



2007

Annual Performance Report

for

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

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1.0 Message from the Chairperson

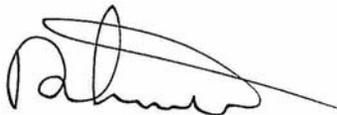
As Chairperson the Professional Fish Harvesters Certification Board (PFHCB) Appeal Board, I am pleased to present our Annual Performance Report for the 2007, prepared in consultation with the Appeal Board members. We are accountable for the achievement of the Appeal Board's objectives, and for ensuring that the information enclosed in this report is a thorough and accurate representation of the Appeal Board's activities.

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*.

Though the Appeal Board is a relatively small public body, convening only 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 sections 14-19 of the *Professional Fish Harvesters Act*, and during the reporting period all activities of the Appeal Board were conducted accordingly.

On behalf of the PFHCB Appeal Board, I take this opportunity to thank the staff of the PFHCB for their assistance and support throughout 2007.

Sincerely,

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

Robert Wilton
Chairperson, PFHCB Appeal Board

2.0 PFHCB Appeal Board 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, in Sections 14-19, 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 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 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 – 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.

2.2 Lines of Business

The PFHCB Appeal Board has a single line of business: the provision of an independent appeals 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.

2.3 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 the 2007 Activity Plan.

2.4 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 who demonstrate the appropriate level of 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 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.

2.5 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.

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

2.6 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 and accommodation 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 2007 were \$17,922.

3.0 Highlights and Accomplishments

For the 2007 reporting period, the PFHCB Appeal Board conducted appeals throughout the island portion of the province, and succeeded in providing an appeal hearing to all certified fish harvesters who requested an appeal through the PFHCB. In total, 26 appeal hearings were conducted with no reported grievances relating to either the logistics of delivery or appeal outcomes.

4.0 Activities

The PFHCB Appeal Board convened twice in 2007, for three days from March 30th - April 1st and for five days from December 3rd – 7th. A summary of appeal hearings conducted, by date and location, is as follows:

Spring 2007 Appeals (11 hearings in total)

March 30th – Plum Point – 3 appeal hearings

March 31st – Corner Brook – 5 appeal hearings

April 1st – Gander – 2 appeal hearings

April 1st – St. John's – 1 appeal hearing

Fall 2007 Appeals (15 hearings in total)

December 3rd & 4th – Plum Point – 7 appeal hearings

December 5th – Corner Brook – 2 appeal hearings

December 6th – Gander – 3 appeal hearings

December 7th – St. John's – 3 appeal hearings

Of the 26 appellants who had appeal hearings in 2007 (prior to the appeal), 3 were registered as an Apprentice Licence Holder, 17 were Apprentice, and 6 were Level I.

4.1 Outcome of Objectives

In the PFHCB Appeal Board's 2007 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, accompanied by a performance measure and indicators was included, as follows:

Objective: By December 31, 2007, 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 3 hours drive of their permanent residence.

The PFHCB Appeal Board, with the assistance of PFHCB support staff, succeeded in meeting this stated objective for 2007. The 26 appellants were each offered a face-to-face appeal hearing within 6 months of the date of their appeal request. Additionally, the Appeal Board was successful in meeting its objective as it relates to regional proximity to appellants, as the maximum drive time, from home to the appeal venue, for any individual, was 2½ hours.

4.2 Objectives for 2008

Strategic issues for the PFHCB Appeal Board will be limited to logistics of appeal delivery, as it would not be appropriate to deal with the specifics of individual appeal hearings and/or their respective outcomes. For this planning period the Appeal Board is presenting only one strategic issue.

Issue #1 – The Timely Delivery of Appeals in Regional Proximity to Appellants

Since 1997, the PFHCB Appeal Board has conducted appeals twice per year (normally), and in all areas of the province where appellants are located. Until recently, the number of appellants has remained high enough to conduct appeals throughout the province, thus enabling appellants to present themselves, or their representative, in person at their appeal hearing.

However, the number of appeal requests has dropped off significantly in the past 12-18 months, making it increasingly difficult and cost inefficient for the Appeal Board to provide a face-to-face appeal hearing for every appellant.

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5.0 Opportunities and Challenges Ahead

The PFHCB Appeal Board provides an essential service to the approximately 13,000 certified fish harvesters registered with the Professional Fish Harvesters Certification Board. The apparent trend of a decreasing level of appeal requests in recent years will continue to pose challenges for the Appeal Board and PFHCB support staff to meet its objective, stated above, in an efficient and cost effective manner. 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 2008-2010 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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