

MINUTES OF THE 470<sup>th</sup> MEETING OF THE LABOUR RELATIONS AGENCY BOARD  
HELD AT 10.00am ON THURSDAY, 16 DECEMBER 2021  
VIA VIDEOCONFERENCE

**Present:** Gordon Milligan (Chair)  
Geraldine Alexander  
Louise Crilly  
Deirdre Fitzpatrick  
Michelle McGinley  
Daire Murphy  
Lee Wilson

<b>In Attendance:</b>	Don Leeson	Chief Executive
	Paul Lowe	Director of Corporate Services
	Mark McAllister	Director of Employment Relations Services
	Angela Bryans	Employment Relations Manager
	Patrick McAuley	Employment Relations Manager
	Helen Smyth	Employment Relations Manager (agenda item 6)
	Aideen Duggan	Boardroom Apprentice
	Alison Wolfe	Minute Secretary

**Apologies:** Clare Duffield  
Kevin McCabe  
Jill Minne

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

The Chair welcomed Angela Bryans and Patrick McAuley, who were attending as part of the Senior Management Team development programme, and Helen Smyth who was presenting at agenda item 6.

Board members expressed their best wishes for speedy recoveries from illness to Clare Duffield and Kevin McCabe.

**Declarations of Interest:** None.

## 1. Chair's Opening Remarks

- 1.1 It was noted that Board learning and development was the focus of discussion at the in-camera session. The HR Managers are meeting Board members to discuss their individual development, which will feed into a Board Learning and Development Plan for consideration in early 2022.

**Action: Director of Corporate Services**

- 1.2 The Chair advised Board members that the NI Engagement Forum on Covid-19 may be consulted by the Executive on developments in relation to the Omicron variant.
- 1.3 Board members noted that this was a busy period for the Agency, with a significant number of collective conciliations linked to pay negotiations being facilitated. The Board acknowledged the amount of work delivered expertly by staff. A Board member commented on the professionalism displayed by a member of the Business Support Team in an interaction with them as a customer of the Agency.
- 1.4 It was noted with regret that, due to current public health restrictions caused by the pandemic, Board members and staff are unable to meet in-person as they would normally do after the December Board meeting. However, the Chief Executive will be hosting a 'Town Hall' meeting for staff on 22 December 2021. This provides an opportunity to pass on the Board's appreciation to staff, provide updates on current issues and listen to any issues of concern. The Chair will address staff at this meeting.

**Action: Chief Executive/Chair**

## **2. Minutes of previous Board meeting**

- 2.1 The minutes of the meeting held on 29 November 2021 (paper BP01-12/21) were agreed as an accurate record of the meeting, and for publication on the Agency's website.

**Action: Secretary**

## **3. Action Points from Previous Board meeting**

- 3.1 The Chief Executive introduced the progress report on action points from previous Board meetings (paper BP02-12/21).
- 3.2 It was noted that action by the Department for the Economy (DfE) to address a shortcoming in the Agency's founding legislation will not be progressed until after Assembly elections. It was agreed to monitor progress through the Corporate Risk Register, rather than as a Board action point.
- 3.3 The Chief Executive reported that he met researchers from University of Warwick on 9 December 2021 to discuss the Agency's employment relations conference and possible further research in respect of the Employment Relations Model for NI. The Board will continue to be updated on progress in respect of both matters.

**Action: Chief Executive**

3.4 Disability awareness training will be organised in 2022, as soon as public health guidance allows an in-person event.

**Action: Chief Executive**

3.5 Further legal advice has been received from the Departmental Solicitor's Office in respect of a constitutional matter regarding Board decision-making arrangements. This has implications for the Board's quorum arrangements and the handling of conflicts of interest. The Chief Executive has arranged to meet a corporate governance specialist to obtain advice to inform possible changes to Standing Orders and report back to the Board.

**Action: Chief Executive**

3.6 Following successful ISO 27001 reaccreditation, the Agency will now engage with the National Cyber Security Centre (NCSC) regarding assurance for current cyber security protections.

**Action: Director of Corporate Services**

3.7 Board members will be contacted regarding availability for a stakeholder mapping workshop with the Senior Leadership Team and the Agency's communications partner in January 2022.

**Action: Secretary**

3.8 The Board noted the progress report.

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

4.1 The Chief Executive presented the report (BP03-12/21).

4.2 The Chief Executive reported that the joint board meeting with the Equality Commission has been rescheduled for 2 March 2022 in Equality House. Subject to public health guidance, this is intended to be an in-person meeting. An agenda will be agreed between the Agency and Commission's Chief Executives.

**Action: Chief Executive**

4.3 The Chair and Chief Executive co-hosted the International Agencies' conference with their counterparts from the Workplace Relations Commission (WRC) on 2 December 2021. This was a virtual event facilitated from the WRC's studio in Dublin and attended by senior representatives from Australia, Canada, Great Britain, New Zealand and the United States of America. The event had initially been scheduled as an in-person event to be hosted by the WRC and the Agency in 2020, but this had to be postponed because of the Covid pandemic. The Board noted that each country reported remarkably similar experiences during the pandemic in respect of labour market changes, remote working, and hybrid service delivery. There were also interesting

insights into the impact of mandatory Covid vaccinations on employment relations in Australia and New Zealand. The Chair and Chief Executive found the event very worthwhile and it was noted that the online format offers a viable option for future International Agencies' conferences.

4.4 The Board noted the planned retirement of two long-serving staff in 2022.

4.5 The Agency's application for Diversity Mark Bronze accreditation is being progressed. The application will be submitted by the end of January 2022.

**Action: Chief Executive**

4.6 The Senior Management Team held a successful externally facilitated workshop on 15 December 2021 to discuss proposals to restructure the Agency. A process review will be undertaken to identify new ways of working. Proposals will be submitted to the March 2022 Board meeting for consideration.

**Action: Chief Executive**

4.7 Board member pay award for 2019-20 has been agreed and will be implemented in December 2021. The Department of Finance (DoF) has queried with DfE whether there should be pay parity between Agency Board and Acas Council members. Implementation of pay awards for 2020-21 and 2021-22 has been delayed pending resolution of this matter. Board members will be kept informed of progress.

**Action: Director of Corporate Services**

4.8 The Chief Executive reported that there have been no further developments regarding the outcome of the Spending Review on the Agency. This is unlikely to be known until DoF's public consultation on the Executive's draft budget has been concluded.

4.9 The NI Audit Office have appointed Ross Boyd (Belfast) Limited as external auditors to the Agency. The Board will be informed of any change in fees.

**Action: Director of Corporate Services**

4.10 The Chief Executive reported that refurbishment work on James House is behind schedule due to Covid-related supply issues experienced by building contractors. The planned relocation date is 11 April 2022. However, there is a risk of slippage. A three-month notice period is required by the Landlord and therefore a high degree of confidence of the relocation date is needed before the Agency submits notice to exit the current lease. Board members will be kept informed of developments.

**Action: Director of Corporate Services**

4.11 A technical issue regarding hosting of the Agency's Case Management and Records System (CMRS) has been identified, which will delay on-boarding of IT support services to IT Assist. A solution has been identified that enables the Agency to retain its current on-premises server arrangements following relocation to James House. This allows time to resolve the CMRS issue; this is expected to delay on-boarding to IT Assist by approximately 12 months. A Project Manager will be contracted to manage the project; continuity of IT support services will be provided by the current service provider, whose contract is extendable to August 2023.

**Action: Director of Corporate Services**

4.12 The Board noted the Chief Executive's report.

## 5. Employment Relations Conference

5.1 The Chief Executive introduced the paper (paper BP04-12/21), which proposed postponing the planned employment relations conference in light of public health concerns regarding the Omicron variant.

5.2 The conference is currently scheduled as an in-person event to take place on 24 February 2022; contingency plans are in place to convert this to an online event. However, it was agreed that this would offer limited opportunities for networking and engagement and would be a last resort.

5.3 The Board noted that there would be little or no impact on the Agency's budget to postpone the conference, with current contractual arrangements rolled forward. The Chief Executive is liaising with keynote speakers to establish their availability for a rescheduled event in June 2022, although it was noted that it may be necessary to consider the possibility of a further postponement to autumn 2022 depending on the prevailing public health climate.

5.4 The Board approved the recommendation to postpone the conference to June 2022.

**Action: Chief Executive**

## 6. Demonstration of the new online Employment Document Toolkit

6.1 Helen Smyth demonstrated the new online Employment Document Toolkit.

- 6.2 It was noted that the introduction of the new online service resulted from a recommendation approved at the August 2020 Board meeting to move away from the labour intensive Document Review Service and concentrate on more value-adding advisory activities. The new service empowers organisations to create their own documents using the online Toolkit and will be particularly beneficial to smaller organisations without access to specialist HR advice.
- 6.3 In respect of more complex employment law issues, the Toolkit signposts users to the Agency's Workplace Information Service for further guidance, as required.
- 6.4 It was noted that there has already been significant customer usage of the Toolkit, despite only a 'soft' launch to allow any 'teething' issues to be identified and resolved. The Director of Employment Relations Services will liaise with the Communications Manager regarding more active marketing of the Toolkit in the New Year.

**Action: Director of Employment Relations Services**

- 6.5 The Board thanked Helen for the demonstration and congratulated the Advisory Team and the Agency's web services provider for their work in developing the Toolkit.

## **7. Audit and Risk Assurance Committee – Report on meeting held on 13 December 2021**

- 7.1 The Committee Chair introduced the report from the Audit and Risk Assurance Committee meeting held on 13 December 2021 (paper BP05-12/21).
- 7.2 The Board noted the 'satisfactory' assurance rating (the highest available) in respect of the Agency's corporate governance arrangements. A number of recommendations for improvement have been accepted, including changes to the Corporate Risk Register. A workshop for Committee members to consider the changes will be organised in early 2022, with a view to approving these at the Committee and Board meetings in March 2022.

**Action: Chief Executive**

- 7.3 The Board noted that the Committee has approved revised terms of reference for the planned internal audit of information management. The scope of the audit has been extended to include a review of controls regarding email usage following the recent data breach. Audit fieldwork is scheduled to take place during January and the report on the outcome will be presented to the Committee in March 2022.
- 7.4 The Chair thanked the Committee Chair for her report.

## **8. Finance and Personnel Committee – Report on meeting held on 7 December 2021**

8.1 The Committee Chair introduced the key points from the Finance and Personnel Committee meeting held on 7 December 2021 (paper BP06-12/21).

8.2 The Committee Chair highlighted the impressive work being carried out by the Agency's staff Equality, Diversity and Inclusion (EDI) Champion, who is mentored by Daire Murphy in his capacity as Board EDI Champion. The Committee suggested that EDI should be embedded into the Agency values. This will be considered as part of the business planning process for 2022-23.

**Action: Chief Executive**

8.3 The Chair thanked the Committee Chair for her report.

## **9. Business Plan Performance Report for the period ended 30 November 2021**

9.1 The Senior Leadership Team presented the Business Plan Performance Report for the period ended 30 November 2021 (paper BP07-12/21). Good progress is being maintained against most of the 49 objectives; 10 objectives have now been completed, and those currently behind target are expected to be completed during 2021-22.

9.2 The Director of Employment Relations Services provided further information on the significant increase in collective disputes, which the Agency is currently conciliating, and the impact this is having on the work of some Employment Relations Managers (ERMs). The Agency is seeking to increase capacity in this area by training other ERMs in collective conciliation. It was noted that this is normally provided by Acas, but public health restrictions have prevented this given the interactive nature of the training. The Agency is now looking at providing this in-house.

**Action: Director of Employment Relations Services**

9.3 The Board noted the Business Plan Performance Report for the period ended 30 November 2021.

## **10. Management Accounts for the period ended 30 November 2021**

10.1 The Director of Corporate Services presented the Management Accounts for the period ended 30 November 2021 (paper BP08-12/21).

10.2 The Director of Corporate Services reported that, while resource and capital expenditure remains below profile, the Agency still expects to achieve its financial target of spending at least 99% of the budget.

10.3 The Board noted the Management Accounts for the period ended 30 November 2021.

## **11. Any Other Business**

11.1 Lee Wilson reported on his attendance at the recent NI Economic Conference and agreed to prepare a note of the key points for Board members.

**Action: Lee Wilson**

11.2 The Chair referred to the Fiscal Commission NI's report, 'More fiscal devolution for Northern Ireland?' It was agreed to obtain a copy of the report for circulation to Board members.

**Action: Secretary**

11.3 Louise Crilly agreed to forward information on the levelling-up fund for the Chair's consideration for possible discussion at the January 2022 Board meeting. It was agreed this would be timely for business planning.

**Action: Louise Crilly**

## **12. Review of the Meeting**

12.1 Board members confirmed they were content with the quality of the papers and discussion at the meeting.

12.2 The Chair thanked Board members for their support and input over the last six months.

## **13. Date of Next Meetings**

13.1 The next Board meeting will be on 27 January 2022.

**Action: Secretary**

13.2 Given the postponement of the employment relations conference, it was agreed to revert the February 2022 Board meeting to 24 February 2022.

13.3 The Board approved the schedule of meetings to March 2023.