

STANDING FISH PRICE-SETTING PANEL

COD FISHERY – 2007

The Standing Fish Price-Setting Panel, hereinafter referred to as “the Panel” issued its Schedule of Hearings for 2007 on February 12, 2007. Pursuant to Section 19 of the *Fishing Industry Collective Bargaining Act*, hereinafter referred to as “the Act”, the Panel set Wednesday, March 21, as the date by which collective agreement(s) binding on all processors in the province, that process cod, must be in effect. In the absence of such collective agreement(s), the Panel set Friday, March 23, 2007, as the date on which the Panel would conduct a hearing regarding prices and conditions of sale for the species cod.

It was noted by the Panel at that time that they had been advised by the Department of Fisheries and Aquaculture that no processors’ organization had been identified that represents processors in the province that process the majority of the species cod. As a result, should a hearing be required for cod, the provision of Section 19.9 are to apply. Presentations would be accepted by the Panel from a processor, processors’ organization and the Fish, Food and Allied Workers representatives at the hearing.

The Panel further advised that parties intending to make presentations to the Panel on cod were to provide the Panel with written submissions not later than 24 hours before the scheduled hearing time and date. The Panel also advised that it shall decide on all matters in dispute between the parties relating to price and conditions of sale for the species cod and the decision of the Panel is final and binding on the parties and all other processors that process that species of fish to which the Panel’s decision relates and constitutes a collective agreement or part of a collective agreement between them.

At the request of the industry the Panel rescheduled the date for a hearing, if required, for the species cod, by notice dated March 16, 2007, to April 27, 2007, at the Battery Hotel and Suites, at 2:00 p.m. The hearing as scheduled was to proceed in the absence of a binding agreement(s) being in effect by April 25, 2007. The notice further indicated that should a hearing be required: “presentations will be accepted by the Panel from a processor, processors’ organization and the Fish, Food and Allied workers representatives at the hearing.”

The Panel received the report of the facilitator on April 26, 2007, advising that at the request of the FFAW, dated April 20, 2007, he was asked to facilitate collective bargaining between FFAW and Seafood Processors of Newfoundland and Labrador Inc., hereinafter referred to as SPONL, at a meeting to take place in Corner Brook on April 25, 2007.

The meeting took place as scheduled on April 25, 2007, involving five representatives from SPONL and nine representatives of the FFAW. The facilitator reported that while various issues were discussed actual price negotiations did not take place and further advised that SPONL had indicated that it may make representations to the Panel.

The FFAW filed a submission on cod with the Panel as required by 2:00 p.m. on April 26, 2007. No other submissions were received by the Panel with respect to the species cod either by 2:00 p.m. on April 26 or prior to the Panel convening its hearing as scheduled on 2:00 p.m. on April 27, at the Battery Hotel.

The only party to attend the hearing and make a presentation to the Panel was the FFAW who supported its submission by an oral presentation.

The Panel also notes that it was the recipient of a report, received on April 20, 2007, from the Department of Fisheries and Aquaculture, which had been prepared by Urner Barry (copy attached). This report entitled "Frozen Cod Synopsis" is an overview of the current US market for Frozen Atlantic and Pacific cod and includes a look at global production. While the synopsis states that cod prices are at an all time high, with further increases expected, it does not provide any specifics with respect to prices, in either the US or other markets, for fresh, frozen or saltfish production.

The submission of the FFAW acknowledges that it is presenting its price proposal, as amended, to the Panel with no cod price agreement in place with any company or association.

The FFAW advised the Panel at the commencement of the hearing that they had been in communication with Iceland Seafoods Inc., a processor that purchases a significant quantity of cod from fish harvesters who are members of the FFAW. Iceland Seafoods Inc. had not been available to meet with the FFAW due to the absence of its principal who was attending the Brussels Seafood Show. As a result the Panel was asked by FFAW at the commencement of the hearing, if they reached an agreement with Icewater Seafoods Inc., prior to the release of the Panel's decision, would that agreement be acceptable to the Panel and confirmed as binding on all processors' organizations and processors for the 2007 season. The FFAW in its written submission, and during its presentation in support at the hearing, advised that the Association of Seafood Processors had indicated a willingness to accept any agreement that may be concluded with SPONL or Icewater Seafoods Inc. It was also stated that SPONL would accept an agreement made with Icewater Seafoods Inc.

On May 2, 2007, the FFAW filed with the Panel a 2007/2008 Cod Schedule to be effective from May 7, 2007 to March 31, 2008 (copy attached).

The schedule states: "The parties agree that this schedule and the applicable master collective agreement together constitute a collective agreement between the parties for the purpose of the *Fishing Industry Collective Bargaining Act*." The schedule sets out in detail the terms and conditions related to the sale of cod. The schedule is signed by the FFAW and Icewater Seafoods Inc., dated May 2, 2007.

In filing this agreement the FFAW is activating its request to the Panel, noted above, to accept this agreement and implement the prices and terms of conditions of sale, as a decision of the Panel.

CONSIDERATIONS:

Section 19.9(3) of the Act provides that the Panel, following a hearing, is required to make a decision on the matters in dispute between the parties and its decision constitutes: a collective agreement or part of a collective agreement that is binding on the parties and all other processors that process, in this instance cod.

The only submission and representation received by the Panel was that of the FFAW. In its representation to the Panel the FFAW clearly indicated they would prefer a negotiated settlement if one were available, prior to the Panel issuing its decision. If the Panel were to

ignore this request, the only evidence and argument with respect to prices and conditions of sale are to be found in the FFAW submission.

Negotiated settlements are by far more preferable, and we have conclusive evidence of agreement between the FFAW, as bargaining agent on behalf of fish harvesters, and a significant processor of cod, Icewater Seafoods Inc., who appear to have the confidence of other processors.

In the absence of any evidence to the contrary, or receipt of a contravening position from other processors or processors' organizations, who will be bound by the decision of the Panel; the Panel accepts the schedule filed by the FFAW as the appropriate determination of the issue. The Panel also notes that ample opportunity was provided to all processors and processors' organizations to make submissions to the Panel and attend the hearing. The absence of any such representations would appear to support the position as outlined by the FFAW.

DECISION:

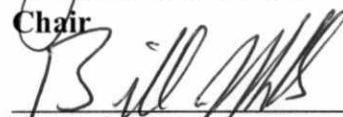
It is the decision of the Panel that prices for the species cod, and conditions of sale related thereto, for the 2007/2008 collective agreement(s) will be in accordance with the schedule submitted dated May 2, 2007, between the FFAW and Icewater Seafoods Inc. and attached hereto. The schedule will be binding on the signatories and all other processors that process cod in the province, during the period stated therein, and will form a collective agreement of part of a collective agreement with the FFAW.

Dated the 3rd of May, 2007.

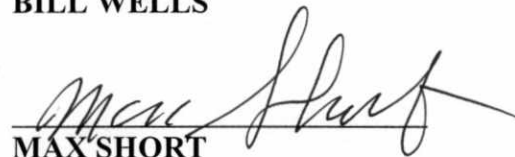


JOSEPH P. O'NEILL

Chair



BILL WELLS



MAX SHORT