



**FOURTH MEETING
INTERSESSIONAL WORKING GROUP
REGIONAL OBSERVER PROGRAMME (IWG-ROP4)
Novotel Hotel, Nadi, FIJI
July 6 - 8, 2015**

Suggested Mechanisms to Prevent and Deter Alcohol Related Misconduct of Observers.

**WCPFC-2015-IWGROP4-05
19 June 2015**

Background:

1. Based on a recommendation from the ROP-TAG, the WCPFC Secretariat was tasked with developing and circulating prior to TCC10 a paper on a Minimum Standard in relation to mechanisms on how to prevent and stop misconduct of observers. Paper “WCPFC-TCC10-2014-14A” was tabled at TCC10 and following a review of that paper TCC10 recommended that the IWG-ROP discuss the suggested mechanisms outlined in Table 1 of WCPFC-TCC10-2014-14A.

Task for IWG-ROP4:

2. WCPFC11 agreed that the IWG-ROP discuss the suggested mechanisms to prevent and deter alcohol related misconduct of observers (Ref: WCPFC11 Summary Report para 489 (i) and Attachment M).

Context:

3. Observing in the WCPO is considered a professional position, and persons selected and trained to be observers are expected to behave in a manner that befits their roles as representatives of their programme and their country. However, a few observers have acted in an irresponsible and improper manner, causing a number of problems for their programmes, other observer providers as well as vessels they are either to board or are on board. The observer providers are well aware of these problems, and some have taken some form of disciplinary action against observers that have engaged in misconduct.

4. All observer programmes have in place a ‘Code of Conduct’ in which most cases, contains penalties for observer indiscretions/infractions. In the past, penalties for observer misconduct have included loss of pay, suspension of work, and, in some cases, termination as an observer.

5. For discussion purposes, during the IWG-ROP, an additional column has been added to the table in Attachment M of WCPFC11 Summary Report to assist with discussions. This additional column includes a few suggestions on standards that could be added to help minimize or mitigate the risk of alcohol-related misconduct from occurring. Some edits shown in track have been included to the possible result column. These changes are intended to assist discussion during the IWG-ROP4 of these matters. Upon reflection some “Mechanisms” may be considered punitive by some (e.g. 8 & 9) but were included as they are options that were contributed by a couple of providers to the ROP-TAG discussions.

Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers – for further discussion at IWG-ROP4

#	Suggested Mechanism	Possible result	Suggested Standards of the Commission to be applied
Training			
1	Continually and forcefully emphasize observer professionalism and pride early and often during training, clearly indicating that an observer is “on the clock” for the entirety of their observer contract and assignment.	This sets the frame for future observer behavior and could help self-select for observers less likely to engage in misconduct.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other code infringements.
2	Clearly and explicitly explain the rules, regulations, and Code of Conduct for observers related to misconduct, especially the consequences for violations, at several stages in training.	This should help improve the awareness of potential consequences and help deter some observers from engaging in misconduct.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other infringements.
3	Clearly and explicitly explain the rules and procedures for documenting potential misconduct violations. There should be a requirement of proof of misconduct which should place the burden on the vessel or vessel agent to provide an affidavit documenting the specifics of the observer misconduct, an opportunity for the observer to provide a response, and a written report summarizing the findings as well as an opportunity for both parties to comment in writing on the report.	This would ensure that the observer understands their rights and what steps they would take should they be accused of misconduct. Providing this information offers an additional incentive to behave while also informing the observer of their right to an unbiased investigation of the accusation.	Observer Training must contain a section on the rights and role of an observer in relations to any accusations made against him or her. Collecting of written affidavits plus substantiated evidence is required before any further undertaking can be made against the accused observer, hearsay and verbal complaints are not sufficient for remedial action or dismissal.
4	Clearly and explicitly explain the penalties schedule for violations, e.g. Arrest for alcohol related assault results in termination. The penalties schedule should include all scenarios, such as, if an observer is found guilty of misconduct that does not rise to the level of termination, the observer provider should provide a progressive performance evaluation that allows an observer to improve, with clear expectations in writing, including, where available, options for counseling and alcohol treatment and recovery programs.	This gives observers a clear understanding of what is at stake if they engage in misconduct and provides an additional deterrent effect, while also indicating to the observer their options for seeking treatment for <u>alcohol problems</u> .	An observer charged with a Code of Conduct infringement must be given every opportunity to defend him/herself against the claims that they have alleged to have committed. Drunkenness can be a problem for some who are normally good workers, all avenues of assistance should be made available to the observer.

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5	“3 strikes and you’re out rule” - Clearly and explicitly explain the penalties schedule for violations. If an observer is found guilty of misconduct that does not rise to the level of termination, then the observer should be informed and warned that they are on a “3 strike and you are out rule”. This allows an observer to improve, knowing that if they fail to do so; they will face termination from their observer role.	This gives observers a clear understanding of what is at stake if they engage in continual misconduct and provides an additional deterrent effect.	Observers who have problems with misconduct /drunkenness that is not considered a major event should be given a chance to redeem themselves. A standard for action for persons that continually offend should be put in place. The “3 strikes and you are out rule” could be applied for minor offences of drunkenness and other infringements.
Assignment			
6	Intervention at the point of assignment where the observer must read aloud the Code of Conduct before the observer provider and initial or otherwise acknowledge provisions specific to alcohol related misconduct.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given relevant sections to read and note on the Code of Conduct. This is a reminder what lays ahead of them if they infringe with misconduct and or drunkenness.
7	Intervention at the point of disembarking where someone explains the rules and consequences on what will happen if an observer drinks too much.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given copy of the Code of Conduct and solid verbal explanations’ on the relevant sections on the Code of Conduct. With emphasis on the local penalties and consequences if the observer breaches the Code of Conduct.
8	Prohibition on the consumption of alcohol by observers during the term of their trip and return to home country.	Observer will not be permitted to drink any alcohol during their trip and return home subject to sanction. Dismissal as the penalty, regardless of how much is consumed will most likely deter some observers. <u>This is a rigid standard but prone to equitable enforcement.</u>	All Observers are usually considered to be on contract from the start of their trip from their home base until they return to their home base; therefore they should not be permitted to indulge in the consumption of alcohol for the period of their contract.
9	Requirement to remain on board the assigned vessel when in port and only disembark that vessel when the first flight out of the country to the observers homeport	Cost implications as there would be no second trips, unless observers were not permitted to leave the vessel after the first	Observers must stay on board vessels until the point of departure from the port to their home country occurs; also

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	after completion of first trip comes available.	trip and could only leave when departure for home country is organised.	observers must stay on board in the port if they are asked to carry out a second trip on the vessel they are on board.
10	All accommodation etc is organised with meals No alcohol permitted) and paid for by provider if observer lands in foreign port	Observer's accommodation and food (no alcohol permitted) is paid by provider to a set limit, - Small allowance to cover costs if observer has to travel or is going back for 2 nd trip.	Observer's accommodation and food is pre-organised and paid by provider. When an observer lands in a foreign port. This includes banning the sale of alcohol to the observer as part of the costs.

Final Notes

6. Drunkenness and misconduct is always a problem regardless of what profession a person is in. The fact that we have hundreds of observers working at any given time in many ports throughout the Convention area clearly demonstrates that the majority of observers are very professional and well-behaved. Unfortunately, a few bad apples make it look bad for the rest. Instances of misconduct can occur regardless of experience or rank, and preventing the observer from carrying out their official duties. Sometimes a suspension or other strong penalty may get an observer's attention and prevent future infractions, but some observers may habitually offend. The question for each observer programme that operates as part of the Regional Observer Programme is how we can promote and implement standards that prevent and deter observer misconduct from happening.

7. The key is national and subregional observer programmes need to have good practical administrative support, sufficient staff and need to have adequate financing. Observers have to be well trained and the Code of Conduct training has to have strong emphasis on the expected behaviour and penalties if this behaviour is not maintained. Continual reference to the Code of Conduct may need to be made and reinforced.