

**MINUTES OF THE 490th MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD ON 22 NOVEMBER 2023 AT 10.00AM AT THE LABOUR RELATIONS AGENCY
HEAD OFFICE, JAMES HOUSE, 2-4 CROMAC AVENUE, BELFAST, BT7 2JA**

Present: Gordon Milligan (Chair)
Geraldine Alexander
Elizabeth Armstrong
Clare Duffield
Kevin McCabe
Orla Sheils
Mark Spence
John Taylor
Lee Wilson

In Attendance: Don Leeson Chief Executive
Anne Dorbie Interim Director of Corporate Services
Mark McAllister Director of Employment Relations Services
Oliver Murray Executive Assistant
Virginia Aldana Boardroom Apprentice
Colin Jack Department for the Economy (agenda item 7)
Laurence Rogers Department for the Economy (agenda item 7)

Apologies: Sarah Havlin

The Board welcomed Anne Dorbie, who is the Interim Director of Corporate Services covering for the substantive post holder who is absent on long term sick leave, and Department for the Economy (DfE) officials Colin Jack and Laurence Rogers who were attending the meeting to discuss the Partnership Agreement (agenda item 7).

Declarations of Interest: Clare Duffield declared an interest in discussions on holiday pay conciliation (agenda item 2).

1. Chair's Opening Remarks

- 1.1 The Chair reported on his meeting with Assistant General Secretary NI of the Irish Congress of Trade Unions to discuss the draft terms of reference for a new body to be formed out of the current Employment Relations Roundtable and Engagement Forum. Bilateral meetings are planned with other key stakeholders, ahead of an inaugural meeting of the new forum to be held in January 2024. The draft terms of reference will be submitted to the Board for approval.

Action: Chair/Chief Executive

- 1.2 The Board approved a proposed staff engagement event following the December 2023 Board meeting.

Action: Executive Assistant

2. Horizon Scanning for Opportunities and Risks

- 2.1 The Chief Executive and Director of Employment Services briefed the Board on preparations for the expected huge demand for holiday pay conciliation and actions to mitigate the risks associated with this work. This matter has been escalated for inclusion in the Corporate Risk Register. It was noted that, given the scale of the risks raised by holiday pay conciliation, the Board will be briefed on work to mitigate these at every Board meeting for the foreseeable future.

- 2.2 The Board noted that an expert has been contracted to support the Agency on organisation design and workforce modelling to inform planning and the business case for additional resources to for holiday pay conciliation. The business case will be presented to the January 2024 Board meeting.

Action: Chief Executive

- 2.3 The Chief Executive reported on the recruitment of a number of temporary staff to cover current absences. The Board noted that, with the impending retirement of the IT Manager, an IT Project Manager has been appointed to lead projects to upgrade the case management system and migrate the Agency's IT managed services to IT Assist.

3. Minutes of Previous Board Meeting

- 3.1 Minutes of the Board meeting held on 26 October 2023 (paper BP01-11/23) were agreed as an accurate record of the meeting for publication on the Agency's website.

Action: Executive Assistant

4. Action Points from Previous Board Meetings

- 4.1 The Chief Executive presented the progress report on actions from previous Board meetings (paper BP02-11/23), which was noted by the Board.

- 4.2 The Chief Executive reported that due diligence is being undertaken on the Agency's increased liability for dilapidations. Additional funding has been sought from DfE to settle this matter. Progress will be reported to the Board in due course.

Action: Chief Executive

- 4.3 The Board noted that initial enquiries have been made regarding procurement protocols for outsourcing the planned recruitment of new arbitrators.

Action: Director of Employment Relations Services

- 4.4 An update was given regarding the proposed transfer of the Industrial Court's secretariat to the Certification Office. An expert has been contracted to support this work. Proposals regarding the transfer will be submitted to the January 2024 Board meeting for approval.

Action: Director of Corporate Services

- 4.5 The Board noted that that the Department of Finance's Business Consultancy Service's report on the outcome of its review of Agency has been finalised and will be presented to the December 2023 Board meeting.

Action: Chief Executive

- 4.6 The Board approved a request from the Chair of the Audit and Risk Assurance Committee to commission a training workshop for Committee members.

Action: Director of Corporate Services

- 4.7 The Chief Executive reported on plans for a conference to promote best practice regarding flexible working in line with the 'Inclusive Growth' strand of DfE's 10X Economic Strategy. Further details will be shared with Board members when the event is finalised.

Action: Chief Executive

- 4.8 It was noted that the Agency plans to consult DfE officials and colleagues from other DfE arm's length bodies on the draft Good Employment Charter before undertaking any further development work. In the meantime, it was noted that the Agency has been consulted about the Charter being included in Invest NI's new Corporate Plan.

Action: Chief Executive/Director of Employment Relations

5. Chief Executive's Report

- 5.1 The Chief Executive presented the report (paper BP03-11/23), which was noted by the Board.

- 5.2 The Board expressed their appreciation to the staff actively involved in providing advice to employers and employees at a clinic in Downpatrick following the recent floods and who supported the University of Ulster Law School's 'Pro Bono Week' during the week commencing 6 November 2023.

Action: Chief Executive

5.3 The Board noted that the Director of Employment Relations Services delivered his annual review of year at the Annual Review of Employment Law 2023 on 7 November. This was repeated at a joint event with CIPD NI on 15 November 2023 in the North West Regional College, which was well attended.

5.4 It was noted that the Agency is again sponsoring the 'Employer of the Year' award at the Business Eye awards, as well as being a finalist in the Diversity and Inclusion award. Board and staff members will be representing the Agency at the event, which is being held on 30 November 2023.

Action: Chief Executive

5.5 The Board congratulated the Chief Executive on being a finalist in the Institute of Directors' Director of the Year awards in the Equality, Diversity and Inclusion category. The award winners will be announced at an event on 8 December 2023.

6. The Future of the Mediation Service

6.1 The Director of Employment Relations presented a paper on the future of the Agency's Mediation Service (paper BP04-11/23).

6.2 Following discussion, the Board approved a new strategic direction for the Agency's mediation. It was agreed that the Agency should look to position itself as a thought leader; promoting the value of mediation to resolve interpersonal workplace disputes, particularly in light of the Agency's recently published research report on the cost of workplace conflict. The Agency will also consult with stakeholders regarding a role it might play in supporting the continuous professional development of in-house mediators and increasing their usage. It was noted that advice would need to be sought on the governance aspects of working in partnership to deliver this.

6.3 The Board agreed that the Agency should retain some direct delivery of mediation services, refocused to meet the needs of small businesses.

6.4 The new approach to mediation will be set out in a Mediation Strategy, which will be prepared for Board approval and included in the Business Plan for 2023-24.

Action: Director of Employment Relations Services

6.5 The Board noted that the Agency is in discussions with Mediation NI about supporting the next Mediators' Institute of Ireland annual conference, which is being held in Belfast in 2024.

Action: Chief Executive

7. Partnership Agreement between the Department for the Economy and the Labour Relations Agency

7.1 DfE officials presented the draft Partnership Agreement (paper BP05-11/23). The Board noted that the Agreement better describes the nature of the Agency's positive relationship with the Department than the Management Statement and Financial Memorandum, which it replaces.

7.2 The Chief Executive reported that the Partnership Agreement provides for increased delegation of authority to the Agency regarding approval of significant expenditure decisions. In doing so, this gives the Board an enhanced role in such decision-making; the Audit and Risk Assurance Committee's (ARAC) advice will be sought in how this role should be exercised.

Action: ARAC Chair/Chief Executive

7.3 The Partnership Agreement was agreed by the Board. It was noted that it is a 'living document'. As such, it will be kept under regular review by the Agency and DfE; any significant changes will be reported to the Board for approval.

7.4 The Partnership Agreement will be formatted for signature and publication on the Agency's website.

Action: DfE/Chief Executive

8. Business Plan Performance Report for the Period Ended 31 October 2023

8.1 The Senior Leadership Team presented Business Plan Performance Report for the Period Ended 31 October 2023 (paper BP06-11/23), which was noted by the Board.

8.2 The Chief Executive reported that the research report on the links between good employment relations and productivity, and associated policy brief, are being finalised for publication. The report will be presented for approval at the next Board meeting. Thereafter, a dissemination strategy will be developed.

Action: Chief Executive

9. Management Accounts for the Period Ended 31 October 2023

9.1 The Interim Director of Corporate Services presented the Management Accounts for the Period Ended 31 October 2023 report (paper BP03-10/23), which was noted by the Board.

10. Any Other Business

10.1 There was no other business.

11. Date of Next Meeting

11.1 The next meeting of the Board will be on 13 December 2023 at 10.00am in James House. The draft agenda for the meeting (paper BP08-11/23) was noted by the Board.

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