



2013

Annual Performance Report

for

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

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1.0 Message from the Chairperson

On behalf of the Appeal Board of the Professional Fish Harvesters Certification Board, I am pleased to present our Annual Performance Report for 2013, the final year of our 2011-2013 planning cycle. This document has been prepared in consultation with the other Appeal Board members, and we accept accountability for the results reported, and for ensuring that the information in this report is accurate and thorough.

The Professional Fish Harvesters Certification Board Appeal Board is recognized as a category three public entity by the government of Newfoundland and Labrador, with all three members appointed by the Minister of Fisheries and Aquaculture. Therefore, we are submitting this report in fulfillment of our reporting obligations under the provincial *Transparency and Accountability Act*. We are privileged to serve the professional fish harvesters of this province in our capacity as the current Appeal Board appointees, and we take pride in meeting the objectives of the Professional Fish Harvesters Certification Board Appeal Board, as outlined in our 2011-2013 Activity Plan.

Though the Appeal Board is a relatively small public body, convening twice in 2013, it makes an essential contribution to the Professional Fish Harvesters Certification Board and the commercial fish harvesters of Newfoundland and Labrador. The structure, purpose, and operations of the Appeal Board are established in the *Professional Fish Harvesters Act*, and we confirm that during this reporting period all activities of the Appeal Board were conducted accordingly.

Finally, as chairperson of the Professional Fish Harvesters Certification Board Appeal Board, I take this opportunity to thank the staff of the Professional Fish Harvesters Certification Board for their continued assistance and support in 2013.

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 Overview

The Professional Fish Harvesters Certification Board (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 appeal process.

Any professional fish harvester whose certification is refused by the PFHCB, 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 14-18 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.

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 the 2013 reporting period the Appeal Board members were:

Robert Wilton – Chairperson
Roy Stone – Fish Harvester Representative
Doug Howlett – 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 14-18 of the Act.

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

Appeal results are approved and signed by the Appeal Board members and presented to the PFHCB Executive Director in a timely manner. Appellants are notified of their appeal outcome in writing by the PFHCB, accordingly.

2.4 Values

The Appeal Board's ability to provide an effective independent appeals 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 section 7.0 of the Appeal Board's 2011-2013 Activity Plan.

2.5 Vision

Members of the PFHCB Appeal Board adopt the vision of the PFHCB. The PFHCB and the Appeal Board's 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 its vision by ensuring, through the appeals 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 Executive Director of the PFHCB.

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

2.7 Finances

The expenditures associated with the PFHCB Appeal Board, and independent appeal 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 2013 were \$10,615.

3.0 Highlights and Accomplishments

For the 2013 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, 16 appeal requests were received, and 16 hearings were conducted. As indicated in the summary in section 4.0, in 2013 the PFHCB Appeal Board met its stated objective of providing all appellants with an appeal hearing within 12 months of their appeal request.

4.0 Activities

The PFHCB Appeal Board convened twice in 2013, and conducted a combined total of five days of appeals from February 25-28, 2013, and on May 6, 2013. In order to accommodate all appellants, and minimize their driving time to and from their appeal hearing, the Appeal Board conducted appeals in four locations throughout the province – Corner Brook, Grand Falls, Clarenville and St. John's. One appellant requested to have their appeal heard by teleconference. The following is a summary of appeal hearings conducted in 2013:

Winter 2013 Appeals (12 hearings in total)

<u>Date of Appeal Request</u>	<u>Date of Appeal</u>	<u>Home Community</u>	<u>Appeal Location</u>
January 15, 2013	February 25, 2013	Bay Roberts	St. John's
November 7, 2012	February 25, 2013	Admirals Beach	St. John's
September 6, 2012	February 25, 2013	Branch	St. John's
February 13, 2013	February 25, 2013	O'Donnells	St. John's
February 11, 2013	February 25, 2013	Hr. Breton	St. John's
October 7, 2012	February 26, 2013	Southern Harbour	Clareville
February 7, 2013	February 26, 2013	Arnolds Cove	Clareville
October 16, 2012	February 27, 2013	St. Jacques	Grand Falls
December 5, 2012	February 27, 2013	McCallum	Grand Falls
October 2, 2012	February 28, 2013	Port au Port	Corner Brook
October 4, 2012	February 28, 2013	West Bay Centre	Corner Brook
September 1, 2012	February 28, 2013	New Ferolle	Corner Brook

Spring 2013 Appeals (4 hearings in total)

<u>Date of Appeal Request</u>	<u>Date of Appeal</u>	<u>Home Community</u>	<u>Appeal Location</u>
March 28, 2013	May 6, 2013	Woody Point	St. John's
April 26, 2013	May 6, 2013	Woody Point	St. John's
April 26, 2013	May 6, 2013	Woody Point	St. John's
April 22, 2013	May 6, 2013	Ship Harbour	St. John's

Of the 16 appellants who had appeal hearings in 2013, at the time of the appeal, 13 were registered as an Apprentice fish harvester, and 3 were registered as a Level I fish harvester. A full description and explanation of the three levels of PFHCB certification (Apprentice, Level I and Level II), as well as related certification criteria, can be found on the PFHCB website at www.pfhcb.com.

4.1 Outcome of Objectives

In the PFHCB Appeal Board's 2011 - 2013 Activity Plan, a single 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 2013, accompanied by a performance measure and indicators was included, as follows:

Objective #3: By December 31, 2013, 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 a maximum of 12 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 2013. The 16 appellants were each offered a face-to-face appeal hearing within twelve months of the date of their appeal request. In fact, all appellants were offered an appeal within 6 months of the PFHCB receiving their appeal request.

Of the 16 appellants, only one requested to have their appeal heard via teleconference, so proximity of the appeal hearing was not a factor for that appeals. However, for the remaining 15 appeals, the Appeal Board was successful in meeting its objective as it relates to regional proximity to appellants. In 11 cases, the maximum drive time from home to the appeal venue, for any individual, was less than three hours. In the remaining four cases, appellants made special requests to have their appeals heard outside their region, so proximity of the appeal hearing was not a factor for those appeals.

5.0 Opportunities and Challenges Ahead

The PFHCB Appeal Board continues to provide an essential service to the nearly 10,000 fish harvesters registered with the PFHCB. In the past several years there has been a significant fluctuation in the number of appeal requests received (from 11 in 2011, to 22 in 2012, to 16 in 2013). This uncertainty and annual variation in the number of appeals requested continues to pose challenges for the Appeal Board and PFHCB support staff in meeting the stated objectives in an efficient and cost-effective manner. It has also made budgeting and planning challenging. If the number of appeal requests continues to remain high (22 in 2012 and 16 in 2013), the PFHCB Appeal Board may have to consider convening twice in 2014, as it did in 2013.

The Appeal Board remains committed to: providing all certified fish harvesters the opportunity of an independent appeal process, meeting the objectives stated in the 2014-2016 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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