



**2020-2022**

**Activity Plan**

*for*

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

## Message from the Chair

On behalf of the Appeal Board of the Professional Fish Harvesters Certification Board (PFHCB), I am pleased to present the three-year Activity Plan for 2020-2022. As Chairperson, my signature below provides accountability for the preparation of this plan, and for achieving the stated objective. The Strategic Directions of Government related to the Department of Fisheries, Forestry and Agriculture (the department formerly known as Fisheries and Land Resources) have been considered, in the development of this Plan.

The PFHCB Appeal Board is an independent public body, with all members appointed by the Minister of Fisheries, Forestry and Agriculture. This Activity Plan meets the requirements of the **Transparency and Accountability Act** for a Category 3 entity, and in accordance with the Act the Board will supplement this Activity Plan by submitting annual Performance Reports to the Minister.

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 of Newfoundland and Labrador. The structure, purpose, and operations of the Appeal Board are established in sections 14-18 of the **Professional Fish Harvesters Act** and all activities of the Appeal Board are conducted accordingly.

On behalf of the PFHCB Appeal Board, I commit to fulfilling our obligations under the **Transparency and Accountability Act**, the **Professional Fish Harvesters Act**, and this 2020-2022 Activity Plan. Finally, this Activity Plan, and subsequent corresponding annual Performance Reports, will follow a calendar year format as per normal PFHCB operating procedure.

Sincerely,

A handwritten signature in black ink that reads "Brendan J. Condon". The signature is written in a cursive style with a large initial 'B' and 'C'.

Brendan Condon,  
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 14-18, allows for the establishment of an Appeal Board, and an independent appeals process.

Since 1997, the Appeal Board of the PFHCB has been fully operational, and consists of three members appointed by the Minister of Fisheries, Forestry and Agriculture. 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 Legislative Objectives**

The mandate and legislative objectives of the PFHCB Appeal Board are outlined in sections 14-18 of the **Professional fish Harvesters Act**, as follows:

### **Appeal to appeal 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 appeal 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 term of up to 3 years and are eligible for re-appointment.
- (5) Where the term of a member of the appeal board expires, he or she continues to be a member until reappointed or replaced.

### **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 appeal 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.

## **3.0 Current Appeal Board Members**

The PFHCB Appeal Board consists of three members appointed by the Minister. 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 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:

Brendan Condon – Chairperson

Gilbert Penney – Fish Harvester Representative

Jarvis Walsh – Fish Harvester Representative

## **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

Cheryl Jamieson – Coordinator, Registration and Certification

Velma Pike – Coordinator, Finance and Administration

Juanita Cutler – Project Coordinator

As per section 14 of the Act, any person wishing to request an appeal is required to file a notice of appeal with the PFHCB's Executive Director stating the grounds for the appeal. Cheryl Jamieson is currently responsible for coordinating the Appeal Board's 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 14-18 of the Act.

The Appeal Board convenes to hear appeals throughout the province. Appeals are conducted in as many locations as necessary and 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's Executive Director in a timely manner, and appellants are notified in writing under the signature of the PFHCB's Executive Director, within three weeks of the appeal hearing.

## **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, which is derived from the annual certification fees paid by fish harvesters. 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.

PFHCB Appeal Board expenditures are audited annually, 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 all professional fish harvesters certified with the PFHCB. More specifically, the Appeal Board serves any fish 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'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 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 Objective**

Objectives 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 issue.

As the focus of the PFHCB Appeal Board will remain the same for all three years of this planning cycle, the Appeal Board will report on the same objectives and indicators in all three years.

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

Each year since its inception in 1997, the PFHCB Appeal Board has conducted appeals throughout Newfoundland and Labrador. Based on the number of appeal requests, appeals are scheduled either once or twice per year, and are conducted in all areas of the province where appellants were located.

During the most recent planning period (2017-19), the number of appeal hearings varied significantly from year to year, declining from a high of 35 in 2017, to 23 in 2018, to a low of 18 in 2019. As a result, planning and budgeting for Appeal Board activity is challenging. In two of the three most recent years, the number of appeal requests did not necessitate two rounds of appeal hearings in the calendar year. In this planning period the Appeal Board will continue to offer appeal hearings at least once per calendar year, and more often if necessitated by the number of appeal requests. This will allow the Appeal Board to meet its stated objectives, in an efficient and cost effective manner, for this planning period.

**Objective #1:** By December 31, 2020, the PFHCB Appeal Board will have conducted appeals, in a timely manner, in all regions of the province where appellants are located.

**Indicators:** Offered face-to-face appeals to appellants in their own region of the province no more than 12 months from the date the appeal request was received.

Provided appeal results to appellants within three weeks of the date of the appeal hearing.

## **11.0 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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