

**MINUTES OF THE 491st MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD ON 24 JANUARY 2024 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
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
Virginia Aldana Boardroom Apprentice
Oliver Murray Executive Assistant
Martin Woods Employment Relations Manager (agenda item 10)

Apologies: Elizabeth Armstrong
Sarah Havlin

This was a hybrid meeting with one Board member attending by videoconference.

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: Geraldine Alexander declared that, as a serving Industrial Court panel member, she had an interest in the proposal regarding the transfer of its secretariat function (agenda item 7). It was agreed that, given the nature of the role and the proposal, this did not constitute a conflict.

1. Chair's Opening Remarks

- 1.1 The Chair reported on discussions at the in-camera session. The Board approved a proposal that the Agency should commission an external review of the capacity of the Senior Leadership Team to ensure it is resourced to be able to respond effectively to increasing demand for services being placed on the Agency, including holiday pay conciliation. Terms of reference for the review will be prepared for Board approval.

Action: Chief Executive

1.2 The Chair reported on the Engagement Forum meeting, which took place on 14 December 2023. The meeting was called to facilitate an update by the Head of the Civil Service on current Northern Ireland governance arrangements in the absence of a functioning Executive and the financial outlook for the public sector. It was noted that Forum members were content with proposed draft terms of reference for a new forum to replace the Engagement Forum and Employment Relations Roundtable; an inaugural meeting is being scheduled.

Action: Executive Assistant

1.3 The Board noted that Elizabeth Armstrong has agreed to be the Board mentor for the staff's Women's Network.

1.4 Orla Shiels expressed an interest in mentoring a proposed new Multicultural Network, which the Agency is seeking to establish. The Boardroom Apprentice also expressed an interest in participating in this network. The Equity, Diversity and Inclusion Manager will be informed of the interest.

Action: Chief Executive

1.5 The Board congratulated Oliver Murray on being promoted into the role of Executive Assistant on a permanent basis, following a recruitment competition.

2. Horizon Scanning for Opportunities and Risks

2.1 The Board noted that, following the outcome of the recent budget monitoring exercise, the Agency's financial pressures in 2023-24 have been alleviated.

2.2 The substantial risks raised by holiday pay conciliation were discussed under agenda item 10.

3. Minutes of Previous Board Meeting

3.1 Minutes of the Board meeting held on 13 December 2023 (paper BP01-01/24) 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 BP02-01/24), which was noted by the Board.

4.2 The Board noted the appointment of the new Director General of the Workplace Relations Commission (WRC). An early meeting is being sought as part of her induction programme.

Action: Chief Executive

4.3 The Director of Employment Relations gave an update on preparations for a recruitment process for the appointment of new arbitrators. The Agency has been considering the applicability of the approach taken by WRC in its appointment of adjudicators.

Action: Director of Employment Relations Services

4.4 The Board noted plans for a consultation workshop with key stakeholders and potential delivery partners on the Good Employment Charter, which has been scheduled for 30 January 2024. This is intended to help shape the next iteration of the draft Charter.

Action: Chief Executive/Director of Employment Relations Services

4.5 Potential Agency involvement in the upcoming Mediators' Institute of Ireland annual conference in October 2024 was noted. A proposal regarding this will be presented to the Board in due course.

Action: Chief Executive

4.6 The Board noted that the Agency is awaiting the formatted version of the Partnership Agreement from the Department for the Economy (DfE) for signature. In the meantime, the Agency is operating to the new delegated authorities set out in the Agreement.

Action: Chief Executive

4.7 The Board noted an update on key stakeholders' response to the Agency's Article 86 review of collective bargaining arrangements in local government.

Action: Chief Executive

4.8 Plans for the launch of guidance on workplace sexual harassment were noted. A provisional date for the launch of 4 March 2024 has been set to coincide with the week of International Women's Day. A number of high profile figures are being approached to participate in the launch.

Action: Chief Executive

4.9 An update was given on plans for dissemination of the 'Building a Business Case for Good Jobs' research report. A meeting with Department for the Economy officials is to be planned to discuss the research findings. It is also intended to brief the Engagement Forum members before publication.

Action: Chair/Chief Executive

4.10 The Chief Executive reported that the Agency has written to DfE to formally request the second term appointments of the Chair and those Board members whose first terms end on 30 April 2024.

Action: Chair/Chief Executive

5. Chief Executive's Report

5.1 The Chief Executive presented the report (paper BP03-01/24), which was noted by the Board.

5.2 The Chief Executive thanked Board and staff members for participating at the Christmas Jumper Day after the last Board meeting, which raised over £300 for the Agency's charity partner for 2024, Women's Aid.

5.3 The Chief Executive reported that DfE has provided additional capital funding to replace a number of obsolete laptops. Laptops are available to Board members on request.

5.4 The Board noted that the Agency is engaging with a previous supplier to resolve a disputed invoice regarding undelivered improvements to the case management system.

Action: Director of Corporate Services

5.5 The Director of Employment Relations gave update on current collective conciliations, which include a growing number of trade union recognition disputes. The Agency continues to be actively involved in resolving a number of ongoing industrial disputes.

5.6 An update was given regarding the Independent Health Care Providers' Employers' Charter, which was developed in partnership with the Agency and launched in December 2023. The charter had been circulated separately to Board members. Board members expressed their appreciation to the staff involved in delivering this.

5.7 Following a meeting with Equality Commission to discuss joint working, a Memorandum of Understanding (MoU) is being developed between the Agency and the Commission. The Commission's Chief Executive has agreed to prepare an initial draft. It is anticipated that the MoU will be signed at a joint Agency Board/Commission meeting, which will be scheduled to take place in the autumn.

Action: Chief Executive

- 5.8 An update was given regarding dilapidations for the Agency's former Head Office accommodation. It is expected that the Agency's liability will be settled by the end of January 2024.

Action: Chief Executive/Director of Corporate Services

6. 10x Delivery Plan for 2024-27

- 6.1 The Chief Executive presented the draft 10x Delivery Plan for 2024-27 (paper BP04 01/24).
- 6.2 The Board noted progress against the 10x Delivery Plan for 2022-24 with a focus on promoting flexible working and developing the Good Employment Charter for Northern Ireland. It was agreed that these areas of work should continue to be a priority for the Agency for the next three years.
- 6.3 The 10x Delivery Plan for 2024-27 was approved for submission to DfE, subject to drafting changes to emphasise the importance of the Agency's work to the economy.

Action: Chief Executive

- 6.4 It was noted that the Agency will have an opportunity to showcase its work in delivering the 10x Strategy at the next meeting of the Departmental Board, which the Agency will be hosting on 29 February 2024.

Action: Chair/Chief Executive

7. Transfer of Industrial Court's Secretariat Function to the Certification Office

- 7.1 The Chief Executive presented a paper on the proposed transfer of the Industrial Court's secretariat function to the Certification Office (paper BP05 01/24).
- 7.2 The Board noted that the proposal is informed by a review, which identifies the additional staffing requirements needed by the Agency to support this function. The report, which has been accepted by DfE and other stakeholders, is available to Board members on request.
- 7.3 The Board approved the transfer of Industrial Court's secretariat function with effect from April 2024, subject to the transfer of funding for the required staff resources and assurance from DfE in respect of the funding of variable costs.

Action: Chief Executive

- 7.4 The Board agreed that the transfer should be reviewed after 12 months to ensure identified risks have been effectively mitigated; this action will be captured in the Business Plan for 2024-25.

Action: Chief Executive

8. Programme for Flexible Working Conference

- 8.1 The Chief Executive presented programme for the forthcoming conference to showcase good practice in respect of flexible working (BP 06-01/24) on 14 March 2024 at Stranmillis University College.in Board.

- 8.2 The Board noted that the conference, which is being organised in partnership with DfE and Timely Careers, aims to attract an audience of around 100 employers and key stakeholders.

- 8.3 In approving the programme, the Board agreed that there should also be a trade union voice at the conference, given the movement's campaigning in this important area.

Action: Chief Executive

- 8.4 Board members were invited to attend a pre-conference dinner for the speakers and key stakeholders on 13 March 2024 at Belfast City Hall and volunteer to introduce workshops at the conference. Board members will be briefed at this role at the next Board meeting.

Action: Board members/Chief Executive

9. Updated Governance Policies

- 9.1 The Interim Director of Corporate Services presented updated governance policies: Board Practice and Standing Orders (paper BP07-01/24); and Gifts and Hospitality Policy (paper BP08-01/24), which were approved by the Board.

- 9.2 It was noted that both policies had been reviewed at the last Audit and Risk Assurance Committee and approved for submission to the Board. Both documents will now be implemented with immediate effect.

Action: Director of Corporate Services

10. Business Case for Additional Resources for Holiday Pay Conciliation

- 10.1 The Board welcomed the Holiday Pay Conciliation Project Manager to the meeting.

10.2 The Chief Executive presented the business case for the additional resources the Agency needs to deliver holiday pay conciliation (paper BP09-01/24).

10.3 The Board noted that the Agency meets regularly with the Tribunal President and Vice President, most recently on 19 January 2024, to discuss progress of the over 190,000 holiday pay claims being processed by the Tribunal.

10.4 The Board noted the substantial size of the holiday conciliation project, with an estimated 30,000 cases involving over 40 employers likely to require settlement by the Agency. Informed by independent experts, the business case sets out a requirement for over 20 staff to meet the anticipated demand over a three-year period.

10.5 A wide-ranging discussion was held regarding the potential risks and complexities involved with the project. It was noted that the Audit and Risk Management Committee plans a detailed review of the risks at its next meeting.

Action: Director of Corporate Services

10.6 The business case was approved by the Board for submission to DfE, subject to a presentational change.

Action: Chief Executive

10.7 In parallel with submission of the business case, it was agreed to seek legal advice on the Agency's statutory obligations in respect of the handling conciliation.

Action: Chief Executive

11. Business Plan Performance Report for the Period Ended 31 December 2023

11.1 The Senior Leadership Team presented the Business Plan Performance Report for the period ended 31 December 2023 (Paper BP10-01/24, which was noted by the Board.

12. Management Accounts for the Period Ended 31 December 2023

12.1 The Interim Director of Corporate Services presented the management accounts for the period ended 31 December 2023 (paper BP11-01/24), which were noted by the Board.

13. Any Other Business

13.1 There was no other business.

14. Date of Next Meeting

14.1 The next meeting of the Board will be on 21 February 2024 at 10.00am in James House. The draft agenda for the meeting (paper BP11-12/23) was noted by the Board.

Action: Executive Assistant