

# **Record of the 4<sup>th</sup> Session of the Preparatory Conference for the North Pacific Fisheries Commission**

**Zhoushan, China**

**25-28 March 2013**

**Meeting Report**

## **1. Welcome and opening of the Meeting**

The 4th Session of the Preparatory Conference (PrepCon 4) for the North Pacific Fisheries Commission (NPFC) was convened in Zhoushan, China. Mr. William Gibbons-Fly (United States) continued in the role of Chair. Mr. Shen Chenhong, Director General for Fisheries in Zhoushan, welcomed the participants and gave opening remarks. A list of participants appears as Attachment 1.

## **2. Election of Rapporteur**

Dr. Craig Starger (United States) was appointed to serve as Rapporteur for the meeting.

## **3. Adoption of agenda**

The agenda was reviewed and adopted (Attachment 2).

## **4. Discussion on Staff Regulations and Grievance Procedures**

Participants continued the review of the draft Staff Regulations begun at PrepCon 2. The participants also reviewed a draft Grievance Procedure prepared by the delegation from Canada. Tentative agreement was reached on all substantive aspects of the documents (Attachment 3) subject to final review by the participants. These documents will remain in "draft" form until officially adopted by the Commission at its first session.

## **5. Discussion on budget for the Commission**

A small working group chaired by the United States was convened on the afternoon of 26 March, to discuss the budget for the Commission. This meeting produced a draft budget for the first and second years of the Commission (Attachment 4). The draft budget is based on information available at the time of PrepCon 4 and is subject to further review and modification, if necessary, prior to forwarding to the Commission for adoption.

## **6. Discussion on the Secretariat of the Commission**

Both Japan and Korea reaffirmed their bids to host the permanent Secretariat of the NPFC. PrepCon 4 did not make a decision on the location of the Secretariat, as originally envisioned in the Work Plan and Tentative Timeframe adopted at PrepCon 1, but agreed to hold this matter over for further discussion, with a view to making a decision on this matter at PrepCon 5.

## **7. Discussion of science-related topics**

Ms. Jessica Sanders from the FAO provided a presentation on the FAO Programme on Deep-sea Fisheries in the High Seas (PowerPoint file available from Interim Secretariat). Ms. Sanders also mentioned the FAO developing project, funded by the Global Environmental Facility (GEF) and other partners, on addressing sustainable deep sea fisheries and conservation of vulnerable marine ecosystems (VMEs) in areas beyond national jurisdiction (ABNJ). The interim Secretariat will coordinate documents from FAO for comments from NPFC PrepCon Participants.

United States and Japan reported on their attendance at the CBD-EBSA Workshop in Moscow, 25 February to 1 March, 2013.

The participants reviewed the three documents prepared by Canada in advance of PrepCon 4: two documents related to standards rules and procedures for data management (PC4/WP5-Ca and PC4/WP6-Ca) and the draft Scientific Research Plan for the Scientific Working Group/Science Committee (PC4/WP7-Ca). A small working group chaired by Canada convened on the afternoon of 27 March to further discuss these documents with a view to providing guidance from the PrepCon to the Scientific Working Group (SWG) in its consideration of the documents mentioned above. That group produced a list of research priorities to guide the work of the SWG. It also identified which sections of documents PC4/WP5-Ca and PC4/WP6-Ca should be reviewed by the SWG. A summary document reflecting the outcome of those discussions is included as Attachment 5.

#### **8. Status of the Convention**

Korea, as Depositary for the Convention, reported on the status of the Convention with respect to signatures, ratifications and other matters. The Depositary reported that the United States and Japan signed the convention in 2012 and that China and Korea signed the Convention in early 2013. The Depositary also reported that Chinese Taipei has submitted to the Depositary the separate Instrument for the Participation of Fishing Entities, by which Chinese Taipei expresses its intent to be bound by the Convention. Canada reported that it signed the Convention on 27 March, 2013. Russia reported that they plan to sign the Convention before the deadline on 31 March, 2013. Each delegation provided a brief summary on the status of their domestic ratification processes.

#### **9. Monitoring, Control and Surveillance**

The Chair and the United States offered to draft procedures/regulations for implementing Monitoring, Control and Surveillance (MCS) as described in the Convention (7.2a-c). Canada suggested discussing the establishment of the Technical Compliance Committee (TCC) at PrepCon 5.

#### **10. Other matters**

Canada proposed two scenarios for the timing for hiring the Executive Secretary and a draft vacancy announcement. Delegates discussed these documents and will revisit these issues at PrepCon 5.

The Russian Federation reported on its attendance as an observer from the NPFC at the recent NPAFC meeting. The report provided by the Russian Federation (PC4/Ref7/R1) is included as Attachment 6.

The participants considered the Work Plan for the Preparatory Conference and determined that no changes to the Work Plan were warranted at this time.

**11. Date and place of next meeting**

Chinese Taipei offered to host PrepCon 5. The proposed dates for the meeting are the week of 9-13 September, 2013 subject to confirmation based on consultations between Chinese Taipei and the Chair. The SWG will meet for 1.5 days and the plenary will meet for the remainder of the week.

**12. Adoption of the Record of the meeting**

Participants reviewed and adopted this report of the meeting.

**13. Adjournment**

The participants in the Preparatory Conference expressed their appreciation to the Government of China and the city of Zhoushan for hosting the meeting. They also expressed their appreciation to the Interim Secretariat for its work both during PrepCon 4 and in the intersessional period.

The meeting was adjourned at 3PM on 28 March, 2013.

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## **4<sup>th</sup> Session of the Preparatory Conference for the North Pacific Fisheries Commission**

**Zhoushan, China**

**25-28 March 2013**

### **Agenda**

1. Welcome and opening of the meeting
2. Election of Rapporteur
3. Adoption of agenda
4. Discussion on the budget for the first financial period of the Commission
5. Discussion on the draft Staff Regulations
6. Discussion on the Secretariat of the Commission
7. Discussion on other issues as time allows
  - (1) Discussion on criteria and procedures for recruitment of an Executive Secretary
  - (2) Consideration of rules, standards, and procedures for the compilation and management by the Commission of accurate and complete data for effective stock assessment
  - (3) Consideration of rules, standards and procedures for collection, verification, and timely reporting to the Commission of all relevant information by members of the Commission
  - (4) Consideration of Workplan for the Scientific Working Group
  - (5) Preparing a Provisional Agenda for the first meeting of the Commission
  - (6) Preliminary discussion on MCS issues
8. Status of the Convention
9. Future work plan
10. Other matters
11. Date and place of the next meeting
12. Adoption of the Record of the Meeting
13. Adjournment

<b>Draft Staff Regulations</b>	
<p><b>REGULATION 1</b></p> <p>1.1 These Staff Regulations establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the North Pacific Fisheries Commission (hereinafter called the "Commission"). These regulations do not apply to persons in Regulation 11.2.</p> <p><b>REGULATION 2</b> <b>DUTIES, OBLIGATIONS AND PRIVILEGES</b></p> <p>2.1 The Executive Secretary and staff members of the Secretariat (hereinafter "staff members") are international civil servants. Upon accepting their appointments they pledge themselves to discharge their duties faithfully and to conduct themselves in the best interests of the Commission.</p> <p>2.2 For the purposes of these regulations the term "dependent" shall include only:</p> <p>(_) the employee's spouse or domestic partner (hereinafter referred to as "spouse");</p> <p>(a) any unsalaried child, who is born of, or adopted by, a staff member, his or her spouse, or their children, who is below the age of eighteen years and who is dependent on a staff member or his or her spouse for main and continuing support;</p> <p>(b) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;</p> <p>(c) any child with a disability who is dependent on a staff member or his or her spouse for main and continuing support;</p>	<p>All changes in the previous version that were <b>tentatively agreed</b> have been <b>accepted</b> in this version.</p> <p>Paragraphs that have been <b>modified since the last version</b> reviewed are identified as <b>“pending final review.”</b></p>

(d) any other child who is given a home by and is dependent on a staff member or his or her spouse for main and continuing support;

(e) any person related by blood or marriage for whose main and continuing support a staff member or his or her spouse is legally responsible.

2.3 Staff members shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always exercise the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might potentially be detrimental to the Commission and its aims.

2.4 Staff members shall not be the subject of discrimination on the basis of age, race, color, creed, gender, sexual orientation, disability or national origin.

2.5 In the performance of their duties, staff members shall neither seek nor accept instructions from any government or authority other than the Executive Secretary. In the case of the Executive Secretary, he or she shall neither seek nor accept instructions from any government or authority other than the Commission.

2.6 Staff members shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorization for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.

2.7 Staff members shall, in general, have no employment other than with the Commission. In special cases, staff members may accept other employment, provided that it does not interfere or represent a conflict of interest with their duties in the Commission, and that prior authorization by the Executive Secretary has been obtained. The Commission's prior authorization shall be obtained in respect of the Executive Secretary.

2.8 No staff member may be associated in the management of a business, industry or other enterprise, or have

a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest.

2.10 Staff members shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of \_\_\_\_\_ and the Commission, and such other privileges and immunities as may be decided.

2.11 The Commission shall sit as a body to hear grievances from staff members ~~and the Executive Secretary~~ regarding human resource related matters, where other less formal attempts at resolution have not met with success. For staff members' grievances, the Commission may instruct the Executive Secretary to undertake other actions where the commission deems that a grievance hearing is not appropriate. The Commission's decision is final and not subject to appeal.

**REGULATION 3  
HOURS OF WORK**

3.1 The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week.

3.2 The Executive Secretary shall establish the working hours and may, in consultation with staff members, alter them for the benefit of the Commission as circumstances may require.

**REGULATION 4  
CLASSIFICATION OF STAFF**

4.1 Staff members shall be classified in either of the two following categories:

- (a) Professional Category (Positions of high responsibility of a managerial, professional, or scientific nature)  
These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Staff members in this category will be recruited internationally.
- (b) General Services Category (Auxiliary administrative and technical positions. Clerical, secretarial and other

Pending final review

office personnel)

Such staff shall be recruited from among citizens of Members of the Commission, taking into account potential benefits that may occur from hiring staff locally.

4.2 Persons employed under Regulation 11 shall not be classified as staff members.

## **REGULATION 5**

### **SALARIES AND OTHER REMUNERATION**

5.1 The scale of salaries for staff members in the professional category shall be established by the Commission, taking into account the scales of salaries which would apply to officials of the United Nations Secretariat employed in \_\_\_\_\_ as well as the salaries of government officials working in \_\_\_\_\_. Such salaries shall be paid in \_\_\_\_\_

5.2 Staff members in the general services category shall, in principle, be paid at rates equivalent to those paid in \_\_\_\_\_ for staff of equivalent qualifications and experience.

5.2 bis Performance reviews shall be completed for all staff members by the Executive Secretary on an annual basis. A summary of the performance reviews will be provided to the Commission annually. The annual performance review of the Executive Secretary shall be completed by the Commission.

5.3 The salaries of staff members shall be reviewed annually by the Commission taking into account the cost of living in the host country and the performance of each staff member concerned, based on an annual performance review.

5.4 ~~The Executive Secretary and any staff~~ Staff members of the Commission subject to national income tax shall be eligible for reimbursement of the tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the staff member's home country.

Pending final review

5.5 Staff members in the professional category are not entitled to overtime pay or compensatory leave.

5.11 Staff members in the general services category required by the Executive Secretary to work more than 40 hours during one week will be compensated. The method of compensation will be determined by the Executive Secretary in consultation with the staff member and shall include one of the following options:

- (a) with compensatory leave equivalent to hours of overtime performed; or
- (b) by remuneration per overtime hour, to be estimated at the rate of time and a half, or if the additional time is worked on a Sunday, or on holidays listed in Regulation 7.8, at the rate of double time.

~~Any overtime work shall be authorized in advance by the Executive Secretary~~

5.12 The Commission shall pay duly justified and authorized representation expenses incurred by the Executive Secretary in the performance of his or her duties within the limits prescribed annually in the Budget.

**REGULATION 6**  
**RECRUITMENT AND APPOINTMENT**

6.1 In accordance with Article 5.9 of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (hereinafter called the "Convention"), the Commission shall appoint the Executive Secretary and shall establish his or her remuneration and such other entitlements as it deems appropriate.

6.2 In accordance with Rule 5.2 and 5.4 of the Rules of Procedure of the Commission, the Executive Secretary shall appoint, direct, and supervise staff. The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity.

6.4 Offers of appointment to the Secretariat may require the persons selected to undergo a medical examination and present a certificate stating that they have no medical condition that might prevent them from

Pending final review

performing their duties.

6.5 Upon selection, each prospective staff member shall receive an offer of appointment stating:

- (a) that the appointment is subject to the staff regulations applicable to the category of appointment in question, and to changes which may be duly made in such regulations from time to time;
- (b) the nature of the appointment;
- (c) the date on which the staff member is required to commence duty;
- (d) the period of appointment, the notice required to terminate it and the period of probation;
- (e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
- (f) any special terms and conditions which may be applicable.

6.6 Together with the offer of appointment, staff members shall be provided with a copy of these Regulations. Upon acceptance of the offer staff members shall state in writing that they are familiar with and accept the conditions set out in these Regulations.

## **REGULATION 7**

### **LEAVE**

7.1 Staff members shall be entitled to annual leave at the rate of two and half workdays for each full month of service. Annual leave is cumulative, but at the end of each calendar year, not more than 30 workdays may be carried over to the following year.

7.2 The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal circumstances, needs and preferences of staff members.

7.3 Annual leave may be taken in one or more periods. The total amount of annual leave taken in any



calendar year shall not be longer than 45 days under any circumstances.

7.4 Any absence not approved within the terms of these Regulations shall be deducted from annual leave.

7.5 Staff members who, upon termination of their appointment, have accumulated annual leave that has not been taken shall receive the cash equivalent estimated on the basis of the last salary received.

**Following Section on Sick Leave, Bereavement Leave and Family Leave moved from Regulation 8.**

8.1 bis. Staff members shall be entitled to sick leave at the rate of one and one quarter days for each full month for service. Sick leave is cumulative and may be accrued without limit. Accrued sick leave is not subject to payment upon termination or separation from employment.

8.2 Staff members shall not be granted sick leave for a period of more than 3 consecutive days without producing a medical certificate.

8.3 Staff members shall be granted certified sick leave not exceeding 12 months in any 4 consecutive years. The first 6 months shall be on full salary and the second 6 months on half salary, except that no more than 4 months on full salary shall normally be granted in any period of 12 consecutive months

**8.3 bis Sick leave may also be used to care for a staff member's spouse, child or parent with a serious health condition.**

8.4 Staff members shall be entitled up to twelve weeks of family leave per calendar year for (a) the birth of a child and to care for the newborn child within one year of birth; or (b) the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement. ~~[(c) to care for the employee's spouse, child, or parent who has a serious health condition.]~~  
During this period staff members shall receive full pay.

Pending final review

Pending final review

8.5 Staff members shall be entitled to bereavement leave of up to five days upon the death of an immediate family member and up to three days for a relative other than an immediate family member. Reasonable travel time to and from destination will not be counted under these limits.

7.6 After 18 months of service the Commission shall, in accordance with Regulations 9.3 and 9.4, pay travel expenses to the staff member's home country on annual leave for internationally recruited staff members and their dependents. Following this, home leave shall be granted at two-year intervals provided that:

(a) dependents who benefit from this Commission grant have resided at \_\_\_\_\_ for at least 6 months prior to travel;

(b) it is expected that staff members will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months.

7.7 The possibility of combining travel to home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.

7.8 Staff members shall be entitled to the statutory holidays in \_\_\_\_\_, i.e.:

(list of holidays), and other holidays that may be designated by the Government of \_\_\_\_\_ from time to time, such as for national elections and other special circumstances.

7.9 If under special circumstances ~~members of the staff~~ staff members are required to work on one of the aforementioned days the holiday shall be observed on another day to be set by the Executive Secretary, who shall take into account the needs of the Commission.

**REGULATION 8**  
**SOCIAL SECURITY**

8.1 It is a condition of employment that each staff member will contribute to a recognized retirement fund and have adequate medical, hospital, life and disability insurance cover to the satisfaction of the Executive Secretary. Such insurance cover shall include adequate provision for dependents. The Commission shall

Pending final review

pay two-thirds of the total contribution to the retirement fund and of the insurance premiums, up to the maximum percentage applying in the United Nations Secretariat from time to time of the total of the staff member's salary. Such payment shall be by way of reimbursement upon the production of receipts, or shall be paid direct together with the employee's contribution.

*Previous 8.1 bis to 8.5 moved to Regulation 7 (Leave)*

8.6 In the event of death of a staff member following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves dependents, in which case these shall be entitled to mortality allowances and return travel and removal expenses to country of origin or former residence at the expense of the Commission.

8.7 Eligibility of the dependents of a deceased staff member for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the staff member's death. The Executive Secretary may extend this period in the case of special circumstances: e.g., to allow a dependent child to finish a school term.

8.8 The above mortality allowance for death shall be calculated in accordance with the following scale:

Years of Service	Months of Net Base Pay Salary Following Death
Less than 3 years	3 months
3 years and more, but less than 7 years	4 months
7 years and more, but less than 9 years	5 months
9 years and more	6 months

8.9 The Commission shall pay for shipment of the staff member's remains and personal effects from the place of death to the place designated by the spouse, next of kin, or other individual(s) designated by the staff member.

Pending final review

## REGULATION 9

### TRAVEL

9.1 All official travel shall be authorized by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfillment of duties assigned.

9.2 With regard to official travel, a travel allowance, generally consistent with United Nations practice, may be paid in advance for fares and daily living expenses. However, charges for hotel accommodations shall be paid based on charges actually incurred.

9.2 bis. Official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost.

9.3 Whenever feasible, economy class travel shall be used for ~~all travel~~air travel and for travel by sea. ~~First class travel may be utilized for land travel (e.g., bus or train)~~ First

Pending final review

9.5 Following completion of a duty journey, staff members shall repay any travel allowances to which, in the event, they were not entitled. Where staff members have incurred expenses above and beyond those for which travel allowances have been paid, they shall be reimbursed, against receipts and vouchers, as long as such expenses were necessarily incurred in pursuit of their official duties.

9.6 On taking up an appointment in the Professional Category staff members shall be eligible for:

- (a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouses and dependents from their place of residence to \_\_\_\_\_;
- (b) an Installation Grant calculated on the basis of the prevailing United Nations rate;
- (c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to \_\_\_\_\_, subject to a maximum volume of 30 cubic meters or one international standard shipping container,
- (d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in

transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.

9.7 Staff members who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorization of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with that available to members of the Government Service in \_\_\_\_\_. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

**REGULATION 10**  
**SEPARATION FROM SERVICE**

10.1 Staff members may resign at any time upon giving three months' notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.

10.3 The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the ~~Organization Commission~~ or of any of its constituent bodies, or if the ~~Organization Commission~~ would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in the rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action (e.g. suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one (1) month in advance subject to the prior notification of the Chair of the Commission.

10.4 In the event of involuntary separation from service with the Secretariat, staff members shall be compensated at a rate of ~~one month~~two weeks base pay for each year of service, beginning the second year, unless the cause of termination has been gross dereliction of duties imposed in Regulation 2.

Pending final review

Pending final review

10.5 On separation from service, a staff member shall, subject to Regulation 10.6 below, be entitled to the following:

- (a) payment of economy class air fares (or equivalent) to the staff member's country of origin or former residence, for the staff member and dependent members of his or her family;
- (b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in \_\_\_\_\_ to the country of origin or former residence, subject to a maximum volume of 30 cubic meters or one international shipping container;
- (c) a repatriation allowance generally consistent with United Nations' practice.

10.6 At the discretion of the Executive Secretary, the right to the repatriation expenses provided for in Regulation 10.5 may be cancelled or reduced appropriately if:

- (a) the staff member fails to provide the three months advance notice as specified in paragraph 10.1;
- (a, bis) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
- (b) the reason for separation from service was termination of employment due to gross dereliction of duty;
- (c) more than six months has elapsed between the staff member's separation from service and his or her return to his or her country of origin or former residence;
- (d) less than six months has elapsed since the staff member last visited his or her country of origin or former residence on home leave at the expense of the Commission; or
- (e) the staff member has applied for or received status as a permanent resident of \_\_\_\_\_.

10.7 In the case of serious misconduct by a staff member that threatens the ~~organization's~~ Commission's operations or the reputation of the Commission or its members (for example, a criminal offense such as theft, intentional breach of confidentiality etc.), appointment of the staff member may be terminated without prior warning.

**REGULATION 11**  
**TEMPORARY PERSONNEL UNDER CONTRACT**

Pending final review

11.1 The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.

11.2 Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in \_\_\_\_\_ shall be utilized in such cases.

## **REGULATION 12**

### **APPLICATION AND AMENDMENT OF REGULATIONS**

12.1 Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary in consultation with the Members of the Commission.

12.1 bis Situations involving the Executive Secretary shall resolved by the Chair in consultation with Members of the Commission

12.2 Matters not foreseen in these Staff Regulations that materially affect the operation of the Secretariat or the working conditions of the staff shall be brought to the attention of the Commission by the Executive Secretary.

12.3 Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

## North Pacific Fisheries Commission Grievance Procedure

The NPFC ~~Rules of Procedure~~Staff Regulations, ~~Regulation Rule X2.11~~, provides a procedure for grievances. This section defines the procedures regarding the implementation of ~~Regulation 2.11~~Rule X. The rule reads as follows\*:

### **Regulation ULE X2.11**\*

*The Commission shall sit as a body to hear grievances from staff members ~~and the Executive Secretary~~ regarding human resource-related matters, where other less formal attempts at resolution have not met with success. For staff members' grievances, the Commission may instruct the Executive Secretary to undertake other actions where the Commission deems that a grievance hearing is not appropriate. The Commission's decision is final and not subject to appeal.*

*\*Please note that some editorial changes have been made to this rule by Canada.*

### **Protections**

~~Employees (s~~Staff members and the Executive Secretary), hereinafter referred to as "staff members," have the right to use and/or participate in this procedure free from threats or acts of retaliation, discrimination or reprisal.

### **Policy and Philosophy**

The prevailing policy is that employee grievances will be resolved promptly and at the lowest possible level. Observance of this policy will enhance productivity and promote the well-being of the work force. ~~The Executive Secretary and s~~Staff members will make best efforts to achieve informal settlement of grievances.

### **Grievable Issues**

The following issues are examples of matters that are eligible for this process. This list is not exhaustive:

- Dismissal or suspension without pay;
- Staffing actions;
- ~~Denial of pay increase based on performance assessment;~~
- Allegation of discrimination; and/or
- Allegation of harassment.

### **Timelines and Process**

Prior to invoking ~~Rule X~~Regulation 2.11 of the NPFC ~~Rules of Procedure~~Staff Regulations, the ~~staff member~~employee must follow the steps below:

1. Specific staffing and human resource-related grievances must be presented within 15 days of the date of that act of occurrence or the date the employee first became aware of it. Grievances related to alleged discrimination and harassment should be brought forward as soon as possible.



†.

2. A staff member must first present a grievance in writing to the Executive Secretary, ~~except in cases, and at the grievant's discretion, where the grievance is to contest the staff member's termination of employment, or involves allegations of discrimination or harassment. In such cases, the grievant may submit the grievance in writing to the Commission (for discussion could be Heads of Delegation, Chairperson, Vice Chair, etc.), who has the authority to resolve the grievance.~~
3. Any grievances emanating from the Executive Secretary would be provided in writing to the Commission (see steps 6-8 below).
4. The Executive Secretary will give full consideration to the issue(s) and the remedy requested and conduct such inquiry as warranted by the circumstances. The Executive Secretary will make a substantive effort to resolve the problem informally and will provide the employee staff member a written answer within 15 days of receipt of the grievance.

4-bis. If the grievance is not resolved to the satisfaction of the grievant by the Executive Secretary, the grievant may submit the grievance in writing to the Chair, who in consultation with the Vice Chair, has the authority to resolve it. The Chair will provide a written response to the grievant within 15 days of receipt of the grievance.

5. If the grievance is not resolved to the satisfaction of the grievant by the Chair at this stage, the grievant may submit the grievance in writing to ~~the Commission~~ the Heads of Delegation, who has yes the authority to resolve it.
6. ~~For~~ If submitted to the Commission ~~the Heads of Delegation~~, the grievance will be sent by the Chair and must:
  - a. be in writing;
  - b. contain sufficient detail to identify and clarify the basis for the grievance;
  - c. if appropriate, specify the remedy requested by the grievant;
  - d. include a copy of the Executive Secretary and Chair's reply; and,
  - e. be filed, in writing, within 15 days of receipt of the ~~Executive Secretary~~ Chair's decision.
7. The ~~Commission~~ Heads of Delegation should decide upon a process to be used to consider the grievance (for additional detail regarding a process to be used, see Annex A). In the case where the grievant, the Executive Secretary or others are asked to participate in the hearing, reasonable notice should be provided. Parties to the grievance may be accompanied by their legal counsel in any hearing.
8. The Commission will render its decision within 90 days after receiving the grievance from the Chair and it will constitute a final decision on the grievance. Actions of the Commission are not subject to appeal. In the event that further actions are deemed necessary to resolve the grievance, the Commission will instruct the Executive Secretary to undertake those actions.

8 bis. In the case of termination of employment, the grievant should present the grievance to the Chair, who in consultation with the Vice Chair will provide a ruling within 30 days. The Chair's decision will be considered final unless the grievant is not satisfied with the ruling, in which case the grievance will be sent to Heads of Delegation, who will have 60 days to render a decision.

9. A grievance will be cancelled:

- At the employee's written request;
- When the grievant's employment terminates unless the remedy sought can be granted after termination of his/her employment;
- For failure to follow the grievance procedure and/or requests from the Commission (e.g. to discuss the grievance in person).

When a grievance is cancelled, all parties must be notified promptly and in writing and given the reason(s) for the cancellation.

## Consideration of Grievances by the Commission

### Collection of Relevant Background Information

The Commission should have access to and read all the relevant background documents including, but not limited to the following:

- Contract of the ~~staff member~~employee that specifies terms of employment and review, in particular, clauses relevant to termination;
- Staff regulations with regard to termination and performance management clauses;
- Labour laws of relevance;
- If relevant, legal advice already provided regarding this grievance;
- Performance Management related documents such as performance reviews, any written warnings or reports of discussions related to performance etc;
- Formal grievance documents; and
- A clear understanding of the remedy sought and any alternatives to that remedy.

A process should be decided upon and agreed to by the Commission for addressing the grievance. This should be done on a case by case basis. Four options are presented for consideration only based on generally accepted practices for management of grievances. There is nothing that would bind the Commission to using one of these options. Options should consider cost effectiveness including use of teleconferences and/or video conferences as practicable.

1. Schedule a grievance hearing with the ~~employee-staff member~~ (with or without his or her legal counsel) followed by a hearing with the Executive Secretary (with or without his or her legal counsel) after which the ~~Commission~~Heads of Delegation should render a decision;
2. Hire an independent reviewer or mediator to meet with the ~~employee-staff member~~ and Executive Secretary and provide their impartial advice to Heads of Delegation ~~Commissioners~~ who can render a decision or consider this information in conjunction with information gleaned from interviews of the ~~employee-staff member~~ and the manager;
3. Engage an HR specialist (with experience in labour relations) to review the file, interview the employee and Executive Secretary and provide their impartial advice to ~~Commissioner~~Heads of Delegation who can render a decision or consider this information in conjunction with information gleaned from interviews of the ~~staff member~~employee and Executive Secretarymanager; ~~(Of note: this type of approach was used previously at IPHC);~~ and
4. Deliberate on this issue without additional input from the grievant or Executive Secretary or others, relying on written information and submissions.

The Commission should deliberate privately (“in-camera”) to ensure that neither the staff member nor Executive Secretary is present to avoid perceptions of bias and promote discussion of the matter. Consensus is desirable.

**Draft Commission Budget**

Items	Year 1	Year 2	Supplementary explanation
	Cost(US\$)	Cost(US\$)	
<b>1. Personnel costs</b>			
1.1 Executive Secretary	150,093	153,094	Range is \$129,047 - \$150,093, based on D1 level in UN Salary Scale. Includes 2% increase between Year 1 and Year 2
1.2 Professional Category Position 1	117,178	119,521	Range is \$87,993 - \$117,178, based on P4 level in UN Salary Scale. Includes 2% increase between Year 1 and Year 2
1.3 Professional Category Position 2	117,178	119,521	Range is \$87,993 - \$117,178, based on P4 level in UN Salary Scale. Includes 2% increase between Year 1 and Year 2
1.4 General Services Category (32 HR/Week)	33,226	33,890	Includes 2% increase between Year 1 and Year 2 Expenditure based on NPAFC
1.5 Temp Services	5,000	5,000	
1.6 Social Security + Insurance	93,000	93,000	Group Pension, group medical insurance, group long term disability, employment insurance, etc. Expenditure based on NPAFC benefits.
1.7 Pension Costs			
1.8 Overtime	5,000	5,000	Professional Staff are not eligible to receive overtime pay. Expenditure based on NPAFC case for General Staff only.
1.9 (a) Staff Allowances - Home leave	0	20,000	Estimated cost for 3 professional staff, spouse and dependents after 18 months of employment, according to 7.6 in Draft Staff Regulations.
1.9 (b) Staff Allowances - Relocation	100,000	0	Estimated cost for 3 professional staff, spouse and dependents and belongings, according to 9.6 in Draft Staff Regulations.
1.9 (c) Staff Allowances - Repatriation	0	25,000	Estimated cost for possible repatriation for 1 professional staff, spouse and dependents and belongings, according to 10.5 in Draft Staff Regulations.
1.10 Professional Development / Training	8,000	5,000	
1.11 Separation Allowances	0	3,000	Based on 2 weeks salary / year worked. Consists of accrued annual leave, etc, according to 10.4 in Draft Staff Regulations.
<b>2. Other service costs</b>			
2.1 Office equipment + Furniture	150,000	0	Estimate based on some independent research of office set up costs
2.2 Office supplies	30,000	15,000	
2.3 Rentals			Amount is dependent on decision to rent or purchase
2.4 Communications	24,000	24,000	Includes estimated costs for initial website buildout and monthly web hosting costs. Also includes costs of telephone, fax, internet, postage and courier services.
2.5 Printing	4,000	4,000	Expenditure based on NPAFC
2.6 Duty travel	40,000	10,000	
2.7 Auditing	5,000	5,000	
2.8 Database management*	40,000	30,000	MCS costs could include VMS and Observer Program *Requires further discussion and decision in Plenary
2.9 MCS costs*			
2.10 Meeting costs	30,000	15,000	Based on average meeting costs for hosting previously held NPFC meetings. Includes costs for holding both Commission meeting and associated Subsidiary Body meetings. Expected to meet every 2 years, according to Article 5.3 of the Convention.
2.11 Science Support	0	0	
2.12 Staff recruitment + hiring	22,000	0	Based on estimated costs associated with flying candidates for 3 professional positions to interview location.
2.13 Working Capital Fund	150,000	150,000	Will reduce in future years after Working Capital Fund is built up, according to Regulation 22 of the Draft Financial Regulations.
2.14 Miscellaneous	30,000	30,000	
<b>TOTAL</b>	<b>1,153,675</b>	<b>865,026</b>	

NOTE: Any contribution by Host Government will be used to offset budget costs

### **Summary of discussion held by small working group on science priorities for the NPFC**

The working group identified the following priorities, ranked in order of importance, for the Science Working Group to help focus its work:

#### 1) Stock Assessments

- The SWG should identify priority species for which to conduct stock assessments. While there appeared to be some agreement that priority species would include (including for commercial reasons) some combination of armorhead, splendid alfonsin, Pacific saury and squid, it was suggested that the SWG establish criteria on which to prioritize stock assessments. This would include, among other things, establishing some baseline assessments of the status of the stocks in the Convention Area.
- The SWG should consider developing risk-based assessment models for priority stocks, depending on their respective biology, to help inform decisions on conservation and management measures, including TACs.

#### 2) Ecosystem-based approach

- The previous assignment on Encounter Protocols for bottom fisheries on VMEs was reaffirmed as a priority.
- Additional work in relation to Vulnerable Marine Ecosystems should be left to the SWG to identify.

#### 3) Data standards

- The SWG should review data standards related to stock assessments and other relevant data (see below for further information on this item).

With respect to data standards for the Commission, and which areas of these standards should be the focus of the SWG, the working group agreed to the following:

#### 1) Stock Assessments

- In addition to the related item above, the SWG should review existing NPFC data standards in relation to stock assessments (contained in the Annual Report template) and determine if any modifications to these standards are needed in the short-term and/or longer term. If so, the SWG should develop those standards for recommendation to the Commission.

|

## 2) Vulnerable Marine Ecosystems

- The SWG should review existing NPFC standards on VME data collection, including guidelines set forth in the Interim Measures, and determine if any modifications to these standards are needed in the short-term and/or longer term.

## 3) Vessel Monitoring Systems

- While these standards would need to be examined and developed by the Technical and Compliance Committee in particular, the SWG should review these standards as well to the extent that VMS is important in monitoring/verifying fishing activity and associated catch levels.

## **Report on participation of the observer from the NPFC at the 20<sup>th</sup> Annual Meeting of the NPAFC (North Pacific Anadromous Fish Commission)**

Russian Federation provided the observer from NPFC, who participated in the 20<sup>th</sup> Annual Meeting of the NPAFC during 7-12 October, 2012, in St. Peterburg (Russia)

### ***1. About NPAFC***

**Established** under the Convention for the Conservation of Anadromous Fish Stocks in the North Pacific Ocean

**Signed** on February 11, 1992

**Entered into force** on February 16, 1993

**Contracting Parties**: Canada, Japan, Republic of Korea, Russian Federation, US

**Primary Objective**: promote conservation of anadromous fish stocks in the Convention Area

**Seven salmon species**: Chum, coho, pink, sockeye, Chinook, masou and steelhead

**Convention Area**: the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude beyond 200-miles zones of the coastal States

### ***2. Annual NPAFC Meetings***

Regular meetings of the Commission are held on the annual and rotation basis, each member state taking turn every 5 years. Commission meets every year usually in the early October, at the termination of major salmon fishery in the North Pacific Ocean.

For example, the 19<sup>th</sup> NPAFC Annual Meeting was held in Nanaimo, Canada. The 20<sup>th</sup> NPAFC Annual Meeting was held in St. Petersburg, Russian Federation. Prior to that, Russia held the 15<sup>th</sup> Annual Meeting in Vladivostok, the largest sea port in the Eastern Russia.

Since 2014, NPAFC Annual Meetings will be held in spring to strengthen planning and coordination of current activities between Parties.

### ***3. 20<sup>th</sup> NPAFC Annual Meeting***

The official observer from the NPFC was provided by Russia. The observer was permitted to be present during Plenary meetings.

There are two Plenaries: one at the beginning of the session, and another one at the end of the session, before closing of the meeting.

The structure of the meeting has been worked out during previous meetings, and was as follows:

- 1) ***First Plenary*** to distribute commitments according to the agenda of the meeting



(Procedural matters: at Annual NPAFC meetings, Plenary sessions are going to be open for public; committee meetings are going to be open for observers, except for closed meetings.

Report of the Executive Director on the inter-sessional one-year work of the Commission, financial issues)

2) Working of the standing *Committees*:

ENFO – Committee on Enforcement (one working group on Enforcement Procedures)

CSRS – Committee on Scientific Research and Statistics (includes 5 working groups and a science sub-committee)

F&A – Committee on Finance and Administration (one working group on *ad hoc* External Funding)

3) *Second Plenary* to consider decisions of each of three committees

(Commission considered and adopted reports from the standing committees:

ENFO: information on surveillance of the convention area using patrol aircrafts (Canada, Japan, USA), patrol vessels (USA, Russia) (Korea is not conducting surveillance operations in the high seas, but checks on high seas catches by inspecting vessels in fish ports) (issue on the list of vessels conducting IUU fishery in the high seas is being developed, and NPAFC will coordinate this list with NPFC).

CSRS: highlighted issues on high salmon catches in recent years and high releases of juvenile fish from salmon hatcheries (Russia, Japan, USA); 54 documents were submitted by member-countries and Secretariat altogether (Canada – 15, Japan – 10, Korea – 5, Russia – 8; USA – 13, Secretariat – 2, group on statistics – 1); plan for science symposia for 2013-2015; compilation of bibliography of scientific publications on Pacific salmon by scientists from member-countries; coordination of science plans using research vessels (BASIS Program); cooperation with PICES; working groups and science sub-committee submitted their reports and these were adopted.

F&A: provided recommendations on adopting 2012-2013 Commission budget, and suggested for further consideration 2013-2014 and 2014-2015 Commission budgets; considered CSRS application for funding scientific activity on international science programs.)

(Commission recommended election of a new Executive Director of NPAFC).

(Commission presented NPAFC Awards for the first time).

(Secretariat informed that the next, 21<sup>st</sup> Annual Meeting will be in virtual format in November 2013, and considered suggestion for the 22<sup>nd</sup> Annual Meeting to be held in a regular format in May 12-16, 2014).

**Additional information on CSRS structure and function**

CSRS works during four days

1. WG on Stock Assessment (established in 1995 to coordinate statistics and data analysis for assessment of status of salmon stocks)
2. WG on Salmon Marking (established in 1998 on *ad hoc* basis and changed to a full WG in 1999; objective – to exchange otolith mark plans, to manage otolith library and database)
3. WG on Stock Identification (established in 1999 on *ad hoc* basis and changed to a full WG in 2011: to develop, standardize and disseminate genetic and other databases among Parties)
4. BASIS (Bering-Aleutian Salmon International Survey) WG (established in 2001: to coordinate individual national BASIS research plans, conduct surveys, summarize results from the surveys)
5. WG on Salmon Tagging (established in 2007 to manage INPFC-NPAFC salmon tagging and recovery database and coordinate high seas tagging experiments)

Each country produces a national Report and submits it to CSRS, and in the end of the meeting, a common Report is produced to be further considered at the Second Plenary.

Each sub-committee and WG works one after another, so that each person is able to participate in all CSRS meetings.