



2010

Annual Performance Report

for

**The Appeal Board of the
Professional Fish Harvesters
Certification Board**

Table of Contents

| | | |
|-----|--|---|
| 1.0 | Message from the Chairperson | 1 |
| 2.0 | PFHCB Appeal Board Overview | 2 |
| 2.1 | Mandate and Objectives | 2 |
| 2.2 | Appeal Board Members and Support Staff | 3 |
| 2.3 | Lines of Business | 3 |
| 2.4 | Values | 4 |
| 2.5 | Vision | 4 |
| 2.6 | Location and Contact Information | 4 |
| 2.7 | Finances | 4 |
| 3.0 | Highlights and Accomplishments | 5 |
| 4.0 | Activities | 5 |
| 4.1 | Outcome of Objectives | 5 |
| 4.2 | Mission Reporting | 6 |
| 5.0 | Opportunities and Challenges Ahead | 6 |
| 6.0 | Additional Information | 6 |

1.0 Message from the Chairperson

On behalf of the Appeal Board of the Professional Fish Harvesters Certification Board (PFHCB), I am pleased to present our Annual Performance Report for 2010, prepared in consultation with the Appeal Board members. We are accountable for the results reported, and for ensuring that the information in this report is accurate and thorough.

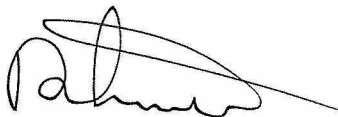
The PFHCB Appeal Board is an independent public body, with all members appointed by the Minister of Fisheries and Aquaculture. Therefore, we are submitting this report in fulfillment of our reporting obligations as a category three public entity under the provincial *Transparency and Accountability Act*. We take pride in achieving the objectives of the PFHCB Appeal Board and in ensuring that our activities are presented in a thorough and accurate manner through our accountability framework.

Although the Appeal Board is a relatively small public body, convening only once or twice per annum, it makes an essential contribution to the PFHCB and the commercial fish harvesters it certifies. The structure, purpose, and operations of the Appeal Board are established in the *Professional Fish Harvesters Act*, and during the reporting period all activities of the Appeal Board were conducted accordingly.

It is also worth noting that this reporting year, from January 1 to December 31, 2010, is the final year of our 2008-2010 planning cycle. For that reason, this report will include a report on the Appeal Board's Mission, as outlined in our 2008-2010 Activity Plan.

Finally, on behalf of the PFHCB Appeal Board, I take this opportunity to thank the staff of the PFHCB for their assistance and support in 2010.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Wilton', with a long horizontal flourish extending to the right.

Robert Wilton
Chairperson, PFHCB Appeal Board

2.0 PFHCB Appeal Board Overview

The PFHCB became operational in 1997 following proclamation of the *Professional Fish Harvesters Act* by the Newfoundland and Labrador House of Assembly. This legislation allows for the establishment of an Appeal Board, and an independent appeals process.

Any professional fish harvester whose certification is refused by the Board, or who is dissatisfied with the certification status he or she is given, may appeal to the Appeal Board. The decision of the Appeal Board is final and binding on the PFHCB and the appellant.

2.1 Mandate and Objectives

The mandate and objectives of the PFHCB Appeal Board are outlined in sections 14-19 of the *Professional Fish Harvesters Act*, as follows:

Appeal to board

14. (1) A person whose certification is refused by the board or who is dissatisfied with the certification that he or she is given may appeal to the appeal board appointed under section 15.
- (2) A person who wishes to appeal a decision of the board with respect to his or her certificate shall file a notice of appeal with the executive director stating the ground for the appeal.
- (3) The executive director shall forward the notice of appeal to the appeal board and shall inform the appellant of the date, time and place at which the board will hear the appeal.

Appeal board

15. (1) The appeal board shall consist of 3 members appointed by the minister.
- (2) Two of the members shall be professional fish harvesters who are not members of the board chosen from a list provided by fish harvesters organizations.
- (3) The third member of the board shall not be a professional fish harvester and shall serve as the chairperson.
- (4) The members of the appeal board shall be appointed for a 3 year term and are eligible for re-appointment.

Date of appeal board

16. The appeal board shall review all the relevant information associated with an appellant's application to the board for certification and shall provide the appellant an opportunity to appear before the board in person or through a representative.

Decision of appeal board

17. The appeal board may confirm the decision of the board or may substitute the decision which it considers fair and just.

Decision final

18. The decision of the appeal board is final and binding on the board and the appellant.

Appeal panels

19. (1) For the period of 24 months from the date this *Act* comes into force, this section applies to an appeal from a decision of the board with respect to a refusal to certify a person or with respect to a certification that is given by the board, notwithstanding sections 14 to 18.
- (2) The minister may appoint 2 or more appeal panels consisting of 3 members, 2 of whom shall be professional fish harvesters who are not members of the board chosen from a list provided by fish harvester's organizations.
- (3) The third member of the panel shall not be a professional fish harvester and shall serve as the chairperson.
- (4) An appeal panel shall only have jurisdiction to hear appeals from persons resident in that part of the province for which the minister makes the panel responsible.
- (5) Sections 14, 16 and 17 apply to an appeal to the panel as if the appeal were being made to the appeal board and to a panel as if the panel were the appeal board.
- (6) An appeal lies to the appeal board from a decision of an appeal panel and sections 14, 16, 17 and 18 apply to that appeal as if the appeal had been one from a decision of the board.
- (7) This section shall have no effect 24 months from the date this *Act* comes into force.

2.2 Appeal Board Members and Support Staff

The PFHCB Appeal Board consists of three members appointed by the Minister of Fisheries and Aquaculture. For the duration of this reporting period the Appeal Board members were:

Robert Wilton ó Chairperson
Roy Stone ó Fish Harvester Representative
Doug Howlett ó Fish Harvester Representative

Operational and administrative support for the Appeal Board is provided by the staff of the PFHCB.

2.3 Lines of Business

The PFHCB Appeal Board has a single line of business: the provision of an independent appeal process for any person who files a notice of appeal with the Executive Director of the PFHCB. All business is conducted in accordance with sections 14-19 of the *Act*.

As required, the Appeal Board convenes (normally twice per year) to hear appeals throughout the province. Appeals are conducted in as many locations as possible, based on the number of appeals to be heard.

Appeal results, approved and signed by Appeal Board members, are presented to the PFHCB Executive Director in a timely manner, and appellants are notified accordingly.

2.4 Values

The Appeal Board's ability to provide an effective independent appeal process requires that both the PFHCB and the fish harvesters it certifies have a high level of confidence in the Appeal Board members and the service they provide. To this end, the Appeal Board adopts and promotes three key values: *Respect*, *Confidentiality* and *Impartiality*, as described in the 2008-2010 Activity Plan.

2.5 Vision

Members of the PFHCB Appeal Board adopt the vision of the PFHCB.

The PFHCB vision is a viable Newfoundland and Labrador commercial fishery, sustained by independent professional fish harvesters committed to demonstrating appropriate knowledge, skills and commitment to safely and successfully meet the human resources needs of their industry, from which they can maintain their livelihood with respect and dignity.

The PFHCB Appeal Board contributes to the vision of the PFHCB by ensuring, through the appeal process, that each appellant receives a thorough independent assessment of all information pertinent to PFHCB certification, and is subsequently awarded a certification level that appropriately reflects their knowledge, skill and attachment to the industry.

2.6 Location and Contact Information

The PFHCB Appeal Board itself has no fixed location. However, any correspondence, including appeal requests from certified fish harvesters, should be directed to the Professional Fish Harvesters Certification Board.

| | |
|---------------------|--|
| 368 Hamilton Avenue | 709-722-8170 (phone) |
| P.O. Box 8541 | 709-722-8201 (fax) |
| St. John's, NL | pfh@pfhcb.com |
| A1B 3P2 | www.pfhcb.com |

2.7 Finances

The expenditures associated with the PFHCB Appeal Board, and independent appeals process, are covered by the annual operating budget of the PFHCB. Those expenditures include travel costs of Appeal Board members, administrative costs associated with the delivery of appeals, and the per diem remunerations for Appeal Board members. There are no fees charged to fish harvesters for appealing their certification status.

Every effort is made by Appeal Board members and support staff to conduct the appeals process in a thorough, yet expeditious and cost-effective manner. Annual Appeal Board expenditures are audited, and included in the audited financial statements of the PFHCB. Total Appeal Board expenditures for 2010 were \$1,390.00.

3.0 Highlights and Accomplishments

For the 2010 reporting period, the PFHCB Appeal Board succeeded in providing an appeal hearing to all certified fish harvesters who requested an appeal through the PFHCB. In this reporting period, only three appeal requests were received, and hearings were conducted with no reported grievances.

4.0 Activities

The PFHCB Appeal Board convened once in 2010, for a single day of appeals on March 16th, 2010. All three appellants chose to have their appeal hearings conducted via conference call. A summary of appeal hearings conducted is as follows:

Spring 2010 Appeals (3 hearings in total)

| | | |
|------------------------|-----------|----------------|
| March 16 th | Codroy | Teleconference |
| March 16 th | Belleoram | Teleconference |
| March 16 th | La Poile | Teleconference |

Of the three appellants who had appeal hearings in 2010, at the time of the appeal, one was registered as an Apprentice Licence Holder, and two were Level I.

4.1 Outcome of Objectives

In the PFHCB Appeal Board's 2008 - 2010 Activity Plan a single strategic issue was identified, relating to the Appeal Board's ability to maintain a timely delivery of appeal hearings in regional proximity to appellants. An objective for 2010, accompanied by a performance measure and indicators was included, as follows:

Objective #2: By December 31, 2010, the PFHCB Appeal Board will have conducted appeals, in a timely manner, in all regions of the province where appellants are located.

Measure: Appellants were offered a timely face-to-face appeal in their own region of the province.

Indicators: Each appellant was offered an appeal within six months of their appeal request.

Each appellant was offered a face-to-face appeal.

Each appellant was offered an appeal hearing within three hours drive of their permanent residence.

The PFHCB Appeal Board, with the assistance of PFHCB support staff, succeeded in meeting this stated objective for 2010. The three appellants were each offered a face-to-face appeal hearing within six months of the date of their appeal request, but all three chose to have their appeal hearings conducted via conference call. Therefore, the proximity of the appeal hearing to the appellant's permanent residence was not a factor in 2010.

4.2 Mission Reporting

The 2010 reporting period represents the final year of our 2007 and 2008-2010 planning cycles, a mission-ending year, and for that reason we are required to report on our mission for the planning period.

As outlined in our 2007 and 2008-2010 Activity Plans, upon review of the mission of the PFHCB and the Department of Fisheries and Aquaculture, it was determined that the Appeal Board of the PFHCB, for this planning period, shared neither of these missions. Therefore, the Mission of the Appeal Board was limited to the stated line of business, mandate, and strategic objectives of the Activity Plans.

We are pleased to report that throughout the planning period, the PFHCB Appeal Board carried out its stated business and mandate in an efficient and cost effective manner, and succeeded in meeting its stated objective in each of the three reporting years of the planning cycle. Despite a considerable decrease in demand for appeals (24 in 2008, 18 in 2009, and 3 in 2010), the PFHCB Appeal Board offered face-to-face appeals to all 45 professional fish harvesters who requested appeals during this planning period. All appellants were offered an appeal within six months of their respective appeal request date, either within a three hour drive of their home community, or via conference-call. The Appeal Board members reported no issues during the 2007 and 2008-2010 mission period, and all appeal results were accepted without grievance.

5.0 Opportunities and Challenges Ahead

The PFHCB Appeal Board continues to provide an essential service to the approximately 11,000 certified fish harvesters registered with the Professional Fish Harvesters Certification Board. The apparent trend of a decreasing level of appeal requests in recent years may eventually pose logistical challenges for the Appeal Board and PFHCB support staff in their efforts to plan and conduct face to face appeals in all regions of the province.

Notwithstanding this challenge, the Appeal Board remains committed to: providing every certified fish harvester the opportunity of an independent appeal process, meeting the objectives stated in the 2011-2013 Activity Plan, and meeting the planning and reporting obligations of the *Transparency and Accountability Act*.

6.0 Additional Information

To inquire or comment on the contents of this report, or for additional information about the PFHCB Appeal Board, please contact:

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