



2011-2013

Activity Plan

for

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

Message from the Chair

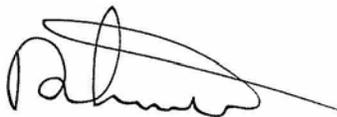
As Chairperson of the Appeal Board of the Professional Fish Harvesters Certification Board (PFHCB), I am pleased to present our three-year Activity Plan for 2011-2013. My signature below is indicative of the entire Appeal Board's accountability for the preparation of this plan, and for achieving the objectives outlined within. This plan has been prepared with consideration for the Strategic Directions of government related to the Department of Fisheries and Aquaculture, and it has been determined that the Appeal Board has no direct role in the accomplishment of government's Strategic Direction.

The PFHCB Appeal Board is an independent public body, with all members appointed by the Minister of Fisheries and Aquaculture. In accordance with the *Transparency and Accountability Act*, the Board will supplement this Activity Plan with annual progress reports to government.

Though the Appeal Board is a relatively small public body, convening only 5-10 days per annum, it does make 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 all activities of the Appeal Board are conducted accordingly.

On behalf of the PFHCB Appeal Board, and the supporting staff of the PFHCB, I commit to fulfilling our obligations under the *Transparency and Accountability Act*, the *Professional Fish Harvesters Act*, and this 2011-2013 Activity Plan.

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

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1.0 Background of the PFHCB Appeal Board

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.

Since 1997, the PFHCB Appeal Board has been fully operational, and consists of three members appointed by the Minister of Fisheries and Aquaculture. Any professional fish harvester whose certification is refused by the Board, or who is dissatisfied with the certification he or she is given, may request an appeal with the Appeal Board. The decision of the Appeal Board is final and binding on the PFHCB and the appellant.

2.0 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.

3.0 Current Appeal Board Members

The PFHCB Appeal Board consists of three members appointed by the Minister of Fisheries and Aquaculture. Two of the members are professional fish harvesters, who are not members of the PFHCB Board of Directors, chosen from a list provided by fish harvester organizations. The third member of the Appeal Board is not a professional fish harvester, and serves as the chairperson. Members are appointed for a three-year term and are eligible for re-appointment.

The current PFHCB Appeal Board members are:

Robert Wilton – Chairperson

Roy Stone – Fish Food and Allied Workers Union

Doug Howlett – Association of NL Fisheries Cooperatives

4.0 Staff Support

The PFHCB has a staff of four full-time permanent employees, who support the logistics and operational activities of the Appeal Board, as required.

Mark Dolomount – Executive Director

Elizabeth Smith – Office Manager

Cheryl Jamieson – Assessor

Velma Barnes – Executive Secretary

As per section 14 of the *Act*, any person wishing to request an appeal is required to file a notice of appeal with the Executive Director stating the grounds for the appeal. Cheryl Jamieson is currently responsible for coordinating the Appeal Board activities.

5.0 Primary Line of Business

Provision of an Independent Appeal Process

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 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 all Appeal Board members, are presented to the PFHCB Executive Director in a timely manner, and appellants are notified in writing, accordingly.

6.0 Finances of the PFHCB Appeal Board

All expenditures associated with the PFHCB Appeal Board, and independent appeals process, are covered by the annual operating budget of the PFHCB. Those expenditures would 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.

Current per diem remunerations are as follows:

Chairperson – \$300 Fish Harvester Representatives - \$250

Annual Appeal Board expenditures are audited, and can be found in the audited financial statements of the PFHCB.

7.0 Values

The members of the PFHCB Appeal Board, and supporting staff, adopt the first three values of the PFHCB, as follows:

Respect – Representatives of the PFHCB Appeal Board will endeavor to increase their understanding and appreciation of the commercial fishery, the significant contribution it makes to our local, provincial and national economies, and the high degree of skill and knowledge required to be successful in the fish harvesting profession.

Confidentiality – Representatives of the PFHCB Appeal Board will treat all personal information provided to the Appeal Board by certified fish harvesters in strict confidence. Personal information of certified fish harvesters will be used only for the purpose of determining their appeal outcome, and shall not be shared without written permission.

Impartiality – Representatives of the PFHCB Appeal Board will remain unbiased in reviewing all relevant information associated with an appellant's appeal file, and in administering the independent appeal process generally.

8.0 Primary Clients

The primary clients of the PFHCB Appeal Board are the 11,000(+) professional fish harvesters certified with the PFHCB. More specifically, the Appeal Board serves any harvester whose certification is refused by the PFHCB or who is dissatisfied with the certification he or she is given, and who files a notice of appeal with the PFHCB.

9.0 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 also shares the vision of the Department of Fisheries and Aquaculture, which is “sustainable fishing and aquaculture industries that achieve their optimum economic contribution to the Province of Newfoundland and Labrador.”

The PFHCB Appeal Board supports and contributes to this vision by hearing appeals and ensuring that appellants are awarded certification levels that are fair, equitable, and consistent with PFHCB certification criteria and the *Professional Fish Harvesters Act*.

10.0 Mission

The mission of the PFHCB and the Department of Fisheries and Aquaculture have been reviewed, and it has been determined that the Appeal Board of the PFHCB shares neither of these missions. The Mission of the Appeal Board, for the foreseeable future, is limited to the stated line of business, mandate, and strategic objectives of this plan.

11.0 Strategic Issues

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 declined significantly in the past several years. For example, the number of appeals heard in 2008 was 24, while in 2010 only three appeals were heard. This has made it increasingly difficult and less cost efficient for the Appeal Board to offer appeals twice per year, and to provide a face-to-face appeal hearing for every appellant. Therefore, though appeals may be heard within 6 months, in future, the Board will offer appeal hearings within 12 months of receiving an appeal request.

Objective #1: By December 31, 2011, 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 3 hours drive of their permanent residence.

Objective #2: By December 31, 2012, the PFHCB Appeal Board will have conducted appeals, in a timely manner, in all regions of the province where appellants are located.

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.

12.0 Contact Information

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

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