

**MINUTES OF THE 478<sup>TH</sup> MEETING OF THE LABOUR RELATIONS AGENCY BOARD  
HELD AT 27 OCTOBER 2022 AT 10.00AM  
AT LABOUR RELATIONS AGENCY, 2-16 GORDON STREET, BELFAST, BT1 2LG**

**Present:** Gordon Milligan (Chair)  
Geraldine Alexander  
Clare Duffield  
Deirdre Fitzpatrick  
Kevin McCabe  
Michelle McGinley  
Daire Murphy  
Jill Minne  
John Taylor  
Lee Wilson (agenda items 1 to 6)

**In Attendance:** Don Leeson                      Chief Executive  
Paul Lowe                              Director of Corporate Services  
Mark McAllister                      Director of Employment Relations Services  
Christine Magill                      Boardroom Apprentice

**Apologies:**                      None.

This was a hybrid meeting, with some Board members attending in person and others by videoconference.

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

**Declarations of Interest:** None.

**1. Chair’s Opening Remarks**

1.1 The Chair expressed regret that, due to unforeseen circumstances, this meeting could not be held at the Regional Office as scheduled and had to revert to being held at Head Office. It was agreed that the Board will meet in the Regional Office at the earliest possible opportunity.

**Action: Executive Assistant**

1.2 The Board noted with sadness the death of former Board member Baroness May Blood MBE on 21 October 2022. She served as a Board member for six years from October 1994.

- 1.3 The Board agreed that it would meet in-camera only by exception when requested in advance by a Board member. Standing Orders will be updated to reflect this change.

**Action: Chief Executive**

## **2. Minutes of Previous Board Meeting**

- 2.1 The minutes of the meeting held on 29 September 2022 (paper BP01-10/22) were agreed as an accurate record of the meeting and for publication on the Agency's website.

**Action: Executive Assistant**

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

- 3.1 The Chief Executive introduced the progress report on actions from previous Board meetings (paper BP02-10/22), which was noted by the Board.

- 3.2 Board members noted that the Agency's Equality, Diversity and Inclusion (EDI) Strategy will be presented to the Finance and Personnel Committee for comment on 1 November 2022. It will then be submitted to the next Board meeting for approval.

**Action: EDI Manager**

- 3.3 The Chief Executive reported that the new Tribunal Vice President has agreed to attend the January 2023 Board meeting to brief members on plans to implement judicial mediation in Northern Ireland from April 2023.

**Action: Chief Executive**

- 3.4 The Chief Executive reported that Counsel opinion is being sought on proposals in respect of the Agency's future role in facilitating independent appeals. The legal advice will be reported to the Board when received.

**Action: Chief Executive**

- 3.5 The Board expressed appreciation to Brian Garrett and Harry McConnell who have recently stepped down from the Agency's panel of arbitrators. The Chief Executive will write to them to pass on the Board's gratitude for their service.

**Action: Chief Executive**

#### 4. Chief Executive's Report

- 4.1 The Chief Executive presented the report (paper BP03-10/22), which was noted by the Board.
- 4.2 The Board noted that Collins Aerospace had won CIPD NI's 'Employee Voice' award, which had been sponsored by the Agency. The Chief Executive subsequently met the award winners who are considering taking part in activities with the Agency to promote the value of employee engagement. In the meantime, the Board noted that the Agency is also sponsoring the 'Employer of the Year' in the Business Eye awards on 17 November 2022.

**Action: Chief Executive**

- 4.3 The Director of Employment Relations Services provided an update on demand for the Agency's collective conciliation service and current industrial disputes.
- 4.4 The Director of Employment Relations Services briefed the Board on work the Agency is doing in consultation with the Department of Finance (DoF), the NI Human Rights Commission and the Human Rights and Business Forum in respect of procurement. The Agency is assessing the feasibility of developing a tool to allow potential tenderers to assess compliance with the employment relations aspects of the Procurement Policy Note on Human Rights in Public Procurement (PPN 05/21). Board members will be kept informed of progress.

**Action: Director of Employment Relations Services**

- 4.5 The Board noted that the Agency is a respondent in litigation by NIPSA in respect of changes to Civil Service Pensions' remedy in response to the 'McLeod judgement'. This covers NIPSA's 40,000 members in some 370 employers, including the Agency. The Agency is unable to provide a remedy, given that this is a matter for Civil Service Pensions, and therefore cannot engage in conciliation. It was also noted that, if the wider dispute proceeds to conciliation, staff are likely to have a conflict of interest and the Agency may need to look to use conciliators from Acas or the Workplace Relations Commission.
- 4.6 The Director of Corporate Services provided an update in respect of a risk regarding the continuity of the Agency's computing support arrangements. Following DoF intervention, services will continue to be delivered until the end of the contract in 2023 when the Agency plans to on-board with IT Assist. As a result, the risk level has been reduced in the Agency's Risk Register.

- 4.7 It was noted that DfE has commenced a review of its arm's length bodies, in line with a 'New Decade, New Approach' commitment. An initial scoping meeting between the review team and the Chair and Chief Executive has been scheduled for 31 October 2022. A briefing on the outcome of this will be provided at the next Board meeting.

**Action: Chair/Chief Executive**

## **5. Strategic Interventions into Collective Bargaining Arrangements**

- 5.1 The Chief Executive and Director of Employment Relations Services presented proposals to use the Agency's statutory powers to seek to improve collective bargaining arrangements (paper BP04-10/22).
- 5.2 It was agreed that the proposals are appropriate and timely, but should have endorsement from the relevant Government Departments before proceeding. This will be sought in the coming weeks.

**Action: Chief Executive**

- 5.3 Once key stakeholder support has been obtained, terms of reference for a proposed Article 86 review will be prepared for Board approval. Plans for a Code of Practice on Collective Bargaining and associated training will be progressed through the Business Plan for 2022-23.

**Action: Director of Corporate Services/Chief Executive**

## **6. Employment Relations Conference – Programme**

- 6.1 The Chief Executive presented the draft programme for the Agency's Employment Relations Conference on 23 February 2023 (paper BP05-10/22).
- 6.2 It was noted that the conference, which will be held at Titanic Belfast, has twice been postponed because of Covid-related public health restrictions in September 2020 and February 2022 respectively. Committed expenditure for the conference has been accrued in the Agency's financial statements for 2021-22.
- 6.3 The Board noted the conference aims to highlight the link between good employment relations and practice and organisational success, and explore the desirability of the Agency developing a Good Employment Charter. This would be part of the Employment Relations Model for Northern Ireland, which had been recommended in research conducted for the Agency by the University of Warwick; other elements of the Model required the NI Executive to be in place before proceeding. A number of speakers have been identified.

6.5 The Board approved the conference programme. Speakers will now be confirmed and the programme publicised.

**Action: Chief Executive**

## **7. Audit and Risk Assurance Committee – Report on the Meeting held on 5 October 2022**

7.1 The Chair of the Audit and Risk Assurance Committee presented the report on the Committee meeting held on 5 October 2022 (paper BP06-10/22), which was noted by the Board.

7.2 The Board noted that, as part of recommended practice, the Committee will now receive regular reports on any issues raised under the Agency's Raising Concerns Policy and details of requests made under the Freedom of Information Act.

## **8. Mid-Year Assurance Statement**

8.1 The Agency's Mid-Year Assurance Statement against a checklist of corporate governance controls (paper BP07-10/22) was noted by the Board. The Statement was submitted to DfE on 6 October 2022.

## **9. Business Plan Performance Report for the Period Ended 30 September 2022**

9.1 The Business Plan Performance Report for the period ended 30 September 2022 (paper BP08-10/22) was noted by the Board.

9.2 The Director of Employment Relations Services reported that the number of calls to the Workplace Information Service regarding redundancy is increasing and possibly early indication of an economic downturn. Further information on these calls is being gathered to inform media engagement to highlight this.

**Action: Director of Employment Relations Services**

9.3 The Chief Executive reported that the stakeholder survey to inform the review of the Employment Relations Roundtable's terms of reference closes on 28 October. It is intended that the review report will be presented to the November 2022 Board meeting for consideration.

**Action: Chair/Chief Executive**

9.4 The Board noted that the closing date for tenders for research into the link between employment relations and productivity is 31 October. It is the intention that the research report will be published at the Agency's conference in February 2023.

**Action: Chief Executive**

9.5 The Board noted that Head Office relocation to James House remains on track for 6 December 2022. The previous day's Audit and Risk Assurance Committee meeting will be held in James House.

9.6 The Director of Corporate Services reported that a staff conference to discuss transformation proposals is scheduled for 24 November 2022. These proposals, when finalised, will be submitted for Board approval in due course.

## **10. Management Accounts for the Period Ended 30 September 2022**

10.1 The Management Accounts for the period ended 30 September 2022 report (paper BP09-10/22) were noted by the Board.

10.2 The Director of Corporate Services reported that the forecast outturn has been adjusted to take account of the Minister for Finance's statement on 11 October 2022 regarding NI Civil Service pay for 2022-23.

## **11. Review of the Meeting**

11.1 Board members confirmed that they were content with the papers, discussions and decisions taken at the meeting.

## **12. Any Other Business**

12.1 The Chair reported that the four Board appointments, which become available from April 2023, will be advertised on 3 November.

## **13. Dates of Next Meetings**

13.1 The next Board meeting will be on 21 November 2022, with the location to be confirmed. The draft agenda for this meeting (paper BP10-10/22) was noted.

**Action: Executive Assistant**

13.2 It was noted that many of the Board meetings scheduled for the period to March 2024 (paper BP11-10/22) clash with a Board member's work commitments. A revised schedule of meetings will be proposed.

**Action: Executive Assistant**