

Public Advisory: Notice of Review and Request for Submissions for the Fishing Industry Collective Bargaining Act

Environment and Climate Change

July 28, 2022

An independent review of Sections 19.1 through 19.14 of the Fishing Industry Collective Bargaining Act has been established by the Honourable Bernard Davis, Minister Responsible for Labour. The independent review will be conducted by Mr. David Conway.

The review will involve consultations with fish harvesters, processors, their respective organizations and any other interested parties. A written report of the Fishing Industry Collective Bargaining Act Review will be submitted to the Minister Responsible for Labour outlining the results of the review and any recommendations. A final report will also be made publicly available.

Organizations and individuals are invited to make written submissions as part of the review:

- Submissions must be submitted to ficbareview@gov.nl.ca by 4:00 p.m. on Friday, September 9, 2022.
- In their written submissions, organizations or individuals may also may also request to present a verbal submission. Verbal submissions will be conducted on a discretionary basis. Any verbal submissions will be conducted virtually and will be scheduled for Monday, September 12, 2022.

The review may also include interviews with individuals who have knowledge of the collective bargaining model contained in Sections 19.1 through 19.14 of the Act.

Please note that the report will note the names of individuals who were made submissions or were interviewed as part of the review, including identifying information such as name and organization.

Questions or comments can be submitted to ficbareview@gov.nl.ca. The Terms of Reference are attached in the backgrounder below.

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Media contact

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BACKGROUNDER

Terms of Reference for Review of the Fishing Industry Collective Bargaining Model

PURPOSE:

To review the fishing industry collective bargaining model contained in Sections 19.1-19.14 of the Fishing Industry Collective Bargaining Act

BACKGROUND:

The Minister Responsible for Labour has initiated a review of the collective bargaining model contained in sections 19.1 to 19.14 of the Fishing Industry Collective Bargaining Act.

The Fishing Industry Collective Bargaining Act (FICBA) regulates collective bargaining between fish harvesters and processors. In 2006, Government authorized the creation of a three-person Standing Fish Price-Setting Panel (Panel) for the purpose of:

1. facilitating access by parties to collective bargaining to market information relating to the sale of fish;
2. establishing criteria that are not inconsistent with this Act relating to collective bargaining under this Act;
3. providing assistance to parties engaged in collective bargaining under this Act;
4. setting prices and conditions of sale for a fish species where parties have engaged in collective bargaining and have been unable to agree or where parties have refused to engage in collective bargaining;
5. reviewing and report on matters related to the price and conditions of sale of a fish species that may be referred to it by the minister responsible for fisheries and aquaculture; and
6. making recommendations on matters falling within its mandate to the minister responsible for fisheries and aquaculture and the minister responsible for fisheries in the Government of Canada.

FICBA prohibits the right to strike or lockout, and requires the Panel to use either final offer selection or conventional arbitration in making their decisions.

STATEMENT OF WORK:

In concluding the work, the Consultant will:

1. Review sections 19.1-19.14 of the Fishing Industry Collective Bargaining Act to determine if the collective bargaining model is still effective and responsive to the needs of the industry;

2. Conduct consultations with fish harvesters and processors and their respective organizations and any other interested parties with regard to the current collective bargaining model;
3. Report back to the Minister Responsible for Labour outlining the results of the review and, if deemed necessary, recommendations for change; and
4. Include in the report a list of all persons and groups who made representation during the consultation process and a summary of the information provided.

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4:15 pm