

MINUTES OF THE THREE HUNDRED AND SIXTY FIRST MEETING OF THE
LABOUR RELATIONS AGENCY BOARD HELD AT 10.45 am
ON THURSDAY, 18 NOVEMBER 2010
IN THE BALLYMASCANLON HOTEL, DUNDALK

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

In Attendance: Bill Patterson (Chief Executive)
Gerry O'Neill (Director, Corporate Services)
Anne Gunning (Minutes Secretary)

1. Apologies Action

Apologies were received from Neal Willis, Penny Holloway and David McGrath.

2. Minutes of Previous Meeting held on 29 October 2010

5.2 Audit Committee Meeting held on 13 October 2010

It was agreed that the decision of the Board regarding the Audit Committee reviewing the procurement procedure for tenders on behalf of the Board was suitably recorded following the verbal report on the Audit Committee meeting 13 October 2010. Secretariat

The Board minutes, of the meeting held on 29 October 2010 and taking into account the above amendment were proposed by Gordon Parkes, seconded by Patricia O'Farrell, and agreed as a true and accurate record of the meeting. Secretary

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

8.1 Training Courses

It was agreed that a corporate governance training course aimed to enhance the cohesive working of the Board would be sourced. CEO

DEL VFM Review of the Agency

It was noted that the KPMG Report had been discussed at a special Board Meeting on 20 September. Although the Board had adopted the broad thrust of the recommendations there were some unresolved issues. It was agreed that this topic should become a standing item on the Board agenda.

Following discussion it was agreed that the CEO consider a 'brought forward' CEO

arrangement to be considered at the next Board meeting.

CEO

4. Chairman's Business

4.1 *Declarations of Board Member Interests*

No interests were declared by members.

4.2 *Board Vacancy – update*

The Chairman advised that progress being made.

4.3 *Board Performance Appraisals*

The Chairman confirmed that the appraisal process is ongoing. The Chairman agreed to revisit the appraisal forms to check if there are any development needs which can be progressed before forwarding to the Department.

Chairman

4.4 *Report of International Conference*

It was noted that the Chairman had attended the International Dispute Resolution Agencies meeting in Washington on 13/14 October 2010. The CEO commented on the benefits of attending the conference in relation to informing Agency policy and best practice with regards to alternative dispute resolution. The following points were noted:

- (a) The ACAS offer to the UK Coalition Government – it was agreed to await the Chairman's comments on this point.
- (b) Intranet between participating agencies – the Board agreed to await John Taylor's scoping study on this subject.
- (c) Exchange of conciliators/mediators between agencies – agreed in principle. The Board awaits the outcome of discussions between the LRA and LRC Chief Executives.
- (d) Paper on dispute resolution best practice by agencies – agreed in principle but decided to await Kieran Mulvey's scoping study.
- (e) Research on employment policies of multi-national companies – it was agreed that this could be beneficial, although there could be problems arising on account of differing jurisdictions.

It was agreed that the report was very informative. It illustrated the benefits of Agency representation at the conference. The Chairman welcomed the opportunity the Board had given him to attend.

Following discussion it was agreed that the Agency should be represented at the 2011 Meeting which will be held in the UK. As costs will obviously be lower it was agreed that there should be two delegates from the LRA.

4.5 *Board Member Training*

The Chairman reported that he had attended a lunchtime event organised by

CIFPA on 2 November. There was a presentation by PwC Consultants on the Comprehensive Spending Review (CSR). The presentation covered the pending Government funding cuts in broad terms. CIFPA had indicated that they would be holding a series of events on the CSR covering - shared services, reviewing procurement, maximising assets, restructuring the workforce and blurring boundaries.

5. Chief Executive's Business

5.1 *Bi-Monthly Performance Report*

It was noted that in the Advisory section the numbers shown as attending workshops/seminars in the period was down as against the same period last year. However, it was noted that recent marketing of these events had increased attendance to their original levels. This will be reflected in the forthcoming bi-monthly report.

With regard to the Days Saved Report, it was agreed that cost savings should be included. It was agreed to check with ACAS on their approach to tribunal hearing costs.

CEO

After discussion, it was noted that the bi-monthly report will be re-structured in line with reporting on the Corporate Plan 2011/14 and Business Plan 2011/12.

CEO

Public Relations – It was noted that a new business case for Public Relations support is to be submitted to DEL by 31 January 2011. The change to approval arrangements was noted in that all consultant assignments are to be approved by the Minister. Following discussion it was agreed that the CEO submit a Board paper setting out the underpinning rationale for the Public Relations business case.

CEO

5.2 *DEL Review of Dispute Resolution in NI*

(i) *LRA Submission to the DEL Committee 10 November 2010*

The Chairman expanded on the various points made to the Committee. It was noted that the Committee had put comprehensive questions and that an amicable hearing had been received. It was indicated that there was a positive feeling towards the organisation from the Committee.

(ii) *Employment Bill Explanatory Memorandum Revised Proposals from DEL*

The CEO tabled an email forwarded on request of the Committee Secretary regarding proposed DEL amendments to the Explanatory and Financial Memorandum to the Employment (No 2) Bill. The Committee was to begin clause by clause discussions of the Employment Bill commencing 17 November 2010. The email which addressed Clauses 8 and 12 of the Bill is to be considered as part of the Committee's deliberations. Board Members welcomed the email as

a clear statement of the Agency's position on Clauses 8 and 12.

DEL Implementation Advisory Steering Group Draft Terms of Reference (TOR)

The Board discussed the revised draft TOR produced by the Department. Board Members raised concerns in respect of the Agency's real and perceived independence from Government and other stakeholders in the NI employment relations system. The Board concluded that the draft TOR document was not acceptable in its present form. It was agreed that the Chairman and CEO discuss the TOR with Tom Evans, DEL and that the Agency Board was minded not to participate in the Group under the current draft TOR.

**Chairman/
CEO**

5.3 *Risk Register*

It was noted that the Risk Register is submitted at each Audit Committee meeting with the Risk Management Framework and Risk Register being submitted at each October Audit Committee meeting for formal review. It was noted that the Audit Committee 13 October 2010 had endorsed the current Framework and Register but that certain matters such as the potential for budget cuts remained outstanding. It was agreed that the Audit Committee pay particular attention to the Risk Framework and Register at its next meeting in March 2011, following which the Framework and Register would be submitted to the Board. It was agreed that the Board wished to determine the position of the Agency on risk aversion.

5.4 *DEL ALB Review*

Nothing more to report.

5.5 *RPA*

Nothing further to report.

5.6 *Equal Pay*

The CEO indicated that approval by DEL/DFP for the implementation of the pay circular effective 2009 was awaited. The pay proposal had been submitted to DEL 22 September 2010. Having taken legal advice on the equal pay position of the Agency it was the intention of the CEO to issue the new pay scales to all members of staff with a covering memorandum explaining that the Agency was implementing the revised pay scales as set out in the pay circular 2009. This was in line with the DEL/LRA Financial Memorandum. The CEO memorandum would clearly indicate that the Agency was not implementing the NICS/NIPSA equal pay settlement nor had liability for the settlement.

5.7 *Accommodation*

It was noted that the ground floor is almost complete and the knocking through of walls will soon begin. It was noted that MS will be meeting with TUS at a special JNCC meeting on 19 November to discuss accommodation.

5.8 *Board Cycle of Meetings 2011*

Board members went through the proposed dates for Board Meetings in 2011. The following amendments were agreed:

CEO

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|-----------------|---|--|
| October meeting | - | Wednesday 19 October, 10.00 am
(inc: launch of Annual Report) |
| May meeting | - | Thursday 12 May, 10.00 am |
| June meeting | - | 30 June, commencing 2.00 pm |

It was also agreed that, in line with current best practice, the number of Board Meetings would be reduced from 11 to 10 during the year. The April 2011 meeting was therefore cancelled.

It was agreed that the format for the Public Meeting in 2010 would be kept for the meeting on 19 October 2011. It was also agreed that the meeting would be held in the Belfast area and a guest speaker would be invited.

It was agreed that decisions on the dates for sub-committee meetings would be deferred. The Secretariat would contact individual members in the near future to agree revised dates which would be submitted to the Board for approval.

Secretariat

5.9 *Conference Attendances 2011*

It was noted that the proposed date for the CIPD Conference 2011 was 8-10 November. As no other dates for external conferences were to hand as yet, it was agreed to discuss at the next meeting.

CEO

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

- 6.1 Letter from Deirdre Walsh, DEL re *Conduct of Employment Agencies & Employment Businesses (Amendment) Regulations (NI) 2010*
- 6.2 Letter from June Ingram, DEL re *Industrial Court Appointments*
- 6.3 Letter from Conor Brady, DEL re *Public Interest Disclosure (Prescribed Persons) (Amendment) Order (NI) 2010*
- 6.4 Letter from Sir Reg Empey

Noted.

7. **Any Other Business**

7.1 *CIPFA Training Courses – November/December 2010 and Spring 2011*

It was noted that any member interested in attending any of the above courses should notify the DCS.

Presentation to Mrs Patricia O'Farrell

The Chairman made a presentation to Patricia on the completion of her second term as Board Member. The Chairman said that he would greatly miss her valued experience. He had appreciated her significant contribution and strong commitment to the work of the Agency. He wished her every success for the future.

In reply Patricia said that she had greatly enjoyed her time as a member of the Board and valued the experience gained. She thanked the Chairman, Board members, CEO and staff for their support and friendship, and particularly appreciated the assistance and professionalism of the secretaries during her time as a Board member. She wished the Agency well for the times ahead.

8. Date of Next Meeting

An informal Board meeting will be held on Thursday, 25 November 2010 commencing at 2.00 pm in the Agency's offices, Gordon Street, Belfast. This informal meeting will consider the first draft of the Corporate Plan 2011/2014.

The next formal meeting of the Agency Board will take place on Thursday, 16 December 2010 commencing at 10.00 am in the Board Room, Ramada Encore Hotel, Belfast, followed by the Board/Staff Christmas lunch at 12.30 pm.