

**MINUTES OF THE THREE HUNDRED AND SIXTIETH MEETING OF THE
LABOUR RELATIONS AGENCY BOARD HELD AT 9.30 am
ON FRIDAY, 29 OCTOBER 2010
IN THE WATERFRONT HALL, BELFAST**

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

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

1. Apologies Action

Apologies were received from Lyn Fawcett and David McGrath.

2. Minutes of Previous Meeting held on 30 September 2010

The minutes of the meeting held on 30 September 2010 were proposed by Gordon Parkes, seconded by Patricia O'Farrell, and agreed as a true and accurate record of the meeting.

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

5.2 *Research Committee Meeting held on 22 September 2010*

It was noted that the QUB replacement for Jimmy Donaghey is Dr Niall Cullinane.

6.2.3 *Submission to the DEL Committee*

Following discussion on points raised by Peter Williamson it was agreed to delete the final sentence of paragraph 3 of the submission.

CEO

Sally McKee reported on the recent TUC Conference which she had attended in Manchester. She had found it a worthwhile experience.

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 he had submitted notes on the first draft documentation to the Department, but has had no response as yet. He will continue to press the Department on the matter, particularly as there will shortly be an additional vacancy when Patricia O’Farrell’s second term finishes at the end of November.

Chairman

4.3 Board Performance Appraisals

The Chairman confirmed that he has started the appraisal process and will be in touch with members over the next few weeks.

Chairman

4.4 NIPSA Branch 28 Correspondence – sent to Board Members 14 Oct 2010

It was noted that the SMT had met with TU representatives the previous week and had discussed the accommodation changes. It had been agreed to enter into comprehensive consultation with the JNCC on accommodation. It was also agreed to hold bi-monthly JNCC meetings to discuss critical issues and to share with TUS any issues relating to the impact of public sector cuts. Extra meetings would also be arranged as and when it was felt necessary. It was agreed that the Chairman respond to the Branch 28 correspondence noting the progress that had been made and expressing appreciation of the work of the JNCC.

Chairman

5. Audit Committee

5.1 Minutes of the Audit Committee meeting held on 16 June 2010

The minutes of the meeting held on 16 June 2010 were ratified by the Board.

5.2 Audit Committee Meeting held on 13 October 2010

The Chairman of the Audit Committee Peter Williamson reported on the meeting as follows –

- The Committee had discussed the auditors’ internal audit plan for 2010/11. The auditors identified four risk areas – three high risk (1) purchasing and procurement - including tendering (2) travel expenses - including Board and (3) conciliation and arbitration. There was one medium risk identified – management information. The Committee had agreed the proposals. It was noted that ASM Horwath will contact Senior Management to agree details.
- Discussion with the external auditor was deferred to the next Audit Committee Meeting.

DCS

After the verbal report of the Audit Committee, the Board discussed the topic of the procurement and procedure for tenders and agreed that these would be considered by the Audit Committee, on behalf of the Board, as they occur.

It was noted that the recent Board Member Audit training had been very helpful to members.

6. Chief Executive's Business

6.1 DEL Review of Dispute Resolution in NI

- It was noted that the CEO and DCA are progressing the review of the Agency arbitrator panel. **CEO/DCA**
- A letter received by the Chairman from June Ingram dated 6 October 2010 regarding confidentiality and statutory protections for LRA staff and Arbitrator Panel was discussed. It was agreed that a critical point is whether or not mediation is covered by Article 20(7) of the Industrial Tribunals (NI) Order 1996, and also, does the term conciliation cover all ADR processes. It was noted that the Department was considering whether an amendment to the current Employment Bill would be needed. The CEO and DCA will be meeting Fiona Cassidy regarding an appropriate form of words. Having considered the Department's point of view the Board decided to maintain its position on the need for an appeal against an arbitrator's award and on giving primacy to ADR. **CEO/DCA**
- It was agreed to keep under review the remaining items addressed in the DEL correspondence 6 October 2010. **Chairman**
- A Review implementation advisory group has been set up by DEL. The group terms of reference were discussed. Further consideration is to be given to the terms of reference by the Board.
- It was noted that the implementation group, at its next meeting, was to consider the outcomes expected of the Review.

6.2 LRA Submission to DEL Committee

It was noted that this was discussed at item 3 Paragraph 6.2.3 above.

6.3 LRA /LRC Joint Exchange

The agenda for the Joint Board Meeting was discussed. It was agreed that Item 4 – Potential Future Joint Activities might include research, and enhancement of the co-operation between the staff of both organisations. It was agreed that any other items for discussion should be forwarded to the Chairman by Board Members. **Board Members**

6.4 DEL ALB Review

Nothing more to report.

6.5 RPA

Nothing further to report.

6.6 Equal Pay

It was noted that a letter had been received from the Department indicating

that DEL had recommended the implementation of the most recent staff pay circular to DFP. The CEO is awaiting approval from DFP but is also to take further legal advice as suggested by DEL before considering action on the pay circular.

CEO

It was also noted that the CEO had received a letter from NIPSA on the implementation of the pay circular to which he will be replying. Board Members shared their frustration at the delay. It is hoped that this will be resolved as soon as possible.

CEO

6.7 Accommodation

It was noted that Corporate Services staff have been relocated back to the refurbished ground floor in order that the knocking through of walls can be carried out.

6.8 Bi-Monthly Performance Report

It was agreed, because of time constraints, to defer the Bi-Monthly report to the next Board Meeting. It was further agreed that this item would be first on the agenda.

CEO

7. Corporate Correspondence Received Relevant to Board

7.1 Letter from Michael Gould, DEL re Consultation on Success through Skills 2

7.2 Letter from DEL re Employment Act (NI) 2010 – Employment Agency Provisions

Noted.

8. Any Other Business

8.1 CIPFA Training Courses – November/December 2010

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

8.2 Ulster Bank UK CSR article October 2010

It was agreed that this was an interesting article on the potential impact of the public sector cuts.

8.3 New Minister for DEL

It was noted that the Chairman would write to the new DEL Minister, Mr Danny Kennedy and also to the outgoing Minister, Sir Reg Empey.

Chairman

9. Date of Next Meeting

The next meeting will be held in the Ballymascanlon Hotel, Dundalk at 10.45

am. The Board will then be joined by the LRC Board and members of LRA and LRC staff for lunch.

This will be followed by –

- presentation from Prof Bill Roche on ‘Managing Workplace Conflict in Ireland’;
- presentation from Christian Welz, Eurofound;
- both presentations will be followed by Q & A sessions;
- meeting of the LRA Research Committee;
- joint meeting of LRA/LRC Boards;
- buffet

It was noted that the paper - Recruitment of new members for Arbitration Panel – will be submitted at the December meeting.