

**MINUTES OF THE THREE HUNDRED AND THIRTY EIGHTH MEETING OF  
THE LABOUR RELATIONS AGENCY BOARD HELD AT 10.00 AM  
ON THURSDAY, 25 SEPTEMBER 2008  
IN THE CITY HOTEL, DERRY**

**Present:** Jim McCusker (Chair)  
Patricia O'Farrell  
Peter Williamson  
Rodan Ward  
Brenda Maitland  
Boyd Black  
Julie Anne Clarke  
Gordon Milligan

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

**1. Apologies Action**

There was an apology from Norma Heaton.

**2. Minutes of Previous Meeting held on 28 August 2008**

The minutes of the meeting held on 28 August 2008 were proposed by Rodan Ward, seconded by Brenda Maitland, and agreed as a true and accurate record of the meeting.

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

**DCS**

**3.1 Invitation to President of Tribunals**

It was noted that Eileen McBride, President of OITFET who will be attending the Board Meeting on Thursday, 27 November 2008 had confirmed that she hoped to address the three topics which had been suggested -

- The current issues facing OITFET
- The DEL Review of Dispute Resolution in NI
- The pros and cons of establishing an EAT in NI

### **3.2 LRA/Equality Commission Meeting 4 November 2008**

It was noted that the date of the joint Board/EC Meeting has been confirmed as Tuesday, 4 November 2008. The theme of the meeting is Migrant Workers. Tommy Wright (ERM) has been asked to provide a presentation for the joint meeting.

**CEO  
Tommy Wright**

### **3.3 LRA/Kieran Mulvey Presentation to Board 16 October 2008**

It was confirmed that Kieran Mulvey LRC CEO and possibly a Rights Commissioner would attend the Board Meeting on 16 October to outline the role of the ROI Rights Commissioners.

**CEO**

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

### **4.1 Corporate Plan Stakeholder Meeting – 11 September 2008**

The Chairman circulated notes of the meeting and said that there had been a good representation from stakeholders and a lively discussion. It is hoped to hold further discussions with TU representatives. The points would be discussed further at the end of the Board Meeting.

### **4.2 LRA/DEL Audit Committee Exchange**

The Chairman reported that he had received a further letter from Aideen McGinley, copies of which were circulated to members. The letter mentioned the co-operation between the two Audit Committees and also emphasised the important role that the Treasury saw in providing information to non-executive Audit Committee members. However, the Permanent Secretary had indicated that there will be no change in representation at the DEL Audit Committee.

Board Members were reminded that Aideen had suggested that Roden Ward could be included in the annual DEL/LRA Accounting Officer meeting. This was held on 24 September. Roden was unable to attend in this instance and attendance at future meetings was referred to the Audit Committee.

After discussion, Board Members felt that the DEL reply was disappointing. It was agreed that the Chairman would write again to the Permanent Secretary. It was noted that the Chairman/CEO would be meeting with the Minister at some stage.

**Chairman  
Chairman/CEO**

### **4.3 Appointment of President of the Industrial Court**

The Chairman referred to the legislation in the 1992 Order which states that the Industrial Court shall consist of members appointed by the Department. The Department shall appoint a member as Chair and may appoint a member as Deputy Chair. The Department would also consult the LRA on the proposed appointments. In accordance

with the legislation, the Department had written to the Agency some weeks ago regarding the proposed appointment of President. The Chairman asked members to consider whether it would be more appropriate, given the current public appointments process, that the Agency was consulted on the selection criteria for the appointments rather than on the proposed appointee.

After lengthy discussion it was agreed that it would be desirable that the Agency was consulted on the criteria for appointments, but there might be circumstances in which it might be appropriate for the Agency to be further involved in the appointment process. This would provide the Agency with the opportunity of raising the centrality of employment relations knowledge and experience for the criteria. It was agreed that the Chairman raise the above points with the Department.

**Chairman**

#### **4.4 Board Vacancies**

The Chairman confirmed that interviews would be conducted at the beginning of October. As there was some concern regarding a quorum for the next Board Meeting, the Chairman agreed to mention the importance of early appointments at the next meeting of the selection panel.

**Chairman**

### **5. Finance & Personnel Sub-Committee**

#### **5.1 Meeting held on 3 September 2008**

The Chairman gave a verbal report on the meeting.

With regard to the meeting on 6 August between representatives of NIPSA Branch 28 and Board Members and the discussion, which was discussed at the Finance & Personnel Meeting, tribute was paid to the CEO and Directors for their contribution in constructively responding to TUS concerns.

### **6. Chief Executive's Report**

#### **6.1 Annual Report & Accounts 2007/08**

It was noted that the Annual Report & Accounts 2007/08 would be officially launched at the Public Meeting.

#### **6.2 LRA Training Policy**

The CEO highlighted an amendment to the final paragraph of Appendix 1 of the Policy which stated that the policy '*will be reviewed in consultation with NIPSA as and when required*'. The proposed amendment was agreed.

There was a discussion on the training budget and the process of training evaluation. It was agreed that while the Policy is comprehensive it should be re-drafted to bring out more clearly its centrality to the Corporate and Business Plans the commitment to an annual training budget and proposals for other forms of staff development provision other than training courses, i.e. job shadowing, acting up, projects etc:

CEO

#### **6.2.i. IS/IT Strategy**

It was noted that detailed Business Cases would be required by the Department for each system which needs to be put in place in order to develop the IS/IT Strategy. The Board noted that the 2007/08 internal audit findings indicated the absence of a Disaster Plan and a Data Protection Policy and that this impacted on the Agency's Statement of Internal Control. Given that the resource implications of this had been raised with the Board by the Chair of the Audit Committee, the Board expressed concern at the considerable cost of writing the business cases, which need to be developed by the end of March 2009. It was noted that the budget for this expenditure might require the allocation of additional money.

#### **6.3 IiP**

It was noted that the dates for the IiP Assessment of the Agency has been scheduled for 6 and 7 November 2008.

#### **6.4 Complaints**

It was noted that one complaint had been received and was being dealt with.

CEO

#### **6.5 Monthly Management Report**

It was noted that the CEO and DCA had a very positive meeting with the NICS Central Personnel Group, NIC ICTU and NIPSA on ADR arrangements for disputes arising out of RPA.

After general discussion, the Management Report was accepted.

#### **6.6 Attendance at NI Economic Conference – 1 October 2008**

It was agreed that Patricia O'Farrell is to represent the Agency at the above conference.

#### **7. Presentation by Tom Evans, DEL on Review of Dispute Resolution**

Tom Evans, with assistance from Alan Scott gave a presentation covering the background to the Review and detailing the pre-

consultation processes, the role of the consultation steering group, the response to the pre-consultation, the change agenda and the way forward. The role of the Agency in the process was then discussed. Tom and Alan answered Board Members' questions. It was noted that the DEL pre-consultation report would be made available shortly.

The Chairman thanked Tom and Alan for their presentation indicating that the Board would reflect further on the points raised.

### **LRA Public Board Meeting**

The Chairman opened the Public Meeting welcoming members of the public, representatives from DEL and members of staff from the Regional Office in Derry.

The Chairman formally presented the LRA Annual Report and Accounts 2007/08 on behalf of the Board. The Chairman and CEO then reported on the work of the Agency over the 2007/08 financial year. There followed a time of questions and discussion between guests and members of the Board. The Agency was commended by members of the public for its help, assistance and sound advice. The high quality of the services of the Derry staff was specially referred to. Following further general discussion the Chairman thanked the attendees for their contributions and officially closed the public Board meeting.

The Public Meeting was followed by lunch.

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

Board Members discussed Tom Evans presentation. It was noted that the CEO was a member of the DEL Steering Group with the DCA in attendance at the steering group meetings.

It was agreed that the Board requires further, more detailed discussions on the principles, processes and structure most suited for dispute resolution arrangements in Northern Ireland.

It was agreed that the CEO and Directors prepare a presentation for the November Board Meeting setting out the pros and cons of three options:

- 1 The Great Britain post - Gibbons arrangements.
- 2 An amalgam of a direct claim to the Agency and the Rights Commissioner model.
- 3 Considerations of the SMT.

### **9. Corporate Plan 2009 – 2012**

Board Members then had an extensive discussion on the points raised

at the recent stakeholder meeting.

The following issues were noted for further consideration:

- 1 The case for an NI Employment Appeals Tribunal
- 2 Equal Pay
- 3 The development of the Agency Enquiry Point
- 4 Raising the profile of Agency
- 5 ADR skills development in the workplace
- 6 The SME agenda
- 7 The evaluation of Agency services
- 8 The RPA and employment relations in the Public Sector
- 9 The current economic climate and its impact on demand for Agency services

CEO

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

No correspondence received.

#### **11. Any Other Business**

##### ***11.1 Report of TUC Conference – Boyd Black***

Boyd Black reported on the TUC conference held in Brighton at the beginning of September, which he had attended, along with the DCS. He indicated that the conference was well worth attending. The conference covered a wide range of employment issues directly relevant to the Agency. These issues are likely to feature on the Board agenda in the future.

##### ***11.2 CEO Article in First Trust Bank Economic Outlook and Business Review***

Copies of an article entitled *The Challenge of Meaningful Work* written by the CEO and which appeared in the September issue of the above Business Review, was circulated to Members.

#### **12. Presentations to Dr Boyd Black and Mr Gordon Milligan**

The Chairman made presentations to Boyd and Gordon on the completion of their second term as Board Members. The Chairman said that he would greatly miss their valued experience. During their years with the Agency they had both made significant contributions to the Board and the development of the Agency. He wished them both well in the future.

In reply Boyd thanked the Chairman for his remarks and said that it had been a privilege to be on the Agency's Board for six years. He had found it an enriching experience. It had been a great learning environment where a wide range of topics was discussed.

Gordon said that he had thoroughly enjoyed his six years with the Board. He said that there were high levels of expertise within the Agency and he hoped that the Department would build on that expertise in the near future. He was looking forward to the Agency attaining liP Award.

**13. Date of Next Meeting**

- Thursday, 16 October 2008 – **9.30 am** (Kieran Mulvey, CEO, LRC to brief Board Members on the role of the Rights Commissioner)
- Audit Committee Meeting – Wednesday, 15 October