10 would be the first agenda item. This is to accommodate the DCS, who has to return to Belfast in order to be available for laying the Annual Report and Accounts before the Assembly. It was also agreed to hold a Research Committee meeting after the Board meeting.

#### **5. Joint Audit Committee/Finance & Personnel Sub-Committee Meeting held on 12 May 2010**

The Chairman reported that John Davin of Baker Tilly Moore had taken committee members through the accounts 2009/10. Discussions revolved around the end of year budget position. The DCS had clarified the carry over situation. It was noted that members were satisfied that the statement of accounts had been adequately explained and clarified in preparation for the Audit Committee meeting 16 June and Board meeting 24 June.

Following discussion the DCS indicated that arrangements would be made for the Accounts 2010/11 to be forwarded to committee members at the earliest during May 2011.

Following discussion on the electronic provision of Board papers prior to Board meetings it was agreed that further consideration on

**DCS**

information security was required.

## **6. Finance & Personnel Committee Meeting**

### **6.1 *Finance & Personnel Committee Meeting held on 10 February 2010***

The minutes of the meeting held on 10 February 2010 were ratified by the Board.

### **6.2 *Finance & Personnel Committee Meeting held on 12 May 2010***

The Chairman reported that the members were aware that the Agency's budget for 2010/11 had not yet been approved by DEL.

It was noted that the Agency is to provide conciliation services for the resolution of NICS equal pay claims.

The CEO is awaiting legal advice on the LRA position regarding the implementation of the NICS/NIPSA equal pay agreement to the LRA.

The liP Action Plan had been presented to the meeting.

It had been noted that the staff absence rate for the last financial year was 5.2%.

It was reported that Corporate Services staff had moved into Unit 1. Further refurbishments to the HQ accommodation are due to commence in September.

There was discussion on IS/IT security and the future development of the case management system.

It was noted that a Board paper is to be prepared on Agency procurement processes. It was agreed that the Audit Committee ask Internal Audit to review procurement procedures from the perspective of Board responsibility.

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

### **7.1 *Terms of Reference for the Audit Committee***

The CEO introduced the submitted paper recommending the updating of the Audit Committee TOR. It was noted that in the main, the current Terms of Reference are comprehensive, but need to keep in line with the new model. The Audit Committee at its last meeting had considered and accepted the new model. The Chairman of the Audit Committee recommended that the Board accept the review of the TOR. Lyn Fawcett seconded the proposal and it was agreed by the Board.

## **7.2 Appointment of Arbitrators**

Extensive discussion took place on the matters raised by the submitted paper. Following discussion it was agreed that (1) a review and updating of the current panel of Agency Arbitrators is required and should be part of the Agency response to the DEL Review of Dispute Resolution and (2) that the CEO prepare a draft methodology for the revision of the Agency Arbitrator Panel, in particular, taking into account the following points:

1. The Scope of the New Statutory Arbitration Scheme
2. Arbitrator Competencies
3. Consideration, in the selection process, of;
  - Public advertisement of appointments
  - Selection Criteria
  - Independent assessment of competency
  - Whether Board Members should be involved in the process
  - The compositional balance of the Arbitrator panel
  - Staged appointment process
  - The current Arbitrator list
4. Consultation with the social partners

## **7.3 DEL Review of the Agency**

It was noted that the CEO has not received a draft copy of the report from DEL.

## **7.4 DEL ALB Review**

It was noted that the CEO has not yet received any comment on the Review from the Department.

## **7.5 Monthly Management Report**

The CEO had received correspondence from DEL authorising the operational implementation of the current Corporate and Business Plans. DEL awaited the KPMG Review of the Agency before commenting on and addressing the approval of the plans. It was agreed that, if necessary, the Chairman/CEO would contact the Department after that time to express the Board's concern about the delay in approvals in particular the Agency budget 2010/11. It was noted that the DEL/LRA Quarterly Meeting is to be held on 27 May at which further clarification may be forthcoming.

**CEO**

### **DCA**

It was confirmed that the work on the NICS equal pay claims will be starting in mid-June. The programme is expected to be completed by the end of August.

### **DCS**

It was noted that the level of sickness absence was 2.2% for the month of April, the third month in succession of low figures. It was noted that

staff resources for dealing with the NICS equal pay claim work were being addressed. A project team to take forward the IS/IT strategy was to be established.

**8. Corporate Correspondence Received Relevant to Board**

None received.

**9. Any Other Business**

There was no other business reported.

**10. Date of Next Meeting**

The next meeting of the Board will be held on -

**Thursday, 24 June 2010 commencing at 10.30 am  
in the Agency's Office's, 1-3 Guildhall Street, Londonderry.**