

**MINUTES OF THE THREE HUNDRED AND FORTY NINTH MEETING OF THE
LABOUR RELATIONS AGENCY BOARD HELD AT 10.00 AM
ON THURSDAY, 24 SEPTEMBER 2009
IN THE AGENCY'S OFFICES, 2-8 GORDON STREET, BELFAST**

Present: Jim McCusker (Chair)
Peter Williamson
Patricia O'Farrell
Lyn Fawcett
Rodan Ward
Julie Anne Clarke
Neill Willis

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

1. Apologies Action

Apologies were received from Trevor Morrow and Brenda Maitland.

2. Minutes of Previous Meeting held on 27 August 2009

The minutes of the meeting held on 27 August 2009 were proposed by Lyn Fawcett, seconded by Julie Anne Clarke, and agreed as a true and accurate record of the meeting.

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

4.5 External Conferences 2009

It was noted that the CEO will circulate information regarding the CIPD Ireland Conference to Board Members when confirmation of the date and venue are received.

CEO

4.6 Meeting in the Regional Office 2010

Members approved the proposal to hold the February 2010 meeting in the Regional Office.

4. Chairman's Business

4.1 Declaration of Board Member Interests

No interests were declared by members.

4.2 Appointment of Vice Chair

The Chairman explained the role of the Vice Chair.

The Chairman proposed Brenda Maitland as Vice Chair. This was agreed by members.

Chairman

4.3 Board Vacancies - Update

The Chairman indicated that a delay had arisen in the appointment process owing to questions on conflicts of interest. The selection panel will be meeting again on Monday, 28 September. Meanwhile the Department are seeking advice from the Central Appointments Unit. It was agreed that it was disappointing that no appointments had been made as the Board was in danger of not reaching a quorum at future meetings. The Chairman will be pressing the Department for a decision to be taken as soon as possible.

Chairman

4.4 Board Member Performance Appraisals 2008/09

It was noted that the Chairman had carried out a number of Board member appraisals. The Chairman requested that outstanding appraisals are returned as soon as possible in order that the process can be completed.

**Board
Members**

4.5 TUC Conference – report back

The DAS provided a report on the TUC Conference which he and Brenda Maitland attended 14-16 September.

One item of note was the formation by a group of trade unions of a political pressure group called the Trade Union Co-ordinating Committee. The Committee have published a Peoples Charter which proposes an alternative political strategy for trade unions.

An interesting point which arose from a fringe meeting was the view that recent decisions of the European Court of Justice have been anti trade union while recent decisions of the European Court of Human Rights have been more union friendly. Following discussion it was agreed to organise a seminar on this topic for stakeholders with invited speakers possibly Professor Keith Ewing and Susan Anderson (CBI).

CEO

4.6 Public Board Meeting – October 2009

It was noted that the Secretariat had been looking at possible venues for the annual Public Board Meeting. Following discussion it was agreed to hold the meeting in the Silverbirch Hotel in Omagh.

Secretariat

4.7 Joint LRA/LRC Board Meeting

It was noted that there had been no response from the LRC with regard to a joint meeting.

The Chairman suggested organising a visit to the The European Foundation for the Improvement of Living and Working Conditions in Dublin with the possibility of linking the visit with a joint LRA/LRC meeting. Board Members agreed to this proposal.

Chairman/CEO

4.8 Joint LRA/Equality Commission Meeting

The Chairman reported that he and the CEO will be meeting with the Chair and CEO of the Equality Commission on 10th November; the main item of their discussion will be dispute resolution. It was noted that the EC submission on the DEL Review of Dispute Resolution is available on-line from the EC.

Chairman/CEO

It was noted that it was likely the joint LRA/EC meeting would not take place until early 2010 either at the Agency's offices or at an external venue.

Secretariat

4.9 Date of December Board Meeting

Following discussion it was agreed that the December Board meeting will take place as originally planned on Friday, 18th December at 10.00 am in the Agency's offices.

It was also agreed that the Board will meet with staff for lunch on Tuesday, 15th December at the Ramada Encore Hotel, Belfast. The Secretariat is to finalise lunch arrangements.

Secretariat

5. Chief Executive's Business

5.1 DEL Review of the Agency

The CEO reported that interviews have now taken place with the Chairman and senior management. The Agency awaits feedback from KPMG.

CEO

5.2 Continuous Improvement – Balanced Scorecard (Paper 45/09)

Members were reminded that the Board had previously approved the introduction of the Balanced Scorecard to the Agency. Phase 1 was

now complete and the CEO wished to move on to Phase 2 and 3 of the process.

CEO

The Chairman noted that Phase 2 referred to an introductory session with the Board and indicated that he felt it would be useful for Board Members to have some training in the Balanced Scorecard as this linked into the Corporate and Business Plans. It was noted that a business case for a consultant to provide support for the introduction of Phases 2 & 3 training had been approved and would be going to tender. It was agreed to discuss this matter further under item 5.6.

DCS

5.3 RPA

It was noted that the CEO had written to Adrian Kerr, CEO, LGSC regarding effective regional collective bargaining and would be following this up with letters to other public sector bodies. It was noted that the Agency was involved in some work as a result of RPA. It was anticipated that the workload may increase in coming months.

CEO/Directors

5.4 Equal Pay Audit

It was noted that the DCS had prepared a paper for the recent F&P Committee meeting. The paper indicated three key actions arising out of the NISRA report, namely:

- i. A review of starting salary policy and procedure;
- ii. A review of the work experience and status of each member of staff;
- iii. If significant anomalies arise from the reviews a business case to address same will be required for approval by DEL/DFP.

In making progress with the above the Agency will be actively addressing any risks which may arise. The target date for completion of the above is December 2009.

DCS

Board members noted the action being taken.

5.5 Public Consultation on Flexible Working & Time To Train (Paper 46/09)

It was noted that the consultation paper consisted of two parts both of which would extend existing employment rights.

The first part of the consultation paper was an extension of the right to flexible working in order to keep NI legislation in line with that of GB.

The second part of the consultation paper referred to the right of an individual to request time off to train.

Some discussion took place as to the Agency's response to the

consultation paper. Board members agreed that the draft response was not commenting on the details of the proposals; the question was whether the Agency supported the initiatives as such or whether it remained silent on them.

The Chairman referred to Para 5.6 of the DEL document which stated “Overall the response to the consultation from all three jurisdictions was positive and revealed strong support for the proposal.” The Chairman also referred to the comments made in Para 4.21 of the DEL document.

Board members felt that the key issue in terms of the Agency commenting on the proposals as opposed to remaining silent was whether it believed that the proposals were of benefit from an employment relations perspective. While it was agreed that the proposals were of benefit concern was expressed, with regard to small firms, that systems may become more bureaucratized with regard to record keeping. It was agreed that research indicated that employees with better work-life balances were more likely to be better employees.

Following discussion it was agreed to amend the third sentence of the recommendation (Para 10) to read along the lines of “...pay special attention to the problems of small businesses.” The detail of the response was to be agreed between the Chairman and the CEO.

Chairman/CEO

5.6 Corporate Planning 2010/13 and Business Planning 2010/11 (Paper 47/09)

The Chief Executive set out the background and timetable for the corporate planning process 2010-13 and business plan 2010-11.

The CEO expressed the view that the Agency needed to pay particular attention to having the final submission with the Board in February 2010 for clearance by DEL in March. The proposed timetable and process were agreed by members

CEO

Following discussion it was agreed to hold a Board Away Day commencing at lunchtime on Thursday, 19 November and continuing through to lunchtime on Friday, 20 November 2009. The Chairman agreed to invite the Minister to join Board members for dinner on the Thursday evening. The Secretariat is to examine possible venues for the away day.

**Chairman
Secretariat**

5.7 Board Training Arrangements (Paper 48/09)

It was noted that Paper 48/09 was submitted to the Board in order to formalise the procedure for providing and recording training arrangements for Board members.

It was agreed that both risk management and corporate governance training for Board members will be organised when new Board

members are appointed and before the end of the financial year.

DCS

5.8 PR Strategy (Paper 49/09)

It was noted that Future Image, PR consultants for the Agency, had produced a report setting out a PR and Communications Strategy for the Agency. One fundamental point arising from the report is to begin a review of the Agency's image including the logo and strap line. The report also highlighted the need to build upon current relations and to respond to PR opportunities. The five areas which were already being addressing are:

- ✚ News and media management;
- ✚ External communications;
- ✚ Lobbying;
- ✚ Marketing of the LRA;
- ✚ The corporate/account management of the LRA.

The CEO indicated that a future paper, drawing from the experience of implementing the recommended strategy and action plan will set out a revised and more focused strategy and plan.

CEO

It was noted that the Chairman and CEO were considering the possibility of hosting an ER conference in 2010/11 focussing on the policy and legislative outcomes of the DEL Review of Dispute Resolution. It was also noted that the Agency, possibly within the next 3 years will be host to the International Agencies meeting. It was agreed that this would be an ideal opportunity to hold a conference as and when the meeting is held in NI.

Chairman/CEO

Chairman/CEO

It was noted that following approval of the PR Strategy it would be presented to staff in an effort to encourage PR opportunities.

CEO

Board members were advised that should they wish to avail of media training they should contact the Board Secretary for details.

Board Members

The Chairman indicated that the paper was very welcome in terms of raising the Agency's profile and improving its image. The Board endorsed the paper.

5.9 Private Recruitment Sector Enforcement – First Report January 2006 – March 2009 DEL (Paper 50/09)

It was noted that this was the first report produced by DEL on Private Recruitment Sector Enforcement. Following a brief discussion it was agreed that the Board did not require sight of the report each year but rather any matters of significance should be reported to the Board by exception.

CEO

5.10 Performance Reporting to Board (Copy previous paper 38/09)

It was noted that the Board had previously deferred discussion on performance reporting. The draft bi-monthly performance report was submitted to ascertain the format the Board wished the report to take and how it may be supplemented on a monthly basis.

It was agreed that more consistency and relevance was required between targets and commentaries. It was also agreed that, at its away day the Board will consider incorporating trends into the bi-monthly reports.

**CEO/Directors
Board**

After some discussion the Board agreed with the broad format of the recommended bi-monthly report. In addition the monthly management report should only address high level, critical or novel items by way of a textual report omitting normal operational statistics, reporting on objectives and targets etc:

CEO/Directors

5.11 Monthly Management Report

Chief Executive

It was noted that Item 7 should read ‘Deputy Secretary’ and not ‘Under Secretary’.

Secretariat

It was noted that DEL were reviewing their relationships with Arms Length Bodies. Representatives from the Department will be attending the Audit Committee meeting on 14 October.

Director (Advisory Services)

The DAS advised Board members that the Advisory services were concentrating on promoting the Agency and its services and trying to expand their customer base. Indications were that this was effective. Board members commended the promotional material and the Agency’s involvement at the ‘Big into Baby’ seminar at the Odyssey.

Director (Conciliation & Arbitration)

It was noted that the amount of claims have continued to increase over the period.

Board members were advised that Robert Benjamin will again be providing training to staff in advance mediation skills at the end of October/beginning of November. It was noted that the Chief Conciliation Officer from ACAS is coming to Belfast to attend the training.

Director (Corporate Services)

It was noted that good progress was being made with the Disaster Recovery Plan. The Agency was progressing with the rental of Unit 1. Approval had been granted for the temporary EOII posts for the Helpline. The DCS intended to go ahead with the Helpline appointments although work still remains to be done on the new

DCS

DCS

contracts of employment.

6. Review of Dispute Resolution in NI

It was noted that the CEO and DCA had attended a meeting of the Review Steering Group on 18th September. There was the possibility of a proposal to revise the Steering Group Terms of Reference to cover a wider support remit for DEL. The CEO awaited the revised Terms of Reference.

It was noted that responses to the Review will be analysed by DEL during October. It was hoped to have indicators of outcome and a first draft report available during October/November.

CEO

7. Finance & Personnel Sub Committee

7.1 Minutes of the Finance & Personnel Sub-Committee meeting held on 4 March 2009 (Paper 52/09)

Subject to the following amendment the minutes of the meeting held on 4 March 2009 were ratified by the Board:

Para 8 CEO Annual Appraisal – the date should read 2008/09 and not 2006/07.

Secretariat

7.2 Minutes of the Finance & Personnel Sub-Committee meeting held on 22 April 2009 (Paper 53/09)

It was noted that the minutes of the meeting held on 22 April had previously been ratified by the Board and were enclosed for information.

7.3 Meeting held on 16 September 2009

The Chairman reported that the Committee had discussed potential staff turnover within the Agency with particular emphasis on capability continuity. No particular problems were evident throughout the grades in the Agency with the exception of the SMT. However continuity of capability was not an immediate concern with respect to the SMT. The Chairman suggested that the risk to capability and continuity might be assessed by the Audit Committee and the situation reviewed periodically.

CEO

With regard to accommodation it was noted that the Agency was entering into a 10 year lease with a 5 year break period and as such was committed to the Gordon Street premises until 2014.

DCS

In respect of finance the importance of spending the £3.7k allocated to the Agency this year was noted.

DCS

8. Corporate Correspondence Received Relevant to Board

- *Letter dated 7 October 2008 from Valerie Reilly, DEL re Employment Agencies and Employment Businesses*

It was noted that this item had been referred to under Para 5.9 above.

9. Any Other Business

9.1 Public Relations

- *Big into Baby – 26 & 27 September 2009*
- *Equality Times article ‘Focus on Good Employment Practice’*
- *Business Eye article ‘Resolving Employment Disputes’*

It was agreed that the above articles were particularly useful in terms of PR for the Agency and should be continued.

9.2 PR – Board Members

It was noted and agreed that Trevor Morrow and Lyn Fawcett will be preparing an article for an internal UU magazine on their role as LRA Board members.

9.3 Minutes of the Audit Sub-Committee meeting held on 15 & 25 June 2009

It was noted that the Audit Committee met, prior to the Board meeting, to approve the above minutes as the meeting of 15 June had been inquorate.

It was further noted that the minutes were formally approved by the Audit Committee and will be on the Board agenda next month for ratification.

With regard to the Audit Committee meeting scheduled to take place on 14th October it was agreed to contact members to ensure that a quorum existed. Patricia O’Farrell agreed to attend the meeting as reserve if the need arose.

Secretariat

10. Presentations to Ms Julie Anne Clarke and Mr Roden Ward

The Chairman made presentations to Julie Anne and Roden 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 every success for the future.

In reply Julie Anne said that she had valued the experience gained as a

member of the Board and wished the Agency well for the challenging times which lay ahead.

Roden echoed Julie Anne's comments and thanked the Chairman, Board and staff for their help during his time as a Board member. He particularly thanked the DCS for his assistance with the Audit Committee.

11. Date of Next Meeting

The next meeting of the Board will be held on **Thursday, 29 October 2009**, beginning at 10.00 am in the **Silverbirch Hotel, Omagh**.

It was noted that the annual public meeting of the Agency will also take place with the October Board meeting.

Lyn Fawcett apologised in advance for being unable to attend the next Board Meeting.