

**MINUTES OF THE 461st MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD AT 10.00 am ON THURSDAY 28 JANUARY 2021
VIA VIDEOCONFERENCE**

Present: Marie Mallon (Chair)
Louise Crilly
Deirdre Fitzpatrick
Michelle McGinley
Gary McMichael
Alison Millar
Albert Mills
Jill Minne
Daire Murphy

In Attendance: Don Leeson Chief Executive
Paul Lowe Interim Director of Corporate Services
Mark McAllister Director of Employment Relations Services
Alison Wolfe Minute Secretary
Sarah Livingstone Boardroom Apprentice

Apologies: None

Board members met 'in-camera' prior to the formal commencement of the meeting. The key points from this discussion are recorded at agenda item 1.

Declarations of Interest: no conflicts of interest were declared.

1. Chair's Opening Remarks

- 1.1 The Chair noted that the year ahead is an important one for the Agency. A new Chair and members will join the Board; and a new Corporate Plan will be developed for 2021-25, which will respond to the challenges of the pandemic and post-Covid economic recovery.
- 1.2 The Chair reported that she had used the in-camera session to update Board members on the current Chair and Board appointments process.
- 1.3 The Chair reported on the key points from the NI Engagement Forum meeting held on 13 January 2021. The Department for the Economy's (DfE) Permanent Secretary had updated Forum members on the economic impact of Covid-19. It was noted that the Forum has written to the First and Deputy First Ministers to identify areas in which it could further help the Executive.

- 1.4 The next Engagement Forum meeting is scheduled for 22 February 2021. The Head of the Covid Vaccine Programme and DfE's Permanent Secretary have been invited to brief members.

Action: Chair/Chief Executive

- 1.5 Board members noted that the Employment Relations Roundtable has been convened to meet on 17 February 2021. This will be its first meeting for 12 months, because attention had been focused on the Engagement Forum to deal with Covid-19 issues in the interim.

Action: Chair/Chief Executive

2. Minutes of the last Board meeting

- 2.1 The Board approved a change to the format of the minutes, which is in line with those of the Audit and Risk Assurance and Finance and Personnel Committees.

- 2.2 The minutes of the meeting held on 17 December 2020 (paper BP01-01/21) were agreed for publication on the Agency's website.

Action: Secretary

3. Action Points from Previous Board meetings

- 3.1 The Chief Executive introduced the progress report on action points from previous Board meetings (paper BP02-01/21).

- 3.2 The Chief Executive reported that the first anniversary of the introduction of Early Conciliation (EC) was on 27 January 2021. To mark the anniversary, staff had been thanked for their part in operationalising the new service in challenging circumstances. Early indications suggest that the Agency's performance is on a par with Acas, who have been working with EC in Great Britain since 2014. Key EC performance statistics will be presented at the Board's planning workshop in February 2021.

Action: Director of Corporate Services

- 3.3 An unresolved issue concerns the usability of the portal for representatives, and other outstanding fixes. Action to resolve these are at an advanced stage. The Board will be kept informed of progress. In the meantime, the guidance on the website regarding the use of the portal, and what to do in the event of difficulties, has been reviewed by the Communications Manager to ensure that it is clear.

Action: Chief Executive

- 3.4 The Agency's telephone system has been upgraded to allow automated feedback to be collected from Workplace Information Service customers. The results will feed into outcome-based accountability scorecards, which will be included in the Annual Report and Accounts for 2020-21.
- 3.5 The Director of Employment Relations Services reported that responses from Roundtable members regarding case studies for use in workshops to promote the Joint Declaration of Protection are outstanding.

Action: Director of Employment Relations Services

4. Chief Executive's Report

- 4.1 The Chief Executive presented the report (paper BP03-01/21) highlighting a number of issues, including introductory meetings with key stakeholders.
- 4.2 The Board noted the key points from DfE Permanent Secretary Mike Brennan's talk to staff on 20 January 2021. This was the first in a series of talks aimed at boosting staff morale. The Permanent Secretary was very positive about the work of the Agency. He explained that DfE's focus is economic recovery; with the current political mandate ending in 2022 there will be no new employment policy or legislative initiatives until after the next Assembly election. The Permanent Secretary committed to sharing papers with the Agency regarding post-Covid economic recovery and a longer term vision for the economy; these papers will be circulated to Board members when received.

Action: Chief Executive

- 4.3 The Chair and Chief Executive reported on a meeting with DfE officials, including Deputy Secretary David Malcolm, held on 27 January 2021 to discuss University of Warwick research to underpin an employment relations model for NI. This was a positive meeting. It was agreed that the Agency will engage stakeholders over the next 12 months on the research findings and recommendations and their applicability to NI. DfE will be kept informed of these discussions, so that they might inform a future employment rights strategy. This work will be included in the new Corporate Plan.

Action: Chief Executive

Jill Minne left the meeting.

- 4.4 The Board noted that a response to the revised draft Programme for Government will be prepared for Board approval.

Action: Chief Executive

4.5 Board members were briefed on plans for resourcing demand for conciliation services in light of a number of large employers seeking to settle holiday pay liabilities. The Director of Employment Relations Services reported that mediations and independent appeals, except those relating to dismissal and redundancies, have been paused to release staff to resource this work in the short term. This was not a decision taken lightly, but necessary given the statutory requirement to provide conciliation services. Recruitment exercises are underway for a conciliation team to deal specifically with this work.

Daire Murphy declared an interest in the next discussion item.

4.6 The Director of Employment Relations Services reported that legal advice has been received in respect of an independent appeal. The independent appeal has been sought under a collective agreement that pre-dates a legislative change. The legal advice suggests that the process contained within the collective agreement does not comply with current legislative requirements. Therefore, the Agency cannot process the appeal until these legal requirements have been complied with; the parties are being informed of this. The Board was alerted to this matter as the appeal has attracted political interest. The Board will be kept informed of developments.

Action: Director of Employment Relations Services

4.7 The Board noted that a 12-week consultation on the review of the independent appeal service begins on 1 February 2021. The Board will be informed of progress through Deirdre Fitzpatrick, in her capacity as the Board's reference point for the review.

Action: Director of Employment Relations Services/Deirdre Fitzpatrick

5. Business Plan Performance Report for the period ending 31 December 2020

5.1 The Senior Leadership Team presented the Business Plan Performance Report (paper BP04-01/21).

5.2 The Board noted progress, including the continued high demand for the Workplace Information Service, commencement of the next LRA Certificate in Line Management Practice, and discussions about joint working with the Equality Commission's new Dedicated Mechanism Unit to monitor compliance with Article 2 of the NI Protocol of the EU exit withdrawal agreement.

5.3 The Chief Executive reported that a procurement exercise is being planned to engage an events management company for the employment relations conference, which will be held during 2021-22. The event was scheduled as part of the wider International Agencies conference to be hosted on the island of Ireland in 2020, but had to be postponed because of the pandemic. The Chief Executive is due to meet his counterpart in the Workplace Relations Commission to explore whether the International Agencies conference will be hosted by Ireland in 2021 and, if so, whether the proposed link to the Agency's conference should be maintained.

Action: Chief Executive

5.4 The Chief Executive reported that plans are being made to publish research into workplace dispute handling conducted by the University of Cardiff.

Action: Director of Corporate Services

5.5 The Director of Corporate Services reported that all Strategic Theme 3 objectives are on target, with the exception of work on the web portal (see paragraph 3.3 above).

Action: Director of Corporate Services

5.6 The HR Team is developing an action plan to respond to issues raised from the staff health and wellbeing survey. The plan will be discussed with the Employment Relations Group and Trade Union Side before being finalised.

Action: Director of Corporate Services

5.7 The Board noted the content of the Business Plan Performance Report.

6. Management Accounts for the period ended 31 December 2020

6.1 The Chief Executive presented the Management Accounts (paper BP05-01/21), which was noted by the Board.

6.2 The Chief Executive reported that the Agency has had a bid for continued EU exit funding confirmed for 2021-22.

Jill Minne re-joined the meeting

7. Corporate Plan for 2021-25: Strategic Themes

7.1 The Chief Executive presented the paper, which contained 'think pieces' on key activities in support of the Corporate Plan's three strategic themes (paper BP06-01/21).

7.2 The Chief Executive outlined the proposed timeline for finalising the new Corporate Plan. This provides for public consultation and an opportunity to brief the new Chair and Board members, before the plan is finalised at the June 2021 Board meeting. The timetable was approved by the Board.

Action: Chief Executive

7.3 Board members thanked the Senior Leadership Team for the paper. The Board acknowledged the challenges that the Agency is likely to face during the corporate planning period regarding increased demand for services and resource constraints. This may require the delivery of some services, such as mediation, to be reviewed if resources are to be made available to support economic recovery.

7.4 The key actions for the new Corporate Plan for 2021-25 and the Business Plan for 2021-22 will be distilled into a presentation at the Board's planning workshop in February 2021.

Action: Senior Leadership Team

Michelle McGinley left the meeting.

8. Any Other Business

8.1 There was no other business.

8.2 Board members were content with the new approach to Board papers and the handling of the meeting.

9. Date of Next Meeting

9.1 The next meeting of the Agency Board will be on 25 February 2021 at 10.00 am by videoconference. This will comprise a short governance meeting to clear essential business, followed by the Board's annual planning workshop. Senior Management Team members will join the workshop.

Action: Secretary