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NEWFOUNDLAND AND LABRADOR REGION DOCKSIDE MONITORING PROGRAM ROLES AND RESPONSIBILITIES



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Forward

The Department of Fisheries and Oceans (DFO), Conservation and Protection (C&P) Division has responsibility for administration of the Dockside Monitoring Program (DMP) in the region. Although there is mention of roles under provincial jurisdiction, it is done for clarification purposes only.

This document outlines the requirements of stakeholders for which DFO has legislative responsibility.

To attain and maintain designation as a Dockside Monitoring Company (DMC), companies are required to abide by the following: applicable legislation, Atlantic Policies and Procedures, Newfoundland and Labrador Region Roles and Responsibilities: other requirements (e.g. new protocols), which may from time to time be deemed necessary for program administration.

A) Roles and Responsibilities of Fishers:

Fishers shall comply with Dockside Monitoring Program license conditions and regulations requiring assistance to observers.

B) Roles and Responsibilities - Provincial Jurisdiction:

In areas of provincial jurisdiction DFO shall enter into an agreement with the appropriate authority to provide criteria to be included as “DMP License Conditions” for processors/buyers of fish. Those conditions should as a minimum, include the following:

1. Comply with license requirements.
2. Visual continuity of fish from vessel to scales.
3. Ensure the Dockside Observer has access to weights of fish recorded by processor/buyer.
4. Conduct ice sampling in accordance with DFO approved protocols and provide results to the Dockside Observer.
5. Ensure that where required, DFO-approved protocols in place for monitoring the weight of catch are followed in the offloading process.



C) Roles and Responsibilities of the Dockside Monitoring Company (DMC)

1. Designate sufficient trained Office and field staff and implement/maintain an infrastructure to meet the reasonable requests of fishers and DFO. DMC's must take into account the turnover rate in the program to ensure personnel are available for deployment.
2. When a DMC conducts the training of personnel, an independent DFO-approved examiner shall administer a DFO-approved exam. The DMC and DFO shall liaise to develop a minimum of 3 versions of an exam, containing information from the current training manual. DFO will provide a copy of the exam to the independent examiner for testing.
3. Ensure all company staff abides by a "Code of Conduct" as outlined in the company's Quality System Manual.
4. A DMC shall ensure Dockside Observers maintain eligibility for the position. The DMC must notify DFO immediately of any change in the Observer's qualifications impacting on eligibility for the position.
5. The DMC is responsible for the discipline of its employees that do not adhere to the *Duties of a Dockside Observer*. In disciplining its employees, the DMC must ensure the integrity of the Dockside Monitoring Program is maintained. The DMC will notify DFO as soon as possible of action that has been taken.
6. The DMC shall not deploy for monitoring duties, any Dockside Observer who is alleged to have committed a moderate or major breach of duties, pending the outcome of an investigation into the allegations.
7. Where the designation of a Dockside Observer has been revoked, the DMC shall notify the Dockside Observer. The DMC shall retrieve the Certificate of designation from the employee and return it to DFO.
8. As specified in the fisher's license, the DMC shall receive all hail-in and or hail-out information for a fishing vessel voyage. This information shall be retained by the DMC in a manner that will allow for the retrieval of all hail information for a particular fisher.
9. Current hail report information on a particular landing/departure of a fisher shall be provided to DFO upon request. This information can be made accessible to DFO through an automated system.
10. Requests by DFO for in-year or previous-year hail report information for one or more fishers shall be provided in a timeframe and manner that is agreeable to DFO and the DMC.



11. Deployment of observers to monitor offloading is the responsibility of the DMC. The DMC will not authorize processors, buyers, fishers, or parties not operating at arm's length of the fishing industry, to contact observers for deployment.
12. Monitoring levels for non-100% monitoring ports shall be determined by DFO in consultation with a DMC.
13. Issue an offloading confirmation number to a fisher, if required by the Integrated Management Plan and/or license conditions.
14. DMC's should deploy Dockside Observers to the Fish Landing Station (FLS) on a rotational basis.
15. Submit Dockside Monitoring information in the format and timeframe required by DFO. DFO and the DMC shall consult prior to implementation of changes to format and delivery of information.
16. Maintain all information collected from each fisher. At a minimum, the following information must be maintained: Hail Reports, Weigh-off Tallies and Summaries, Incident Reports. In addition, the DMC shall retain other relevant documents used by the Dockside Monitoring Program, which may, from time to time, be generated.
17. Provide DMP-related information to DFO during business hours upon request. Where the requested information is not available in electronic format, and depending on the volume of information requested, files will normally be made available within one working day or within a timeframe agreed to by the DMC and DFO.
18. Document and forward written incident reports to appropriate DFO contact, as soon as possible, but no later than within 24 hours of reception of the information by the DMC.
19. DFO and DMC concerns regarding DMP shall be addressed on an ongoing basis. Unless an alternate time period is agreed upon, each party when requested will normally provide feedback to the other within one week.
20. On an annual basis, DFO and the DMC shall review the DMC's training program. During review it may be deemed necessary to add new training modules or amend aspects of the training program due to changes in DFO policy, management plans or license conditions.



21. Supply each Dockside Observer with the following:
 - Dockside Observer Duties
 - List of DFO contacts
 - List of Potential Incidents
 - DMP Protocols for calculating the weight of fish
 - Other DMP protocols and directives
 - Code of Conduct
22. The DMC shall maintain deployment records for ports having less than 100% monitoring, to show deployment levels are met. The DMC should work towards having these records maintained in a database, however the information can be made available to DFO in hard copy, upon request.
23. To maintain designation a DMC must comply with protocols and directives implemented by DFO to manage the Dockside Monitoring Program. Failure to comply could result in revoking the designation of the DMC.
24. All forms generated by a DMC must have sequential serial numbers. This will ensure proper tracking, and improve the integrity and accountability of the program.
25. A DMC shall notify DFO and seek to remedy a situation where an employee is not operating at arm's length from the fishing industry. If it is determined that the arm's length issues can not be resolved to meet the criteria, DFO shall request that the RDG revoke designation of the individual.
26. Prior to renewal, the DMC shall ensure all Dockside Observer designation requirements are met. Upon application for renewal of designation, the DMC shall attest that the Dockside Observer remains qualified in all respects for observer designation.
27. A DMC shall conduct ongoing evaluation of its Dockside Observers. Where required, a Dockside Observer shall receive refresher training.
28. Participate on a DMP consultation committee.

D) Duties of a Dockside Observer

PRE-OFFLOADING

1. Carry the Certificate of Designation when conducting duties of a Dockside Observer.



2. Ensure you are at the Fish Landing Station at least 15 minutes prior to scheduled offloading time.
3. Observers must not monitor an offloading unless fish is offloaded and weighed at a recognized fish landing station government wharf, or fish-buying company wharf. Dockside monitoring at a fisher's private wharf is not permitted. In situations where there is no buyer, someone other than the fisher must weigh catch.
4. Follow only the instructions of your employer when involved in the monitoring process.
5. Identify yourself to the master of the vessel and request permission to come aboard.
6. Record all information in clear "PRINT" format only, except in cases where a signature is required.
7. Determine if there is a buddy-up/pooling arrangement in place where two fishers have catch on the same vessel.
8. In buddy-up/pooling arrangements there must be two logbooks. Sign the fishing logbook only if it is completed and signed by the fisher. DOs may, when required to do so by DFO, retrieve and retain the DFO copy of the documents.

**DO NOT RECORD ANY INFORMATION IN THE FISHING LOGBOOK,
OTHER THAN YOUR SIGNATURE, DATE AND TIME**

9. Record gear type, logbook weight by species, product type, and management area on the Weigh-out & Tally Sheet. Observer must record the side number displayed on the vessel. Do not record the side number from the logbook. The observer shall record other information that may from time to time be required by DFO.
10. Ensure DFO-approved offloading protocols and/or directives (where required) are being followed. If you are unable to verify compliance with the offloading protocols and/or directives, you are not permitted to monitor the offloading. Contact the employer immediately.
11. The Dockside Observer shall only record weight of fish from scales that have been certified for use in trade (Weights and Measures Act and regulations).



12. Prior to offloading you must establish that the captain will provide a safe method of entry into the hold. If there is no safe means to check the hold you are not permitted to monitor the offloading. Contact the DMC and or DFO immediately.

OFFLOADING

1. Ensure the method of offloading for the species has been approved by DFO, for example, dip method (herring, capelin & mackerel), or direct weighing.
2. Unless a DFO-approved protocol is in place, the Dockside Observer shall monitor the offloading of one vessel.
3. Check species/product type offloaded against logbook information. Incident reports will be submitted as appropriate for discrepancies.
4. Where required by a condition of license, once an offloading begins, all fish must be offloaded and weighed, including fish kept for personal use, unless DFO has authorized alternate arrangements. If the fisher fails to offload all catch during the offloading process, the observer will submit an incident report to the DMC.
5. Ensure unobstructed line-of-sight at all times between the vessel being offloaded and the scales. If at any time the line of sight is obstructed, the observer is not permitted to continue monitoring the offloading. The DMC must be notified immediately.
6. Personally verify and record weigh-out information.
7. Ensure separate entries are made on the Tally Sheet for each fisher in a buddy-up/pooling arrangement.
8. Ensure DFO-approved sampling protocols are adhered to at all times.
9. Where applicable, ensure the Fish Landing Station Protocol or site plan is adhered to at all times.
10. Do not unnecessarily delay, or otherwise interfere, with a vessel's offloading. If the offloading process is not carried out in accordance with DMP requirements, inform the license holder or designate that you are not permitted to continue the monitoring process. If the license holder or designate is not available, inform the individual in charge of the weighout. The DMC must be notified immediately.

POST-OFFLOADING

1. Conduct a thorough check of the fish holds and containers on deck to ensure all fish has been offloaded. If there is any catch left in the hold the observer must inform the license holder or designate that it must be offloaded and verified. Submit an Incident Report.
2. All offloading documentation must be accurate, complete, and submitted to the DMC in a timely manner.
3. Provide Fishery Officers with any information relating to catch monitoring that may be requested.
4. Where required, complete and submit an incident report as soon as possible, (at most, within 24 hours) when a problem is suspected or detected.

INCIDENT REPORTS

1. All information shall be written in a notebook at the time of the incident to ensure accurate information is recorded and reported. This will ensure consistency and serve as notes in the event of court action. Complete and submit a separate report for each incident.
2. All Incident Reports shall contain the following information in print format:
 - i) Date landed
 - ii) Vessel Name and CFV number
 - iii) Port of Landing
 - iv) Name of Observer
 - v) Name of license holder or designate
 - vi) Name of buyer
 - vii) Species fished (as recorded in fishing logbook)
 - viii) Area Fished (as recorded in fishing logbook)
 - ix) Particulars of incident
3. Contact the DMC or nearest DFO contact or office at any time when you have an immediate concern, or need clarification of an issue.

E) Roles/Responsibilities – DFO

1. Overall accountability for the DMP in the Newfoundland and Labrador region within the Fisheries Management Branch will reside with the Conservation and Protection (C&P) Division.



2. Establish an ongoing internal Working Group chaired by C&P to address DMP issues.
3. Establish a DMP-stakeholder consultation committee or ensure issues are addressed through ongoing DFO/Industry committees or groups, to address DMP issues on an annual basis.
4. Designate or revoke designation of a Dockside Observer.
5. Within 24 hours, notify the DMC of a suspected breach of *Duties of a Dockside Observer*. The notification shall include the nature of the allegation, and status of the observer during the investigation, and an estimate of the timeline for investigation.
6. Designate or revoke designation of a Dockside Monitoring Company.
7. Issue Temporary Authorizations where required.
8. Amend DMP Policies and Procedures. There is a 90-day advance notice to DMC's prior to amendments coming into force. All DMC's shall be consulted on proposed amendments.
9. Ensure DFO/DMP responsibilities are implemented in a consistent manner.
10. Ensure amended DMP Policies and procedures are communicated to and implemented by staff.
11. DFO shall distribute DMP incident reports for action in a timely fashion and as requested by the DMC, report on, the current status of incident reports and field checks.
12. DFO shall verify that the DMP is operating effectively through field checks of Dockside Observers as well as discussions with end-users of data and periodic meetings with DMC administrative personnel.
13. Review/approve and participate in DMC training programs and assist in the training of observers.
14. Draft conditions of license to enhance compliance with DMP.
15. On a timely basis, provide the DMC with information on license transfers.
16. Maintain an effective infrastructure to meet the requirements of DMC's.



17. On an annual basis, update and distribute the list of DMP contacts to all stakeholders.
18. Maintain a liaison with CGSB regarding the Dockside Monitoring Program.

F) Reports – Communications

Reports

1. Field Check

- Used to evaluate the performance of Dockside Observers.
- Completed by Fishery Officers in the field.
- Information entered into Departmental FEATS Database.
- Checks highlighting deficiencies must be forwarded to the appropriate DFO contact. This position will liaise with the DMC to address the deficiency.
- DFO will generate an annual report on overall observer performance.

2. Incident Report

- Generated by a Dockside Observer or a DMC.
- Forwarded by Dockside Observer to DMC as soon as possible.
- Forwarded by DMC to the appropriate DFO contact.
- Report entered into a DFO database.
- DFO will generate an annual report on the number/type of incidents, and resulting action.

3. List of Designated Dockside Observers

- Compiled, maintained and updated by DFO.
- Distributed to DFO personnel on a bi-monthly basis.

4. DMP Annual Report

- Consists of a review of the program for the year. Problems encountered and actions taken/proposed will be included.

List Of DMP Contacts

<u>Regional Office</u>	<u>Location</u>	<u>Phone</u>	<u>Fax #</u>
R.M. Staff Officer	White Hills	772-2045	772-3628
C&P Staff Officer	White Hills	772-4495	772-5983
C&P Staff Officer	White Hills	772-2784	772-5983
Chief Statistics	White Hills	772-3546	772-4323
Director C&P	White Hills	772-4494	772-5983
Chief, Enforcement Operations	White Hills	772-0468	772-5983

C&P Area Chief

Area I Eastern	St. John's	772-5857	772-2659
Area II Central	Grand Falls	292-5166	292-5205
Area III Western	Corner Brook	637-4334	637-4355

C&P Detachment Offices

Bay Roberts		786-3960	786-0264
Placentia		227-5912	227-5918
Marystown		279-7850	279-7860
Clareville		466-8273	466-3726
Springdale		673-3218	673-4675
Twillingate		884-2411	884-5699
Goose Bay		896-6150	896-8419
Stephenville		643-8001	643-8003
Rocky Harbour		458-3082	458-3096
St. Anthony		454-3866	454-4126

Area Statistics Coordinators

St. John's		772-2573	772-5634
Grand Bank		832-0580	832-2644
G. Falls-Windsor		292-5180	292-5193
Corner Brook		637-4322	637-4476

Dockside Monitoring Companies

FHRC	St. John's	576-0292	576-0339
	Port Aux Choix	861-3157	861-3357
	Twillingate	884-5569	
ACD	St. John's	726-7370	726-7371
	Grand Bank	832-2825	832-2825
Seawatch	St. John's	753-3880	



Fisheries And Oceans
Office Location And Telephone List

Detachment Office	Satellite Office	Phone No.
AREA I – EASTERN		
Bay Roberts		786-3960
	St. John's	772-5044
	Ferryland	432-2519
Placentia		227-5911
	Arnold's Cove	463-8500
	Trepassey	438-2882
Clarenville		466-7334
	Bonavista	468-7470
	Glovertown	533-6080
Marystown		279-7850
	Harbour Breton	885-2520
AREA II – CENTRAL		
Twillingate		884-2411
	Fogo	266-2722
Springdale		673-5250
	Baie Verte	532-4234
	Grand Falls	292-5164
Goose Bay		896-6150
	Cartwright	938-7384
	St. Lewis	939-2273
	Rigolet	947-3338
	Nain	922-2884
	Makkovik	923-2324
AREA III – WESTERN		
St. Anthony		454-3866
	Roddickton	457-2308
	Lanse Aux Loop	927-5582
	Brig Bay	
Rocky Harbour		458-3082
	Corner Brook	637-4301
	Port Aux Choix	861-3944
Stephenville		643-8001
	Burgeo	886-3331
	Port Aux Basques	695-5020



DOCKSIDE OBSERVER DECLARATION

This is to certify that I,

Name

Address

- _____

- (a) do not hold a certificate of accreditation issued under the Professional Fish Harvesters Act, S.N. 1996, c. P-26.1, or a fisher's registration card;
 - (b) do not purchase fish for the purpose of resale; and
 - (c) am not an owner, operator, manager or employee of an enterprise that catches, cultures, processes or transports fish.

Signature

Date



DMP
TEMPORARY AUTHORIZATION

DFO FILE NO. _____

This Temporary Authorization is issued to

This Temporary Authorization is issued to the above named individual to perform duties similar to those carried out by a “Designated Dockside Observer”, while the above named is employed by

This Temporary Authorization is valid for a ____ day period beginning _____ and ending _____

The Temporary Authorization will not be renewed or extended.

Note: Maximum duration of an authorization shall not exceed 90 days in total.

Authorized DFO Official

Name: _____

Title: _____

Signature: _____

Date



G) Guidelines for Revoking Designation of Dockside Observers

PURPOSE

To outline the process for revoking the designation of Dockside Observers in situations where continued deployment of an individual would compromise the integrity of the Dockside Monitoring Program.

SCOPE

These guidelines apply to Dockside Observers who have been found in breach of the Duties of a Dockside Observer or the individual has otherwise compromised the integrity/credibility of the Dockside Monitoring Program.

PART I General

DFO has the regulatory authority to revoke the designation of a Dockside Observer, if it is felt that the observer's conduct impacts on the credibility and integrity of the DMP. The length of the revocation will be dependant on the severity and flagrancy of the breach.

For guidance purposes, breaches of duties have been categorised to the extent possible. The list is not exhaustive. If an observer's action or inaction is felt to compromise the credibility and integrity of the DMP, DFO may revoke the designation.

A person whose designation has been revoked has the opportunity to re-apply after the de-designation period has elapsed. At that time, DFO will review the circumstances surrounding the de-designation and determine if designation will be authorized.

Part II Infraction Guidelines

Breaches may be classified as minor, moderate or major. The severity or flagrancy may result in a breach being classified at a higher or lower level category than noted, depending on circumstances.

The examples are to be used as a guideline only and are non-exhaustive.

A: Minor Breach

A breach having minimal impact on delivery or integrity of the program. Designation will be revoked for up to 3 months. Individual may apply for redesignation after time period has elapsed.

Examples of Minor Breaches

Late to offloading station
Information recorded incorrectly
Documentation not submitted within required timeframe
Scales not checked for accuracy
Completed logbook not signed
Expired Designation
Not operating at arm's length from the fishing industry
Any other action that impacts on the integrity of the DMP

B: Moderate Breach

A breach having serious impact on delivery or integrity of the program. Designation will be revoked up to one year. Individual may apply for redesignation after time period has elapsed.

Examples of Moderate Breaches

Repetition of Minor Breaches
Logbook not checked
Hold not checked after offloading
All offloading not monitored
Offloading information incomplete
Incomplete documents signed
Required documentation not completed/submitted
Incident Report information not submitted
Falsifying information (not catch related)
Completing logbooks or other documents for fishers/buyers
Monitored offloading without direct line of sight from scales to fishing vessel
Any other action that impacts on the integrity of the DMP

C: Major Breach

A breach having significant impact on delivery or integrity of the program. Revoke of designation shall be for a minimum of five years.

Examples of Major Breaches

Repetition of moderate breach
Failed to monitor offloading
Falsifying catch-related information
Accepting bribes
Failing to meet requirements for designation
Any other action that impacts on the integrity of the DMP



PART III Revoke Of Designation Process

- a) The Regional Director General has the authority to revoke the designation of a Dockside Observer. A decision of the RDG to revoke designation shall be communicated to a DMC in writing.
- b) Observers alleged to have committed a moderate or major breach of the duties of a Dockside Observer shall not carry out those duties while the matter is being investigated.
- c) DFO (C&P) shall conduct an investigation into the alleged breach of duties and submit its findings to the Director, C&P.
- d) The Director C&P shall forward a recommendation for revoke of designation to the RDG. The recommendation shall contain a summary of the facts and the reason(s) for recommending revoke of designation.
- e) When the designation of a Dockside Observer has been revoked the DMC shall return the "Certificate of Designation" to DFO.