

MINUTES OF THE THREE HUNDRED AND FIFTY NINTH MEETING OF THE
LABOUR RELATIONS AGENCY BOARD HELD AT 10.00 am
ON THURSDAY, 30 SEPTEMBER 2010
IN THE AGENCY'S OFFICES, 2-12 GORDON STREET, BELFAST

Present: Jim McCusker (Chair)
Neal Willis
Peter Williamson
Patricia O'Farrell
Gordon Parkes
Lyn Fawcett

In Attendance: Bill Patterson (Chief Executive)
David McGrath (Director, Advisory Services)
Gerry O'Neill (Director, Corporate Services)
Alison Wolfe (Minutes Secretary)

1. Apologies Action

Apologies were received from Trevor Morrow, Sally McKee, Brenda Maitland and Penny Holloway.

2. Minutes of Previous Meeting held on 26 August 2010

The minutes of the meeting held on 26 August 2010 were proposed by Neal Willis, 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

There were no matters arising which are not listed on the agenda for discussion.

4. Chairman's Business

4.1 Declarations of Board Member Interests

No interests were declared by members.

4.2 Board Vacancy – update

It was noted that the Chairman had received draft documentation from the Department. The Chairman had indicated to the Department that the new independent member should have financial literacy rather than business planning skills. After discussion, members agreed that the **Chairman** should **suggest that** the appointed independent person should be financially literate **and not necessarily** financially qualified.

Chairman

It was noted that there would shortly be an additional vacancy on the ending of Patricia O'Farrell's second term 30 November 2010.

4.3 Board Member Training

No training has taken place since the last Board meeting.

It was agreed that Board members' attendance at the LRA Conference should be included as part of their ongoing development and training.

DCS

TUC Conference – The DAS reported on the TUC Congress which he and Sally McKee had attended. The main theme of the congress was public sector cuts and the consequent negative impact on private sector jobs. Other topics covered the right to strike, Government employment policies and income inequality. It was noted that the TUC is considering having a smaller annual conference and holding their main conference on a biennial basis.

DAS agreed to distribute copies of his notes after the meeting.

DAS

4.4 DEL VFM Review of the Agency

It was noted that the KPMG Report had been discussed at a special Board Meeting on 20 September. It was agreed that the Board adopted the broad thrust of the recommendations, **with qualifications on recommendation 1 and 7 on the responsibility for policy and operational matters, on the contents of page 17 and on table 5.1.**

5. Research Committee

5.1 Minutes of the Research Committee meeting held on 24 June 2010

The minutes of the meeting held on 24 June 2010 were ratified by the Board

5.2 Research Committee Meeting held on 22 September 2010

The Chairman reported on the meeting as follows –

- A decision was taken to proceed to tendering for an SROI scoping study.
- The wider evaluation of Agency services is to be considered by the Committee.
- It had been suggested that at some stage case studies be considered to demonstrate the value of Agency services.
- It was noted that the QUB replacement for Jimmy Donaghey was being followed up by the CEO.

CEO

6. Chief Executive's Business

6.1 Consultation on Draft Code of Practice on Time off for Trade Union Duties and Activities

The Board discussed the responses to the public consultation exercise regarding the draft Code of Practice.

Following discussion the following were agreed;

The submitted revised wording for Introduction and Generally, Section 1 and Generally, Para 19, Para 31, Para 34, Para 42, Para 45 was agreed.

The submitted revised wording for Section 2 was agreed after lengthy discussion and a vote of members.

The deletion of the words “want to” in Para 40 – 3rd line.

The inclusion of the words “which is specifically targeted at (union emails)” and deletion of ‘of’ in Para 48 - 3rd line.

It was agreed that the draft Code of Practice subject to the above amendments would be submitted to the Department.

CEO

6.2 Review of Dispute Resolution in NI

6.2.1 *Generic Arbitration Scheme*

It was noted that the CEO had met with the Department on 21 September to discuss the generic statutory arbitration scheme in respect of points agreed at the last Board Meeting.

6.2.2 *Review of LRA Arbitrator Panel*

Following discussion it was agreed that the hybrid approach incorporating shadowing should be given further consideration by way of a detailed paper **for the Board** setting out the recruitment process, **using the model for Ministerial Public Appointments**. Estimated costs should also be included. It was agreed that training in mediation for prospective Arbitrators should be highlighted.

CEO/DCA

It was agreed that the interview panel should comprise members of the SMT plus an ACAS advisor.

SMT

6.2.3 *Submission to the DEL Committee*

Following discussion it was agreed that four issues are to be raised with the DEL Committee (1) the Employment Bill clauses 8 & 12 proposing the change of status for Agency pre-claim conciliation from a duty to a power (2) for statutory arbitration the right of appeal against an arbitrator’s award (3) the statutory protections for Agency staff and arbitrators in relation to all ADR processes and (4) **Tribunals seeking a reason why parties have not utilised ADR to resolve disputes**.

In addition it was the view of the Board that the opportunity should be taken to inform the DEL Committee of the demands on Agency services with its resultant pressures on resourcing.

The Committee meets on Wednesday, 10 November at 10.45 am at Stormont. The agreed representatives to attend the meeting are – Chairman, CEO, Vice-Chair of Board - Brenda Maitland (or Neal Willis/Gordon Parkes) and one SMT member. It was noted that anyone is eligible to attend as observers, but would be unable to participate in discussions.

6.3 LRA Code of Practice on Discipline & Grievance

It was noted that this paper had been previously provided to Board members under the seven day rule. Subject to Board member comments the final draft of the Code will be issued for public consultation. The closing date for public consultation will be Friday, 26 November 2010.

6.4 Post Implementation Review of the LRA Telecommunications System

Following discussion the post implementation review report was noted and the recommendations accepted.

6.5 LRA Conference

It was agreed that the conference had been very successful. There had been positive feedback on the organisation and the topics covered. Record notes of the conference proceedings are to be submitted to the Board. It was agreed that three speakers were too many for each workshop in the time available.

CEO

Following discussion it was agreed that attendance by invitation is reviewed in order to ensure the widest appeal and attendance of interested parties.

CEO

Appreciation was expressed to staff for their hard work in organising the conference.

6.6 LRA/LRC Joint Meeting

A draft agenda for the meeting in the Ballymascanlon Hotel on 18 November was tabled to members and discussed. It was proposed that the joint meeting is followed by an LRA Board Meeting subject to details being confirmed with the LRC. It was agreed that overnight accommodation could be arranged if necessary.

Chairman/
CEO

6.7 Corporate Plan 2010-13/Business Plan Process

The proposed corporate planning process was agreed. It was also agreed that the Board Meeting Friday, 29 October begins at 9.30 am with consideration of the Agency mission statement, core values and strategic direction. It was further noted that the informal Board meeting 25 November (commencing at 2.00 pm) will discuss the first draft of the Corporate Plan 2011-2014.

CEO

6.8 Charging for Agency Services

It was agreed that there was a need for systematic analysis **of the case for charging for Agency services, taking account of the public expenditure rules.** Following discussion it was agreed that a comprehensive paper is submitted to the Board.

SMT

6.9 DEL ALB Review

Nothing more to report.

6.10 RPA

Nothing further to report.

6.11 Equal Pay

Board members were advised that the Agency was in receipt of new pay rates and scales issued by DEL.

6.12 Accommodation

It was noted that the refurbishment of the ground floor had been slightly delayed owing to maintenance work.

Board members were advised that there would be some disruption to the second floor due to the knocking through of walls to allow for disabled access throughout the three units of the HQ building. This will impact on the Board room for some time, so other options for Board meetings are being considered.

DCS

7. Corporate Correspondence Received Relevant to Board

7.1 Letter of thanks dated 10 September 2010 from Jim Wilkinson DEL for LRA assistance in organising and facilitating User group workshops for DSD

7.2 Letter of thanks from Derek Baker, DFP, for LRA assistance in finalising NI Civil Service Equal Pay claims.

Noted.

8. Any Other Business

8.1 Public Relations

- The Law and Good Practice – Guides for Employers
 - Flexible Working
 - Pregnancy & Maternity RightsJoint Publications – LRA and Equality Commission for NI
- Economic Outlook and Business Review First Trust Bank – Sept 2010 – Article by CEO “*Handbook of Improving Performance in the Workplace*”
- NI IoD News – Article by DCA “*Solving workplace disputes early*”
- LRA Press Release “*Full marks for flexibility in the workplace?*”

Noted.

9. Date of Next Meeting

The next meeting will be held in the Waterfront Hall Belfast **on Friday, 29 October at 9.30 am** followed at 12.00 noon by the Ed Sweeney Lecture and the presentation of the LRA Annual Report & Accounts.