

From: Mike Brennan

Tel No: I&S

Date: 3 April 2020

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To: 1. Special Adviser
2. Minister

**LABOUR RELATIONS AGENCY: ENGAGEMENT FORUM ON COVID -19
UPDATE.**

Issue: To update the Minister on the multi-stakeholder forum set-up to advise the Executive on how best to manage the challenge of Covid-19 as it applies to the NI Economy/Labour Market.

Timing: Desk Immediate

Executive Referral: Yes.

PfG Implications: N/A.

Presentational Issues: High interest from Media, Political Parties.

Freedom of Information: Fully Disclosable

Financial Implications: Budget is available to meet the cost of facilitating the Forum.

Legislative Implications: N/A

Statutory Equality Implications: Compliant with Section 75.

Recommendation: It is recommended that you:

- Note the contents of this submission and related **Annexes**
 - **Annex A** - Lines To Take
 - **Annex B** - Draft Memo to Forum Chair
 - **Annex C** - Membership of Forum.
 - **Annex D** - Summary of Initial Forum Meetings
- Agree to Meet the Forum – See **Annex B** Draft Memo

Background

1. On 28 March 2020, the First Minister and Deputy First Minister announced a series of enhanced containment measures designed to restrict the spread of the Covid-19 virus.

2. The package of measures included the establishment of a multi-stakeholder forum to advise the Executive on how best to manage the challenge of Covid-19 as it applies to certain issues related to the NI Economy/Labour Market; and to be the primary conduit for the Executive to consult on new approaches in response to emerging pressures.
3. The core purpose of the Forum is to advise and support the Executive in its commitment to contain the Covid-19 virus as it applies to the workplace. This is a unique and very diverse stakeholder group, entrusted by the Executive to be the single voice for employees/ workers and businesses.
4. Given the urgency of the issues for consideration by the Forum, it is likely that meetings will happen frequently during this time. The Forum has met on two occasions to date and has agreed to report progress to the Executive through the Minister.
5. The Forum has established and agreed the following set of operating principles that will guide its work over what is a critical period for all citizens and the wider NI community;
 - The safety and the health and wellbeing of our people has primacy;
 - All business will be conducted on the basis of mutual trust, shared understanding and an absolute commitment to our core purpose;
 - Shared responsibility to achieve decisions/recommendations on a consensus basis;
 - An absolute commitment to confidentiality; and
 - Public representation on the work of the Forum is the responsibility of the Minister for the Economy.
6. The Forum also discussed and agreed core objectives as outlined below;
 - Provide a single voice on actions/measures that need to be taken to protect the safety of key workers and essential businesses across the NI Labour Market;
 - Promote the need for all businesses and employees/workers to comply with contemporary PHA guidance within the workplace;
 - Provide ongoing advice on the list of key workers/essential/non-essential businesses expressed in the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020;

- Advise on additional decisions/contingency measures that may be required, including further closures or restrictions on types of businesses and more rigorous social distancing;
- Provide ongoing feedback on the effectiveness of the Executive's Covid-19 response plan in relation to the NI Economy and Labour Market;
- Develop an agreed Emergency Code of Practice that will offer practical assistance to essential businesses and their workforce to fully comply with the Health Protection Regulations and PHA/HSE guidance (single code developed by HSE, LRA and PHA);
- To advise on additional measures that will offer greater protection to the wider NI Community;
- To engage with a wide range of key experts to ensure that the Forum provides the most effective advice to the Executive.

Agreed Actions

7. Given the magnitude and immediate nature of the forums remit it was agreed that Two Sub Groups would be established, to develop a list of essential businesses and an assessment framework for determining what constitutes an essential business; and the second, to develop an Emergency Code of Practice that will offer practical assistance to essential businesses to facilitate compliance with PHA, HSE guidance and responsibilities under employment law.
8. The aim of the subgroups is to get agreed advice back to Forum by Monday 6th April for onward advice to Minister.
9. Chancellor's wage subsidy schemes – the forum agreed to seek expert advice on the furloughed workers scheme to present and provide clarity at the next forum meeting.

RECOMMENDATION

10. It is recommended that you:
 - Note the contents of this submission and related **Annexes**
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Signature

Personal Data

MIKE BRENNAN

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Lines to Take

- The core purpose of the Forum is to advise and support the Executive in its commitment to contain the Covid-19 virus as it applies to the NI Economy/Labour Market.
- There has been two meetings to date of the Engagement Forum.
- The Forum is made up of a wide range of Key Multi-Stakeholders including Business, Employers, Union representation and Statutory Bodies.
- The Forum has an agreed set of clear objectives underpinned by a unique set of operating principles that will guide its work over what is a critical period for all citizens and the wider NI community.
- The Forum recognises that it is right that key workers can go to work; that it is right that essential businesses remain open for business; however, it is an absolute that all key workers should have the expectation that their working environments will be safe.
- As a direct response the Forum has set up two Sub-Groups to develop a list of essential businesses and an assessment framework for determining what constitutes an essential business; and the second, to develop an Emergency Code of Practice that will offer practical assistance to essential businesses to facilitate compliance with PHA, HSE guidance and responsibilities under employment law.
- Recognising the importance of these two key areas the two working groups will report to the next full meeting of the Forum on Monday 6th April.
- The Role of HSE. The Forum recognises the primacy of the HSE's role in providing an advice, support, inspection and enforcement service; but is also aware that there are capacity pressures.
- The Forum advises that the Department should explore the option of establishing a contingency staff resource to support advice and support functions under the direction of HSE;
- The HSE could then draw down the necessary resource on a call off basis to meet emerging pressures. This in turn would assist HSENI by freeing up inspector resource which could be deployed to inspection and enforcement duties where required.

- I will attend the next meeting of the Forum to receive updates and advise on the areas mentioned. After which I will feedback to the Executive.
- The Forum will continue to work at pace given the urgency of the issues for consideration by the Forum, it is likely that meetings will happen frequently at least twice a week.

From the Office of the Minister
Diane Dodds MLA



Netherleigh
Massey Avenue
Belfast BT4 2LP
I&S
email: Private.Office@economy-ni.gov.uk

Our Ref: SUB---2020

March 2020

Dear ,

NORTHERN IRELAND ENGAGEMENT FORUM

I would like to take this opportunity to thank you for the continuing work that the Forum is undertaking in this critical area.

It is vital to ensure that the work of the Forum is helping to advise and support the Executive in its commitment to contain the Covid-19 virus as it applies to the NI Economy/Labour Market.

Diary permitting I would intend to join the Forum at its next meeting on Monday 6 April.

Yours sincerely,

DIANE DODDS MLA
Minister for the Economy

Membership of Forum

The following organisations have agreed to join the Forum:

Ministers Kearney and Lyons (TEO) will have observer status

Chair

Marie Mallon, Labour Relations Agency

The Chief Executive of the Labour Relations Agency will provide support to the Chair, and liaise with DfE on actions agreed by the Forum.

Angela McGowan, CBI

Ian Henry, Chamber of Commerce

Tina McKenzie, Federation of Small Business.

Gordon Milligan, IOD

Stephen Kelly, Manufacturing NI

Aodhan Connolly, Retail NI

Owen Reidy, NIC ICTU

Michala Lafferty, USDAW

Patricia McKeown, UNISON

Alison Millar, NIPSA

Gerry Murphy, INTO

Jackie Pollock, UNITE

Brendan Bonner, PHA

Robert Kidd, HSE

Stephen Reid, SOLACE,

PSNI (to be confirmed)

First Meeting of the Engagement Forum Monday 30th March @2pm: Minute

- All members are very supportive of the decision to establish the Engagement Forum;
- The forum is committed to presenting a single voice on required actions/measures;

The group has agreed a number of key messages;

- It is right that key workers can go to work;
- It is right that essential businesses remain open for business;
- However, it is an absolute that all key workers should have the expectation that their working environments will be safe (PPE for all frontline workers a must);
- Also, action needed to address the impact on key workers mental health and to provide support for their families;
- There should be testing of a wider population of key frontline staff, health and social care workers are the obvious group (an example being shop workers who are now very much in the frontline, but there are others)
- The current understanding of what constitutes an essential business is too narrow and does not take account of critical supply chains;
- There is a need to develop a NI-bespoke list of essential businesses that incorporates key supply chains;;
- The Forum recognise that a list will not catch all essential businesses and will seek to develop an eligibility criteria that can be used to assess currently deemed essential/non-essential businesses;
- There is a significant amount of good practice that needs to be more widely promulgated, an example being the protocol developed by NIFDA and on the DAERA website.
- The Forum agreed the draft terms of reference with one addition, to allow for discussions and advice to the Executive on the impact of the financial packages;

Actions

The group have agreed the following initial actions;

- Develop a NI list of essential employers building on the current UK/NI/ROI lists; develop an eligibility criteria for assessing whether a business is essential.

Second meeting of the Engagement Forum, Wednesday, 1 April @2pm Minute

Ministerial Updates

- Agreed that all members of the Forum will have sight of the Ministerial update prior to issue to the Department.
- The Forum wants to avoid the risk of operating in a vacuum and has asked that there is two-way communication; with the Minister providing a response to specific advice/recommendations offered in the regular updates. In the first update, the Forum offered recommendations around the availability of PPE and testing to a wider population of frontline workers.

Forum's Terms of Reference

- The Forum approved the draft terms of reference with one addition relating to the Chancellor's range of financial assistance measures.
- The Chair emphasised the critical importance of all members reaching out to their stakeholder networks to ensure that the Forum's provides informed advice to the Minister about what is happening across the economy/labour market.

Established two working groups:

- the first, to develop a list of essential businesses and an assessment framework for determining what constitutes an essential business; and
- the second, to develop an Emergency Code of Practice that will offer practical assistance to essential businesses to facilitate compliance with PHA, HSE guidance and responsibilities under employment law.
- The two working group will report to the next full meeting of the Forum.
- The group wanted to emphasise that it has no role in the decision-making about the closure of individual businesses and that responsibility falls to Ministers and the statutory authorities.

Mechanisms for inspection/enforcement

- The Forum recognises the primacy of the HSE's role in providing an advice, support, inspection and enforcement service; but is also aware that there are capacity pressures.
- The Forum advises that the Department should explore the option of establishing a contingency staff resource to support advice and support functions under the direction of HSE; the HSE could then draw down the necessary resource on a call off basis to meet emerging pressures.
- This in turn would assist HSENI by freeing up inspector resource which could be deployed to inspection and enforcement duties where required.

Furlough Scheme

- The Forum agreed to invite a representative from DoF/HMRC to the next meeting.

The next meeting of the Forum is on Monday, 6 April at 2pm.