

**SECTION VII**  
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**Report of the STACFAD Working Group**  
**28-29 April 2010**  
**Halifax, Nova Scotia, Canada**

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## **Report of the STACFAD Working Group**

(GC Doc. 10/2)

**28-29 April 2010**

**Halifax, N.S., Canada**

### **1. Opening by the Chair**

The meeting was opened by the STACFAD Chair, Bob Steinbock (Canada) at 0930 hrs on 28 April 2010. The Chair welcomed delegates from Canada, European Union, Denmark (in respect of the Faroe Islands and Greenland), Norway, the Russian Federation, and the United States of America as well as members of the Secretariat (Annex 1).

In his opening remarks, the Chair noted that Norway and Canada had ratified the amended NAFO Convention. The delegate of Denmark (in respect of the Faroe Islands and Greenland) stated that the respective Governments of Faroe Islands and Greenland had begun to prepare the ratification process and hoped it would be completed soon. The EU delegate also noted that the ratification process has started within the EU.

### **2. Appointment of Rapporteur**

The Secretariat was appointed to serve as Rapporteur.

### **3. Adoption of Agenda**

The provisional agenda, as circulated, was adopted (Annex 2).

### **4. Amendment of Rules of Procedure resulting from amendment of the NAFO Convention**

Under this item, the Working Group discussed the amendments to the Rules of Procedure which would be required upon the entry into force of the amended NAFO Convention and the resulting merger of the Fisheries Commission and General Council. The basis for discussion by the Working Group was the previously presented STACFAD W.P. 08/3 – "Draft Rules of Procedure". The revised Rules of Procedure as agreed by the Working Group are attached in Annex 3.

The WG agreed to draw the attention of STACFAD in particular to the suggested new provision in Rule 4.5 of the draft Rules of Procedures concerning deadlines for the submission of proposals for Conservation and Enforcement Measures.

The Working Group also reviewed the Draft Revisions to Rules of Procedure for Observers (STACFAD WG WP 10/3) and agreed to the revisions as presented (Annex 4).

### **5. Administrative considerations resulting from amendment of the NAFO Convention**

The Chair noted that the Financial Regulations and Staff Rules would also need to be amended and introduced STACFAD WG WP 10/1 – Draft Revisions to the Financial Regulations. He noted the addition of a new Rule 4.6 and an Annex which reflects an earlier decision of the General Council to incorporate into the Financial Regulations the List of Species, the nominal catches of which are to be used for calculating Contracting Parties' contributions.

The revised Financial Regulations as agreed by the Working Group are attached in Annex 5.

Draft Revisions to the Staff Rules (STACFAD WG WP 10/2) were reviewed. It was suggested that Rule 2.8 be amended to reflect the pending signature of a Headquarters Agreement between NAFO and the Government of Canada.

The revised Staff Rules as agreed by the Working Group are attached in Annex 6.

**6. Other Matters**

There were no other matters raised.

**7. Adoption of Report**

Following adoption of the Report by the Working Group, it was agreed that the Report would be forwarded to STACFAD for consideration during the 2010 Annual Meeting.

**8. Adjournment**

The meeting adjourned at 1230 hrs on Thursday, 29 April 2010.

**Annex 1. List of Participants**

<b>Name</b>	<b>Contracting Party</b>
Bob Steinbock Brett Gilchrist	Canada
Rasmus Fuglholt Kate Sanderson	Denmark (in respect of Faroe Islands and Greenland)
Aleksandra Kordecka Alan Gray Margarita Mancebo	European Union
Sigrun M. Holst Hilde Ognedal Inger Helene Sira	Norway
Temur Tairov	Russian Federation
Patrick Moran	United States of America
Vladimir Shibanov Stan Goodick Bev McLoon	NAFO Secretariat

**Annex 2. Agenda**

1. Opening by the Chair (Bob Steinbock, Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Amendment of Rules of Procedure resulting from amendment of the NAFO Convention
5. Administrative considerations resulting from amendment of the NAFO Convention
6. Other matters
7. Adoption of Report
8. Adjournment

### Annex 3. Draft Revisions to the Rules of Procedure

#### Rules of Procedure for the Commission

##### REPRESENTATION

###### Rule 1

- 1.1 Each ~~Commission Contracting Party~~ member shall notify the Executive Secretary as far as possible in advance of any meeting of the names of its representatives, alternates, experts and advisers who will attend.

##### VOTING

###### Rule 2

- 2.1 Observers, experts and advisers ~~may address plenary or subsidiary body meetings, but~~ shall not be entitled to vote.
- 2.2 The quorum shall not include the Contracting Parties which have no right of casting votes under the provisions of Article IX.7 of the Convention.
- 2.3 Decisions at meetings of the subsidiary bodies shall be taken in accordance with Article XIII of the Convention.
- 2.4 Votes shall be taken by show of hands, or by roll call, in the English alphabetical order of the names of the Contracting Parties, or by ballot, as determined by the ~~Chair~~ Chairperson.
- 2.5 In ~~the case of an~~ the need for adoption of an emergency measure between meetings, a vote may be taken by e-mail or ~~by other~~ electronic means.
- 2.6 When a vote is taken by e-mail or other mail or by electronic means, the Executive Secretary shall address the request for the vote from each Contracting Party to ~~the respective Head of Delegation at his or her~~ its designated official address(es) ~~with copies addressed to each representative of that Contracting Party at his or her corresponding official address.~~
- 2.7 The result of a vote taken by ~~mail or by e-mail or other~~ electronic means shall be ascertained by the Executive Secretary at the end of a period of at least thirty (30) days after the date of the initial request for the vote and such period shall be made clear in the text of that request.
- 2.8 a) If no reply from a Contracting Party, in the case of a vote taken by e-mail or ~~by other~~ electronic means, reaches the Secretariat within the period established under 2.67, that Contracting Party would be recorded as having abstained and it shall be considered part of the relevant quorum for voting purposes.
- b) Contracting Parties shall promptly acknowledge receipt of any request for vote by e-mail or other electronic means. If no acknowledgement is received from any particular Contracting Party within one week of the date of transmittal the Executive Secretary will retransmit the request, and will use all additional necessary means available to ensure that the request has been received. Confirmation by the Executive Secretary that the request has been received shall be deemed conclusive regarding the inclusion of the Contracting Party in the quorum for the purpose of the relevant vote by e-mail or other electronic means.

## CHAIRCHAIRPERSON AND VICE-CHAIRCHAIRPERSON

### Rule 3

- 3.1 In accordance with Article VI.2 of the Convention, the Commission shall elect a Chairperson and a Vice-Chairperson for a term of two years. Each shall be eligible for re-election but shall not serve for more than four years in succession in the same capacity. The Chairperson and Vice-Chairperson shall not be representatives of the same Contracting Party.

The ChairChairperson and Vice-ChairChairperson shall take office at the conclusion of the annual meeting at which they are elected.

- 3.2 The powers and duties of the ChairChairperson shall be:
- a) to declare the opening and closing of each meeting;
  - b) to preside at meetings;
  - c) to rule on points of order, subject to the right of any representative to request that any ruling of the ChairChairperson shall be submitted to the Commission for decision by vote;
  - d) to call for and announce the results of votes;
  - e) to determine, after consultation with the ChairChairperson of the Scientific Council, a schedule of meetings for annual or special meetings of NAFO;
  - f) to determine after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each annual and special meeting;
  - g) to arrange for the appointment of the members of subsidiary bodies as required;
  - h) to sign a report of the proceedings of each meeting of the Commission, for transmission to Contracting Parties, their representatives and others concerned; and
  - i) generally, to make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the NAFO is carried out efficiently and in accordance with its decisions.
- 3.3 Whenever the ChairChairperson is unable to act, the Vice-ChairChairperson shall exercise the powers and duties prescribed for the ChairChairperson.
- 3.4 If the office of the ChairChairperson is vacated, the Vice-ChairChairperson shall become ChairChairperson for the balance of the term.
- 3.5 The ChairChairperson, or Vice-ChairChairperson when acting as ChairChairperson, shall not vote and another representative of his or her delegation shall exercise this function.
- 3.6 If the offices of the ChairChairperson and Vice-ChairChairperson are vacated, the ChairChairperson of the Standing Committee on International Control shall exercise the powers and duties prescribed for the ChairChairperson, and the first order of business at the next meeting shall be the election of a ChairChairperson and Vice-ChairChairperson for the balance of the term.

## ORDER OF BUSINESS

### Rule 4

- 4.1 A draft provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary, in accordance with instructions from the ChairChairperson, or the ChairChairperson of the relevant subsidiary body, and be dispatched by the Executive Secretary to all Contracting Parties, their representatives, and invited observers, not less

than 90 days before the date fixed for the opening of the meeting.

- 4.2 A provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary, in accordance with the instructions from the ~~Chair~~Chairperson, or the ~~Chair~~Chairperson of the relevant subsidiary body, taking into account any suggestions or comments received following distribution of the draft provisional agenda, and be dispatched by the Executive Secretary to all Contracting Parties, their representatives, and invited observers, not less than 60 days before the date fixed for the opening of the meeting.
- 4.3 ~~Except as provided in Rule 4.4 and 4.5, No~~ order of business shall be the subject of a decision, unless the subject matter has been included in the provisional agenda and explained in a memorandum, circulated by the Executive Secretary to all the representatives of the ~~members~~Contracting Parties, together with the corresponding provisional agenda. ~~No order of business which involves amendments of the budget or related financial matters, boundary modifications or amendments to the Convention under Article XXII shall be the subject of a decision, unless it has been explained in a document circulated by the Executive Secretary to all representatives of the Members together with the corresponding provisional agenda.~~
- 4.4 The Commission, ~~by a majority of the votes of all members present and casting affirmative or negative votes,~~ may take decisions involving amendment of these Rules of Procedure in accordance with Article XIII of the Convention, ~~provided that no vote shall be taken unless there is a quorum of at least two thirds of the members.~~
- 4.5 Any proposal by a Contracting Party to amending the Conservation and Enforcement Measures of NAFO which is intended to be submitted for adoption by the Commission must shall include at least a clear explanation of its rationale in an explanatory memorandum as well as a clear indication of the provision to be amended and the exact wording of the amendment. Proposals shall be submitted in writing to the Executive Secretary, who shall circulate copies to all Contracting Parties. As a general rule, no proposal shall be discussed or put to a vote at any meeting of the Commission unless copies have been distributed to all Contracting Parties not less than 30 days in advance. Notwithstanding this requirement, the Chairperson may permit consideration of proposals which have not been circulated in advance.
- ~~The Executive Secretary shall, when incorporating amendments of these measures adopted by the Commission, indicate by reference to the working paper or document when the amendment was adopted.~~

## COMMITTEES

### Rule 5

- 5.1 There shall be a Standing Committee on International Control (STACTIC) consisting of one representative from each Contracting Party, who may be assisted by experts and advisers, and which shall: ~~which shall:~~
- a) review and evaluate the effectiveness of the Conservation and Enforcement Measures established by the Commission;
  - b) review and evaluate the compliance by Contracting Parties with the Conservation and Enforcement Measures established by the Commission;
  - c) review and evaluate reports on the inspection and surveillance activities carried out by the Contracting Parties;
  - d) review and evaluate reports on infringements, including serious infringements, and the follow-up thereto by ~~the~~Contracting Parties;

- e) produce an annual report on compliance by all Contracting Parties for the preceding calendar year. The report shall be based on a comprehensive provisional compilation by the Executive Secretary of relevant reports submitted by Contracting Parties and any other information available to the Executive Secretary. This compilation shall be dispatched to all Contracting Parties together with the draft provisional agenda pursuant to Rule 4.1;
- f) promote the co-ordination of inspection and surveillance activities carried out by the Contracting Parties;
- g) develop inspection methodologies;
- h) consider the practical problems of international measures of control;
- i) consider such other technical matters as may be referred to it by the Commission;
- j) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
- k) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
- l) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties;
- m) to review information regarding non-Contracting Party vessels engaged in illegal, unreported and unregulated (IUU) fishing and compile a list of such vessels; and
- n) make appropriate recommendations to the Commission.

5.2 There shall be a Standing Committee on Finance and Administration (STACFAD), consisting of one representative from each Contracting Party, who may be assisted by experts and advisers, and which shall advise the Commission on:

- a) matters relating to the Secretariat;
- b) the budget of NAFO;
- c) the time and place of meetings of NAFO; and
- d) publications of NAFO.

5.33 The Committees shall elect, to serve for two years, their own Chairperson and Vice-Chairperson, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member of each Committee, without vote. The Executive Secretary and shall assist the Committee ~~them~~ in fulfilling ~~its~~ their ~~respective tasks, under paragraph 5.1 and 5.2.~~ When performing ~~this~~ these tasks, the Executive Secretary shall in particular signal any ~~malfunctions~~ specific concerns to them on issues falling under the competence of the respective Committees and provide, as appropriate, the Commission with all relevant information and documentation.

~~5.4 The Committee shall consist of one representative from each Contracting Party, who may be assisted by experts and advisers. The Committees shall elect, to serve for two years, its own Chair and a Vice-Chair, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.~~

5.5 The Commission may establish such other subsidiary bodies as required.

- 5.6 Except as provided in these Rules, each subsidiary body shall establish its own Rules of Procedure.

## SECRETARIAT

### Rule 6

- 6.1 The Commission shall designate staff positions to be filled through appointments made by the Executive Secretary. The Commission shall fix the tenure, rate of remuneration, and travelling expenses for the members of the Secretariat.
- 6.2 The Executive Secretary shall:
- a) have full power and authority over the Secretariat subject to the general supervision of the Commission;
  - b) make all arrangements necessary for the meetings of NAFO;
  - c) prepare and transmit the draft provisional agenda and the provisional agenda in accordance with Rule 4.1 and 4.2 respectively;
  - d) address communications to the Depositary Government, pursuant to the provisions of Article XXII.2, paragraph 2 of the Convention;
  - e) receive the credentials of the representatives and of observers at annual and special meetings and report thereon to the Commission as required; and
  - f) perform such other functions as may be assigned to him or her by the Commission, its ~~Chair~~Chairperson, or the ~~Chair~~Chairperson of any committee.

## LANGUAGE

### Rule 7

English shall be the official and working language of the Commission and its subsidiary bodies but, if desired, any other language may be used, on condition that persons doing so will provide interpreters. All official publications and communications of the Commission shall be in English.

## RECORDS AND REPORTS

### Rule 8

- 8.1 Summary records of each plenary and other sessions shall be drafted and distributed as soon as possible to the participants by the Executive Secretary.
- 8.2 Summary minutes of the proceedings of the meetings of all subsidiary bodies shall be furnished to the Commission by the Executive Secretary.
- 8.3 Summary records, reports, resolutions, proposals and other formal decisions adopted shall be transmitted as soon as possible after each meeting to the Contracting Parties, their representatives, and observers, by the Executive Secretary.
- 8.4 The Commission shall publish annually, following its annual meeting, a report of the activities of NAFO. This report shall include a summary of its findings and statistical, scientific, and other information gathered pertaining to the fisheries of the Convention Area, the ~~Chair~~Chairpersons report of the annual meeting, and a financial statement.

**Annex 4. Draft Revisions to Rules of Procedure for Observers  
(STACFAD WG WP 10/3)**

**Application for Observer Status to NAFO Meetings  
(~~General Council, Fisheries~~ Commission and Scientific Council)**

**Rule 1**

The Executive Secretary shall invite, as observers:

- a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa; and
- b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

**Rule 2**

Any NGO that supports the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO, and desires accreditation as observers to NAFO meetings, shall notify the Secretariat at least 100 days in advance of the first meeting it wishes to attend. This application must include:

- a) name, address, telephone, fax number of the organization;
- b) address of all its national/regional offices;
- c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- d) information on the organization's total number of members, its decision-making process and its funding;
- e) a brief history of the organization and a description of its activities;
- f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies; and
- g) a history of NAFO observer status granted/revoked;

**Rule 3**

Observer status shall apply to all non-restricted sessions, whether at the Annual Meeting or at intersessional meetings.

**Rule 4**

NGO applications shall be reviewed by the Executive Secretary who shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 2. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article ~~V-XIII para 2~~ of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

**Rule 5**

Any NGO with observer accreditation:

- a) is required to register its representatives at the NAFO Secretariat at least fourteen days in advance of the meeting;
- b) may be required to limit the number of their observers at any meeting due to conference room capacity. The Executive Secretary will transmit any such determination in the conditions of participation;
- c) may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary;
- d) that has not communicated with the Secretariat or attended at least one meeting in the previous three years shall cease to be an accredited NGO but may reapply in writing to the Executive Secretary; and
- e) will have their accreditation reviewed by the Executive Secretary every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties. If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article ~~V~~ para 2XIII of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

**Rule 6**

Observers admitted to a meeting:

- a) shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- b) may attend meetings, as set forth above, but may not vote;
- c) may make oral statements during the meeting upon the invitation of the Chair person;
- d) may only distribute documents at meetings via the general information table;
- e) may engage in other activities as appropriate and as approved by the Chair person;
- f) may not use film, video, and audio recording devices, etc. to record meeting proceedings; and
- g) may not issue press releases or other information to the media on agenda items under discussion during NAFO meetings.

**Rule 7**

Observers admitted to a meeting shall comply with the above and all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of their observer accreditation status.

**Rule 8**

These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted by ~~General Council~~ the Commission in the light of the need of NAFO to function effectively when conducting its business.

**Annex 5. Draft Revisions to the Financial Regulations  
(STACFAD WG WP 10/1)**

**FINANCIAL YEAR**

**Rule 1**

The financial year shall be the period 1 January to 31 December.

**BUDGET**

**Rule 2**

- 2.1 The Executive Secretary shall prepare and submit to the annual meeting budgetary estimates in Canadian dollars of income and expenditures of the ~~General Council, the Fisheries~~ Commission, the Scientific Council, and the Secretariat covering income and expenditures for the following financial year. He/she shall transmit these to all Contracting Parties at least 60 days before the opening of the regular annual meeting. At the same time, he/she shall prepare a forecast budget for the subsequent financial year.
- 2.2 The estimates and forecast shall be divided into categories, and shall be accompanied by such information as the ~~General Council~~Commission may specify from time to time, and as the Executive Secretary may deem useful.
- 2.3 The ~~Fisheries~~ Commission and the Scientific Council shall report to the Standing Committee on Finance and Administration on anticipated costs necessary for the conduct of their business.
- 2.4 The Standing Committee on Finance and Administration shall meet during each annual meeting of the ~~General Council~~Commission to examine the estimates and shall report thereon to the ~~General Council~~Commission. After consideration of the report, and after any necessary adjustments or revisions have been made, the ~~General Council~~Commission shall adopt the budget.

**APPROPRIATIONS**

**Rule 3**

- 3.1 The appropriations adopted by the ~~General Council~~Commission in the budgets shall constitute an authorization to the Executive Secretary to incur obligations and make payments for the purposes and up to the amounts so adopted.
- 3.2 Appropriations shall remain available for 12 months following the end of the financial year to which they relate to the extent that they are required to discharge obligations incurred during that financial year. At the end of the 12-month period, any unliquidated prior year obligations shall be cancelled, or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.
- 3.3 The Executive Secretary may transfer appropriations between categories in the budget adopted by the ~~General Council~~Commission provided that these categories are not altered in more than 10% of the amounts in the adopted budget and that a statement of all such transfers shall be submitted to the ~~General Council~~Commission and the Auditors with the annual financial statements. The total amounts transferred in any one year shall not exceed 1% of the total adopted budget. The Chairperson of the ~~General Council~~Commission may however authorize the Executive Secretary to transfer appropriations between categories above those limits.

## INCOME AND EXPENDITURES

### Rule 4

- 4.1 There shall be established proper books of account for the purpose of accounting for the receipts and expenditures of the Organization.
- 4.2 Within the books of account, there shall be established an accumulated surplus account to which shall be credited:
- a) excess of receipts over expenditures at the end of the financial year;
  - b) unexpended balances at the end of the 12-month period specified in Rule 3.2 for prior year obligations, but not disbursed;
  - c) refunds, from any source, of prior year's expenditures of the Organization.
- 4.3 Monies available in the accumulated surplus account may be used temporarily to the extent necessary to finance appropriations pending receipt of annual payments by Contracting Parties.
- 4.4 The Chairperson of the ~~General Council~~Commission, in consultation with the Chairperson of STACFAD and the members of the ~~General Council~~Commission, may authorize expenditures from the accumulated surplus account for unforeseen and extraordinary expenses to the good conduct of the business of the Organization.
- 4.5 The Standing Committee on Finance and Administration and the ~~General Council~~Commission shall review the amount available in the accumulated surplus account during each annual meeting. Insofar as possible, the ~~General Council~~Commission shall anticipate unforeseen expenditures during the succeeding three years and shall attempt to maintain the accumulated surplus account at a level sufficient to finance operations during the first three months of the year plus an amount up to a maximum of 10% of the annual budget for the current financial year for use in an emergency in accordance with Rule 4.4.
- 4.6 The Commission shall establish the amount of the annual contribution due from each Contracting Party pursuant to the annual budget based on Article IX.2 of the Convention. The nominal catches for this determination shall be the reported catches of the fishery resources listed in Annex I.
- ~~4.67~~ The Executive Secretary shall inform each Contracting Party of the annual contribution due, in accordance with Article ~~XVI, paragraphs 3 and 4~~IX.3 of the Convention, as soon as possible after the ~~General Council~~Commission has adopted the annual budget. In calculating the contributions ~~due~~, the Executive Secretary shall reduce the amount appropriated in the budget by the amount of staff assessments for the preceding year, if any, and by the amount determined by the ~~General Council~~Commission to be in excess of the needs of the accumulated surplus account.
- ~~4.78~~ If a Contracting Party has not submitted its nominal catches according to the stipulations in Article ~~XVI.3~~IX.2 of the Convention by the required date, the most recent catch report available from that Contracting Party will be used for the calculation of contributions that are then considered final for that financial year. Subsequent reporting of applicable catches by the Contracting Party will be applied towards the calculation of contributions for the following financial year.
- ~~4.89~~ Annual contributions shall be due and payable in full within 30 days of receipt of the information from the Executive Secretary referred to in Rule ~~4.67~~ or the first day of the financial year, the unpaid balance shall be considered to be in arrears.
- ~~4.910~~ New Contracting Parties for the first year, shall pay their annual contribution within 90 days of depositing an instrument of accession with the Depository Government for that financial year, in accordance with Article ~~XVII.6, paragraph 8~~ of the Convention.

## BOOKS OF ACCOUNT

### Rule 5

- 5.1 The Executive Secretary shall establish detailed financial procedures in order to ensure financial administration and the exercise of economy.
- 5.2 The Executive Secretary shall maintain such accounting records as are necessary for each financial year, including:
- a) income and expenditures;
  - b) the status of appropriations, including:
    - i) the original budget appropriations;
    - ii) transfers between appropriation categories;
    - iii) amounts charged against appropriation categories;
  - c) the status of the accumulated surplus account;
  - d) funds held in currencies other than Canadian dollars.
- 5.3 The annual financial statements shall be submitted by the Executive Secretary to the Auditors no later than 30 days following the end of the financial year.
- 5.4 The Executive Secretary may, after full investigation, authorize the writing off of losses of cash, stores, and other assets, provided that a statement of all such amounts written off shall be submitted to the ~~General Council~~ Commission and the Auditors with the annual financial statements.

## SALARIES

### Rule 6

- 6.1 The ~~General Council~~ Commission shall adopt from time to time a salary scale for the Executive Secretary and the staff based, to the extent possible, on the salary scale and position classification system of the Public Service of Canada.
- 6.2 There shall be an assessment on the salary of each member of the staff, based on the amount of each staff member's Canadian Income Tax, the amount to be determined by the Executive Secretary in consultation with the Canadian authorities. The staff assessment shall be applied in accordance with Rule 4.~~6~~7.
- 6.3 The Canadian Government Employee's Compensation Act shall be applicable to the staff, as provided by the Government of Canada. The Executive Secretary is authorized to make payments with respect to amounts charged to the Organization under the Act from current appropriations which are otherwise unobligated and which would be surplus at the end of the financial year. These items shall be included in the annual budget.

**EXTERNAL AUDIT****Rule 7**

- 7.1 Having regard to the budgetary provisions for the Audit, the auditors, appointed in accordance with Article ~~XVI, paragraph 1~~IX.8, of the Convention, shall perform such an audit as they deem necessary to certify:
- a) that the financial statements are in accord with the books and records of the Organization;
  - b) that the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions, and other applicable directives;
  - c) that the monies on deposit and on hand have been verified by certificate received direct from the Organization depositories or by actual count.
- 7.2 Subject to the directions of the ~~General Council~~Commission, the Auditors shall be the sole judge as to the acceptance in whole or part of the certifications by the Executive Secretary and may proceed to such detailed examination and verifications as they choose of all financial records, including those related to supplies and equipment if considered necessary.
- 7.3 The Auditors may affirm by test the reliability of the system of internal control and may make such reports with respect thereto as they may deem necessary.
- 7.4 The Auditors and their staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the Auditors, necessary for the performance of the audit. Information classified in the records of the Executive Secretary as confidential, and which is required for the purposes of the audit, shall be made available on application to the Executive Secretary.
- 7.5 The Auditors, in addition to certifying the financial statement, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices. In no case, however, shall the Auditors include criticism in their audit report without first affording the Executive Secretary an opportunity of explanation to the Auditors of the matter under observation. Audit objections to any item in the financial statements shall be immediately communicated to the Executive Secretary.
- 7.6 The Auditors shall have no power to remove items in the accounts, but shall draw to the attention of the Executive Secretary for appropriate action any transaction concerning which they entertain doubt as to legality or propriety.
- 7.7 The Auditors shall prepare a report on the accounts certified, and on any matters on which the ~~General Council~~Commission by resolution thereon may from time to time give specific instructions.
- 7.8 The Auditors shall submit their report to the ~~General Council~~Commission, not later than 90 days after having received the year's financial statements from the Executive Secretary.
- 7.9 The Standing Committee on Finance and Administration shall forward to the ~~General Council~~Commission its comments, if any, on the audit report.
- 7.10 The Auditors shall serve for a maximum term of three (3) years.

## **BONDING**

### **Rule 8**

The Executive Secretary and such staff as he/she deems necessary shall be bonded in Canadian currency by any reputable bonding company in such amount as may be determined by the ~~General Council~~Commission from time to time. The cost of the premium for bonding shall be assumed by the Organization.

## **DELEGATION OF AUTHORITY**

### **Rule 9**

The Executive Secretary may delegate to other staff of the Secretariat such of his/her powers as he/she considers necessary for the effective implementation of these regulations.

## **INTERPRETATION**

### **Rule 10**

The Chairperson of the ~~General Council~~Commission shall rule, in cases of doubt as to the interpretation and application of any of these Rules.

## **APPLICATION**

### **Rule 11**

11.1 These Rules shall become effective on the first day of the month following their approval by the ~~General Council~~Commission.

11.2 These Rules may be amended only by the ~~General Council~~Commission.

Annex I to the Financial Regulations  
Pursuant to Rule 4.6 of the Financial Regulations

<u>Atlantic cod</u>	<u><i>Gadus morhua</i></u>
<u>Atlantic redfish</u>	<u><i>Sebastes spp.</i></u>
<u>Silver hake</u>	<u><i>Merluccius bilinearis</i></u>
<u>American Plaice</u>	<u><i>Hippoglossoides platessoides</i></u>
<u>Witch flounder</u>	<u><i>Glyptocephalus cynoglossus</i></u>
<u>Yellowtail flounder</u>	<u><i>Lomanda ferruginea</i></u>
<u>Greenland halibut</u>	<u><i>Reinhardtius hippoglossoides</i></u>
<u>Roundnose grenadier</u>	<u><i>Coryphaenoides rupestris</i></u>
<u>Capelin</u>	<u><i>Mallatus villosus</i></u>
<u>Short-finned squid</u>	<u><i>Illex illecebrosus</i></u>
<u>Shrimp</u>	<u><i>Pandalus sp.</i></u>
<u>White hake</u>	<u><i>Urophycis tenuis</i></u>
<u>Skate</u>	<u><i>Amblyraja radiata</i></u>
<u>Greenland cod</u>	<u><i>Gadus ogac</i></u>
<u>Atlantic wolffish</u>	<u><i>Anarhichas lupus</i></u>
<u>Spotted wolffish</u>	<u><i>Anarhichas minor</i></u>
<u>Roughhead grenadier</u>	<u><i>Macrourus berglax</i></u>
<u>Spiny dogfish</u>	<u><i>Squalus acanthias</i></u>
<u>Black dogfish</u>	<u><i>Centroscyllium fabrici</i></u>

**Annex 6. Draft Revisions to the Staff Rules  
(STACFAD WG WP 10/2-Revised)**

**SECTION 1. Scope and General Provisions**

*Rule 1.1*

These Staff Rules establish the fundamental principles of employment, regulate the working relationships and set out the rights and responsibilities of employees in the service of the Northwest Atlantic Fisheries Organization (hereinafter referred to as the "Organization").

*Rule 1.2*

The amount of leave with pay, sick leave credits and severance benefits credited to members of the Secretariat, at the time when these Staff Rules become effective, or at the time when those members become subject to them, shall be retained intact.

*Rule 1.3*

In these Rules:

- 1) "Staff members" are the permanent members of the staff of the Secretariat.
- 2) "Members of the Secretariat" are the Executive Secretary and the staff members.
- 3) "Employees" are all personnel hired or contracted by the Organization for service in the Secretariat.
- 4) "~~General Council~~Commission", "Secretariat" and "Executive Secretary" are the entities defined in the text of the ~~International~~ Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa, on ~~24 October 1978~~[~~date ratified~~], hereinafter referred to as "the Convention".
- 5) "Regular Pension Scheme" is the pension plan of the International Fisheries Commissions Pension Society established by Canada and the United States for all employees of international fisheries commissions with headquarters in either of those two countries.
- 6) "Social Security Plans" are the life and disability plans of the Northwest Atlantic Fisheries Organization.
- 7) "Separation from service" is the ending of employment for any reason whatsoever, as in lay-off, resignation, retirement, termination of appointment by either side or death.
- 8) The "Staff Association" is composed of all NAFO staff on a permanent or at least a one-year contract excluding the Executive Secretary (see Annex 1).
- 9) The "Staff Representative" is elected as a spokesperson by the Staff Association (see Annex 1).
- 10) The "Staff Committee" is composed of 3 members appointed by the ~~General Council~~Commission to mediate in the event of internal conflicts within the Secretariat (see Annex 2).

**SECTION 2. Duties, Obligations and Privileges**

*Rule 2.1*

Members of the Secretariat are international civil servants. Upon assuming their responsibilities they shall discharge their duties faithfully and conduct themselves in the best interests of the Organization.

*Rule 2.2*

Employees are not expected to renounce their national feelings nor political nor religious convictions while working for the Secretariat. They are however expected to conduct themselves in a manner consistent with the international nature of the Organization. They must always exercise loyalty, discretion and tact in the performance of their duties and shall avoid actions, statements and public activities which might be detrimental to the Organization and its aims.

*Rule 2.3*

All employees are responsible to the Executive Secretary in the fulfilment of their duties, and shall not accept directions or instructions from any authority other than the Executive Secretary. In the case of the Executive Secretary, the Chairperson of the ~~General Council~~ Commission shall give such directions to the Executive Secretary as will ensure that the business of the Organization is carried out efficiently and in accordance with its decisions.

*Rule 2.4*

Authorization for the release of information for official purposes shall lie with the Organization or the Executive Secretary, as the Convention may require. Otherwise employees should abstain from releasing information they possess by reason of their position.

*Rule 2.5*

Employees shall not be restricted in engaging in other employment outside the hours they are required to work for NAFO as long as this work does not represent a conflict of interest with their position in the Organization.

*Rule 2.6*

No member of the Secretariat may be actively 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, that person may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest in the meaning of this Rule.

*Rule 2.7*

All members of the Secretariat shall reside in the area where the headquarters of the Organization is located. A staff member can be specifically exempted from this obligation by the Executive Secretary under extraordinary circumstances.

*Rule 2.8*

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the NAFO Convention and pursuant to ~~the Northwest Atlantic Fisheries Organization Privileges and Immunities Order (Order in Council P.C. 1980-132, 11 January 1980), or under any the Headquarters Agreement signed between the Northwest Atlantic Fisheries Organization and the Government of Canada (date, signature) the Contracting Party concerned.~~

*Rule 2.9*

The Executive Secretary is empowered to delegate to any staff member those duties considered necessary to achieve the most efficient operation of the Secretariat.

*Rule 2.10*

Staff members have the right to form a Staff Association and elect a Staff Representative according to the rules specified in Annex 1.

*Rule 2.11*

Members of the Secretariat can call upon the Staff Committee in case of conflicts that cannot be solved internally according to the rules specified in Annex 2.

**SECTION 3. Recruitment and Appointment***Rule 3.1*

In accordance with Article ~~XV.2~~VI.5(d) of the Convention, the ~~General Council~~Commission shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, within the principles of these Rules. The term of the Executive Secretary's office shall be four (4) years subject to the possibility of renewal by the ~~General Council~~Commission for one (1) more four (4)-year period.

*Rule 3.2*

In accordance with Article ~~XV.3~~VIII.3 of the Convention, the Executive Secretary shall appoint all staff members.

*Rule 3.3*

Staff members of the Secretariat are recruited as follows:

- a) Coordinators: Positions of high responsibility of a managerial or scientific nature (Professional category) are to be filled by appropriately qualified professionals, preferably with advanced university qualifications or the equivalent. Staff members in this category will be recruited internationally among citizens of Contracting Parties of the Organization.
- b) General Services: Positions of general administrative and technical nature shall be recruited locally, if possible, otherwise nationally from the host country.

*Rule 3.4*

Staff members are generally appointed under a probation period of six (6) months. During the probation period either party may terminate the appointment upon written notice of one (1) month, or a shorter period if mutually agreed.

*Rule 3.5*

Upon appointment at the start of the probation period, each staff member shall receive a letter of appointment stating: a) nature of the appointment, specifying the duties of the position and its title; b) date of appointment, coinciding with the beginning of the probation period; c) period of the appointment, either on a fixed term or a continuing basis, from the beginning of the probation period; d) category, level, initial salary, scale of increments and any allowances; e) any special terms and conditions which may be applicable; and f) that the appointment is subject to the Staff Rules.

Upon receipt of the letter of appointment and on or before the end of the period of probation, staff members shall indicate in writing that they are familiar with the terms of the appointment as specified and with the Staff Rules, and that all conditions are acceptable.

As a condition of the appointment, staff members must be willing to submit to a medical examination and present a resulting certificate stating that they have no medical conditions which might prevent them from performing their duties, or which might endanger the health of others; they may be required to undergo further medical examination from time-to-time at the expense of the Organization.

**SECTION 4. Hours of Work and Pay Periods***Rule 4.1*

The normal working week shall consist of thirty seven and a half (37-1/2) hours, Monday through Friday. The Executive Secretary shall establish the detailed working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

*Rule 4.2*

The Organization will pay the members of the Secretariat twice a month, the reference days as pay days being the fifteenth (15th) day and the last day of each month. Members of the Secretariat will be given their pay cheques two (2) banking days before the pay days.

**SECTION 5. Salaries, Allowances and Other Remuneration***Rule 5.1*

The scale of salaries, allowances and any other relevant conditions of employment for staff members shall be established and reflect to the extent possible the salary levels, allowances and conditions pertaining to similarly employed persons occupying similar positions in the public sector of the host country, subject to the NAFO Financial Regulations. The Executive Secretary shall be responsible for the determination of the appropriate public sector analogues following the procedures described by the "NAFO Staff Classification System".

*Rule 5.2*

Classification of staff members follows the procedures established by the "NAFO Staff Classification System". A new classification of a staff member can be provisionally authorized by the Executive Secretary and will be submitted for approval of the Organization at its next annual meeting.

*Rule 5.3*

The Executive Secretary may appoint a Coordinator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator's annual salary.

*Rule 5.4*

Salaries, allowances and other remuneration shall be paid in the national currency of the host country.

*Rule 5.5*

The starting salary shall be that established according to the principles of Rules 5.1 and 5.2. Members of the Secretariat will receive a step increase in salary for each year of service to the maximum defined by their category level based on the principles established by the public sector of the host country. This increase can be denied if the staff member's performance has been considered unsatisfactory by the Executive Secretary, subject to the approval of the Organization at its next annual meeting.

*Rule 5.6*

When, at the request of the Executive Secretary, staff members are required to work more than thirty seven and a half (37-1/2) hours per week, or outside the detailed normal working hours or days, this will be compensated with leave or pay equivalent to the hours of overtime worked. The Executive Secretary will determine the corresponding equivalent leave or pay based on the principles for payment of overtime by the public sector of the host country.

*Rule 5.7*

The Organization will pay for justified hospitality and representation expenses incurred by the Executive Secretary, after promptly documented claims for the corresponding expenses have been submitted. Exceptionally the Executive Secretary might authorize a Coordinator or any other member of the staff to participate in this type of activity and the corresponding expenses will be limited to the amounts and circumstances the Executive Secretary will define.

**SECTION 6. Leave and Holidays****A. Annual Leave***Rule 6.1*

Members of the Secretariat shall be entitled to annual leave with pay at the following rates:

- a) one and one-quarter ( $1+1/4$ ) days for each calendar month until the month in which the anniversary of the employee's eighth (8th) year of continuous employment occurs;
- b) one and two-thirds ( $1+2/3$ ) days for each calendar month commencing with the month in which the employee's eighth (8th) anniversary of continuous employment occurs;
- c) one and five-sixth ( $1+5/6$ ) days for each calendar month commencing with the month in which the employee's sixteenth (16th) anniversary of continuous employment occurs;
- d) one and eleven-twelfths ( $1+11/12$ ) days for each calendar month, commencing with the month in which the employee's seventeenth (17th) anniversary of continuous employment occurs;
- e) two and one-twelfth ( $2+1/12$ ) days for each calendar month, commencing with the month in which the employee's eighteenth (18th) anniversary of continuous employment occurs;
- f) two and one-quarter ( $2-1/4$ ) days for each calendar month commencing with the month in which the employee's twenty-seventh (27th) anniversary of continuous employment occurs;
- g) two and a half ( $2-1/2$ ) days for each calendar month commencing with the month in which the employee's twenty-eighth (28th) anniversary of continuous employment occurs;
- h) for the purposes of leave entitlements in accordance with these staff rules, the Executive Secretary or a Coordinator (Rule 3.3 (a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies), and years of service in other international organizations as agreed by a signed contract between the employee and NAFO;
- i) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.3 (b)).

*Rule 6.2*

Annual leave shall be authorized in advance by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of staff members. Nevertheless, the leave period shall not cause disruption of normal Secretariat operations and consequently leave shall be subject to the exigencies of the Organization.

*Rule 6.3*

Members of the Secretariat are expected to take all their annual leave during the year in which it accrues. When in any year a staff member has not been granted all of their accrued annual leave, a maximum of twenty-five (25) work days of the unused accrued leave may be carried over to the following year.

*Rule 6.4*

Annual leave in anticipation of future days to be accrued shall be at the discretion of the Executive Secretary.

*Rule 6.5*

Staff members, while on probation, are not to be granted annual leave, although they shall accrue such a leave from the beginning of their appointment.

**B. Official Holidays***Rule 6.6*

Members of the Secretariat shall be entitled to the paid holidays traditionally celebrated in the location of the headquarters of the Organization. Such official holidays shall be announced by the Executive Secretary at the beginning of the year. If any of these dates fall on a Saturday or a Sunday, the holiday shall be observed on another day, to be set by the Executive Secretary, subject to service needs and, if possible, staff preference.

**C. Sick Leave***Rule 6.7*

Members of the Secretariat shall earn sick leave credits at the rate of one and a quarter (1-1/4) days for each calendar month during which they worked for at least ten (10) days.

*Rule 6.8*

No member of the Secretariat shall be granted sick leave for a period of more than three (3) consecutive days, and more than a total of seven (7) working days in any calendar year without producing a medical certificate. A staff member shall not, whilst on sick leave, leave the area of the Organization without the prior approval of the Executive Secretary.

*Rule 6.9*

Members of the Secretariat shall be granted sick leave with pay when they are unable to perform their duties because of illness or injury provided that:

- i) they satisfy the Executive Secretary of their condition
- ii) they have the necessary leave credits

*Rule 6.10*

When a staff member has insufficient or no credits to cover the granting of sick leave with pay, sick leave with pay may, at the discretion of the Executive Secretary, be granted for a period of up to fifteen (15) working days, subject to the deduction of such advanced leave from any sick leave credits subsequently earned, and, in the event of termination of employment for reasons other than death or lay-off, subject to the recovery of the advance, from any monies owed the staff member. No deduction and no recovery of the advance are to be affected if the sick leave is

considered the result of injury on duty, in which case the advance sick leave credits to a maximum of six (6) months could be provided at the discretion of the Executive Secretary.

*Rule 6.11*

Accidents at work must be reported immediately to the Executive Secretary.

**D. Marriage Leave**

*Rule 6.12*

After the completion of one (1) year continuous employment, and provided that ten (10) days notice is given, any member of the Secretariat has the right to be granted five (5) days leave with pay for the purpose of getting married.

**E. Maternity and Parental Leave**

*Rule 6.13*

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to maternity leave for pregnancy upon presentation of medical certificate and a written application submitted at least four (4) weeks before such absence is to commence for a period not exceeding seventeen (17) weeks. The maternity leave shall begin no earlier than eight (8) weeks before the anticipated date of delivery set out in the medical certificate and shall terminate no later than 17 weeks following the actual date of birth.

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to parental leave up to a maximum of thirty-seven (37) weeks in the year following either (a) the day the child is born, or (b) the day the child comes into the employee's actual care and custody upon a written application submitted at least four weeks before such leave is to commence. Either one parent may take all the parental leave or both parents may share the parental leave. In either case, the total parental leave cannot exceed thirty-seven (37) weeks. The total aggregated amount of maternity and parental leave that may be taken by one or both parents in relation to the same birth or adoption is fifty two weeks.

NAFO will pay the employee a maternity and/or parental allowance equivalent to 93 per cent of his/her gross salary. If a Member of the Secretariat is enrolled in the Canadian Employment Insurance the gross amount of his/ her EI benefits will be deducted from this allowance.

In the case of maternity leave, NAFO will pay a maternity allowance for up to a maximum of seventeen (17) weeks. In the case of parental leave, NAFO will pay a parental allowance for up to a maximum of thirty seven (37) weeks. The total aggregated amount of maternity and parental allowance that may be received by one or two employees in relation to the same birth or adoption is fifty two (52) weeks.

During maternity or parental leave the Members of the Secretariat shall continue to receive allowances and benefits based on his/her salary, excluding the accrual of sick or annual leave provided he/she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should he/she fail to return to work for the required six (6) month period he/she shall be indebted to the Organization for the amounts received as maternity or parental leave allowances and benefits. At the expiration of the leave, the employee shall be reinstated to the position prior to the commencement of the leave or where this is not possible, to a comparable position with the same wages and benefits and in the same location.

**F. Other Leave**

*Rule 6.14*

The Executive Secretary is empowered to grant requests by a staff member for leave with pay in cases of bereavement or exceptional family related responsibilities. In the case of death of an immediate family member the period of leave with pay shall normally be five (5) working days.

*Rule 6.15*

At the discretion of the Executive Secretary leave may be granted with or without pay for purposes other than those specified in these Rules (e.g. compassionate care).

**G. Application for Leave**

*Rule 6.16*

As far in advance of the leave period as possible, a form titled "Application for Leave" is to be completed by each staff member.

**H. Irregular Leave or Absence**

*Rule 6.17*

Any leave or absence not acceptable within the terms of these Rules shall be deducted from the annual leave and its payment will be at the discretion of the Executive Secretary.

**SECTION 7. Social Security**

*Rule 7.1*

It shall be a condition of employment that members of the Secretariat join the Regular Pension Scheme and the Social Security Plans set up by the Organization covering life and disability insurances.

*Rule 7.2*

It shall be a condition of employment that members of the Secretariat, who have been advised, under the terms of Rule 7.1, that they cannot comply with provision of the Regular Pension Scheme and/or Social Security Plans, make appropriate personal arrangements to cover, as necessary, retirement, medical and hospital, life and disability insurances, which shall be initiated as early as possible and duly documented before the end of the first year of employment. Costs to the member of the Secretariat of achieving this coverage shall be met by the Organization in accordance with such rules as it may prescribe, provided that such costs contributed by the Organization shall not exceed fourteen percent (14%) of the total of the salary and salary-related allowances of the member concerned. Costs in excess of this figure shall be the responsibility of that member.

**SECTION 8. Travel and Transportation**

*Rule 8.1*

All official travel shall require previous authorization by the Executive Secretary.

*Rule 8.2*

With regard to official travel, members of the Secretariat shall be entitled to a travel allowance, payable in advance for travel expenses, accommodation, daily living expenses, and any other type of expenses necessarily incurred by reason of travel.

*Rule 8.3*

Economy Class shall be utilized, wherever feasible, for air travel. Business Class shall be used on the authority of the Executive Secretary only. Exceptionally, when no reasonable alternative is available the Executive Secretary may approve the use of First Class. For land travel outside Canada First Class may be utilized on discretion of the Executive Secretary.

*Rule 8.4*

On completion of travel, the staff member shall submit, normally within 15 days, for the approval by the Executive Secretary, a detailed claim of expenses with, where reasonably possible, proof of expenditure.

*Rule 8.5*

Under the control of the Executive Secretary, members of the Secretariat who, in the course of their duties, are requested to use private motor vehicles for official travel or transportation purposes, shall be entitled to receive reimbursement of the costs involved in line with those available to the public sector of the host country. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

*Rule 8.6*

On taking up an appointment and to the degree to be negotiated as part of terms of employment, members of the Secretariat not residing within commuting distance, shall be eligible for:

- a) payment of travel expenses for arrival at post for the member and family from the place of residence to the location of the headquarters of the Organization;
- b) a "subsistence allowance" calculated on the basis of the relocation rules in force in the public sector of the host country;
- c) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the headquarters of the Organization, subject to the maximum weight and volume limits. Staff members without dependants 4 890 kg and/ or a 20' standard international shipping container (33 m3) and staff members with dependants 8 150 kg and/or a 40' standard international shipping container (67 m3);
- d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges, on the basis of the relevant relocation rules in force in the public sector of the host country;
- e) an installation allowance of up to two months net salary in the case of relocating internationally recruited members of the Secretariat; f) such payments shall be subject to prior approval by the Executive Secretary.

*Rule 8.7*

After eighteen (18) months of service, and if the member of the Secretariat is recruited internationally, from outside Canada, the Organization shall pay, in accordance with Regulations 9.3 and 9.4, travel expenses for the member and family to visit the home country on annual leave. This payment to include economy air fare, meal allowance, hotel accommodation and transportation costs to airports and stations while in travel status. Following this, home leave and its travel expenses shall be granted at two (2) year intervals provided that:

- a) family who benefit from this grant have resided in the host country for at least six (6) months prior to travel;
- b) It is understood that the member of the Secretariat will return to continue rendering services for a minimum additional period of six (6) months, or, unless otherwise authorized by the Organization, the accounts paid for his or her travel expenses will have to be returned.

**SECTION 9. Separation from Service***Rule 9.1*

Staff members may separate from service by giving four (4) weeks notice in writing to the Executive Secretary.

*Rule 9.2*

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 or of any of its constituent bodies, or if the Organization 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 these 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 Chairperson of the ~~General Council~~ Commission. In the case of serious misconduct by a staff member that threatens the organization's operations or the organization's staff members (for example, criminal offence, theft, intentional breach of confidentiality), appointment of the staff member may be terminated without prior warning.

*Rule 9.3*

The normal retirement age in the NAFO Secretariat is 65 years of age. In some circumstances, the Executive Secretary may extend a staff member's service beyond 65 years of age.

*Rule 9.4*

The effective date of separation is the first working day after the date of termination of the notice period, except in the event of death of a member of the Secretariat, when it is the day after death and on that date all salary and related emoluments shall cease.

*Rule 9.5*

In the event of separation from service with the Secretariat, members of the Secretariat shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service with the Secretariat, free of all deductions except statutory deductions, limited to a maximum of 40 weeks.

*Rule 9.6*

On separation from service, an internationally recruited member of the Secretariat relocating to his/her home country, or to another country outside Canada, shall be entitled to the following:

- a) payment of travel expenses from the place of residence for arrival at the new residence, for the member and family;
- b) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the new place of residence if not paid by the new employer. Staff members without dependants 4 890 kg and/or a 20' standard international shipping container (33 m3) and staff members with dependants 8 150 kg and/or a 40' standard international shipping container (67 m3);
- c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat;
- d) A repatriation grant. The amount of the grant depends on the length of continuous service with the Secretariat away from the home country in accordance with the table below. The grant is not paid to members of the Secretariat who are dismissed for cause.

Years of continuous service away from home country	Months of salary constituting the repatriation grant
1-2	1
3-4	2
5-6	3
7 and more	4

- e) payments under a, b, and c should be limited to costs that are comparable to relocating to the home country. Such payments shall be subject to prior approval by the Executive Secretary.
- f) with respect to the costs of the Executive Secretary, such payments shall be subject to prior approval by the ~~President~~ Chairperson of the Commission in consultation with the Chairperson of STACFAD.

*Rule 9.7*

Upon separation, accrued unused annual leave shall be paid to any member of the Secretariat at the rate of the current salary at the time of separation but this monetary compensation will not be paid for more than a maximum of twenty-five (25) days plus the leave accrued during the year of separation. In case of death this money will be paid to the member's estate. In the event of termination of employment for reasons other than death or lay-off, the Organization will recover from the member of the Secretariat an amount equivalent to any unearned annual leave taken by that member, in anticipation of future days to be accrued.

*Rule 9.8*

In case of death of a member of the Secretariat, the Organization shall pay shipment of the remains from place of death to a place designated by the next of kin, limiting the payment of costs to those that correspond to shipping them to the deceased member's home for purposes of home leave or to the place from which personal effects or household goods were shipped.

*Rule 9.9*

In case of death, the family of a deceased member of the Secretariat shall be entitled to the payments specified in Rule 9.6 except that this right shall lapse if the travel is not undertaken within the six (6) months of the date of the member's death, except if a reasonable extension of that period of time is approved.

### **SECTION 10. Temporary Personnel**

The Executive Secretary may hire temporary personnel as necessary, by utilizing whenever possible, persons residing in the area in which the headquarters of the Organization are located.

### **SECTION 11. Application and Amendment of Staff Rules**

*Rule 11.1*

Any doubts concerning the interpretation or application of these Rules shall be resolved by the Executive Secretary unless it applies to the Executive Secretary in which case the ~~General Council~~ Commission shall be consulted. The Executive Secretary shall submit to approval by the ~~General Council~~ Commission at its next meeting any resolution taken previously under the terms of this Rule.

*Rule 11.2*

All matters not foreseen in these Staff Rules shall be brought to the attention of the Organization by the Executive Secretary or the Staff Representative after consultation with the Executive Secretary.

*Rule 11.3*

Any changes in these Staff Rules must be approved by the ~~General Council~~ Commission in accordance with its Rules of Procedure, on the advice of STACFAD.

## **NAFO Staff Association and Staff Representative**

### **Mandate of the Staff Representative**

It is the obligation of the Staff Representative (SR) to ensure that staff interests are adequately presented in relevant decision-making processes. The SR has the obligation to contribute to management transparency by informing the staff in a timely fashion about important developments and decisions. Confidential and personal information cannot be disclosed without consent in writing of the individual(s) concerned. If in need of guidance, the SR can call a Staff Association meeting. In the case of a conflict within the Secretariat that cannot be solved internally, the SR can call upon the Staff Committee.

### **Staff Association and Election of Staff Representative**

The Staff Association (SA) guides and mandates the SR to take specific actions or present particular viewpoints to the employer. All NAFO staff on permanent or at least one-year contract excluding the Executive Secretary (ES) form the SA and shall have the right to vote at the SA meetings. Decisions are valid only if at least two thirds of the members participate at the meeting and only if all possible precautions have been taken to ensure that every member had the opportunity to participate. A decision should be reached by consensus; if that is not possible, a simple majority decides. Decisions can be taken by show of hands unless requested otherwise by at least one staff member. The rules of procedure of the SA can only be changed if at least 75% of the staff agrees.

The SA elects the SR (and Vice Staff Representative if such a position is desired by the SA) by secret ballot and by simple majority<sup>1</sup> for a term of 1 year starting January (if a SR is elected after January, his/her term still ends with the calendar year). Each staff member is eligible for the post and can be re-elected without restrictions. The SR can be voted out of office by simple majority at any time. The SA can decide to not have a SR. In this case, the SA must meet the following November, or prior to that upon request of 3 members, to re-discuss the issue. If the SR resigns, a meeting has to be called within a month to deal with the new situation.

The SR can call a Staff Meeting on his/her initiative. In addition, an extraordinary SA Meeting can be called upon request of at least 3 staff members with an agenda circulated at least 3 working days before the meeting.

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<sup>1</sup> If no candidate secures the required number of votes, then:

- a) If there are only two candidates, voting shall be continued until a candidate is elected by simple majority.
- b) If there are three or more candidates, the candidate receiving the lowest number of votes shall be eliminated and voting shall be continued until a candidate is elected. If there are two or more candidates receiving the lowest number of votes, it shall be decided by separate vote which candidate shall be eliminated.

### **Rights of the Staff Representative**

To fulfil his/her duties the SR has a number of rights, namely;

- Be informed about all issues (facts, events, plans, etc), negative or positive, regarding personnel matters and work situation in a timely and comprehensive fashion
- Advise the Executive Secretary on staff preferences regarding work time regulations, work safety and health issues, review of Staff Rules, and other staff-related matters
- Participate in STACFAD meetings when personnel matters and work situations are discussed
- Be partially freed from ordinary work in order to research issues relevant to his/her function (point in time and amount of time granted to be agreed upon by ES and SA but not to exceed 20% of annual work time).
- Be protected from reprimand/dismissal on the grounds of his/her activities in this function.

## Annex 2

### Staff Committee

#### Mandate

Most conflicts within the Secretariat can be and should be solved internally. In the rare case that a conflict cannot be solved internally or that its resolution causes major concern (e.g. perceived unjust dismissal of a staff member) the Staff Committee can be asked to intervene. Solutions should be achieved through mediation between the parties involved in the conflict and, if the Staff Committee finds it necessary, by bringing the case before NAFO Contracting Parties.

The Staff Committee is mandated to advise and mediate in the rare event that conflicts within the Secretariat cannot be solved internally. The Staff Committee is composed of three (3) members nominated by members of the Secretariat and appointed by the ~~General Council~~ Commission. Members of the Staff Committee serve one year and can be re-elected at every Annual Meeting.

#### Guidelines for Staff Committee

- 1) It is the obligation of Secretariat staff and Executive Secretary to seek internal solutions to all disputes before bringing anything to the attention of the Staff Committee.
- 2) On a specific issue, one or more members of the Staff Committee can be approached by (a) the Staff Representative, and/or (b) the Executive Secretary and/or (c) 3 staff members<sup>1</sup>.
- 3) The Staff Committee will treat all cases in the strictest confidence. The Staff Committee will also not disclose any names without consent of the individual concerned throughout the mediations with Secretariat staff and/or Executive Secretary.
- 4) A reasonable period of time (1 month) after contacting the Staff Committee, a final decision in a case (if necessary) must be taken by the Executive Secretary considering all options presented.
- 5) If the resolution of a case does not satisfy the Staff Committee the matter should be presented to STACFAD and the ~~General Council~~ Commission at the next Annual Meeting. In severe cases, the Staff Committee may decide to contact NAFO Contracting Parties immediately and ask for guidance or action.

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<sup>1</sup> This means that at least 3 staff members have to agree that a conflict cannot be solved internally and is important enough to be brought before the Staff Committee bypassing Staff Representative and Executive Secretary. This will prevent frequent and unjustified calling on the Committee Members.