

STANDING FISH PRICE-SETTING PANEL

COD FISHERY – 2008 – 4R3Pn, 2J3KL

The Standing Fish Price-Setting Panel, hereinafter referred to as “the Panel”, issued its Schedule of Hearings for 2008 on February 13, 2008. Pursuant to Section 19 of the *Fishing Industry Collective Bargaining Act*, hereinafter referred to as “*the Act*”, the Panel set Friday, June 20, as the date by which collective agreement(s) binding on all processors in the province that process 4R3Pn cod, must be in effect. In the absence of such collective agreement(s), the Panel set Wednesday, June 25, 2008, as the date on which the Panel would conduct a hearing regarding prices and conditions of sale for the species cod, for area 4R3Pn (Gulf).

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 were to apply. Presentations would be accepted by the Panel from any 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 schedule 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.

The Panel facilitator was advised by the FFAW on the 24th day of June, that negotiations with Igewater Seafoods Inc. and Labrador Fishermen’s Union Shrimp Co. had resulted in agreements on price and conditions of sale for 4R3Pn and 2J3KL cod.

The Panel convened its hearing for 4R3Pn and 2J3KL cod at 2:00 p.m. on Wednesday, the 25th day of June at the Labour Relations Board Hearing Room. The only party to appear before the Panel was the FFAW who filed a presentation (copy attached) and supported its submission by an oral presentation.

The Panel was in receipt of a submission by Labrador Gem Seafoods Incorporated (hereinafter referred to as “LGS”), which was received on the 29th of May, 2008. The comments were intended to apply to the 4RS cod fishery in 2008. The Panel has no jurisdiction related to 4RS fisheries, and accepts the submission based on the collective bargaining related to the fishery in 4R. Three specific issues are addressed by LGS, they are: the timing of seasonal fisheries, prices and grading.

The opening and closing dates for various species of fish are established by the Department of Fisheries and Oceans. The Panel, based on the information provided, sets dates by which collective agreements, binding on all processors, must be in effect. The Panel is required to ensure that price and conditions of sale are set prior to the scheduled opening date of a fishery. The seasonal timing of a fishery should be dealt with by the participants in conjunction with DFO and this may have been the case, at some point, with respect to each fishery.

The second matter relates to the prices paid, particularly for the summer fishery. The suggestion is that the prices for the reasons stated, should be less than the price for 3Ps cod, by a magnitude of 10%. The Panel has had no other representation on this point. The Panel will address the issue of pricing further on in this report.

The third issue related to weights and grading again is a matter that requires the input of processors and harvesters involved in a particular fishery. It also requires that the discussion take place among those affected prior to the issue coming to the Panel.

On the whole of the issues, the Panel is compelled to note the seeming lack of interest, or at least participation by processors, in the price setting process for the species cod. Only the FFAW has appeared before the Panel and, in each instance, the only collective agreement between the FFAW and a processor filed with the Panel has been confirmed. Previously, processors by their actions have implicitly accepted the agreements negotiated by Icewater Seafoods with the FFAW as being substantially acceptable.

In the matter now before the Panel, there is evidence of two companies having concluded a collective agreement with the FFAW, Icewater Seafoods and the Labrador Fishermen's Union Shrimp Company. All other processors, with the exception of LGS, have not made any representation to the Panel, even though all processors were aware by notice of the fact that prices will be confirmed by the Panel and the date of the hearing.

The FFAW, by concluding the two agreements noted, have staked out their position on the cod fisheries in question and are not likely to alter their price positions at this time. In fact, their representation is to have the price schedules on which they have secured an agreement confirmed by the Panel.

The submission by LGS on price adjustment, and the other issues raised, stands alone. The Panel must conclude that all other processors; including the two companies who have agreements, buying cod from harvesters, whether for salting, fresh or frozen production, have no such concerns that they wish to have dealt with or make any representation with respect thereto.

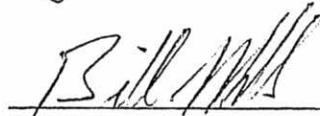
It is the decision of the Panel that prices for the species cod in areas 4R3Pn and 2J3KL, and the conditions for sale for the 2008/2009 collective agreement(s) will be as set out in the 2008/2009 Cod Schedule, date June 24th, 2008, between the FFAW and Icewater Seafoods Inc. attached hereto. This schedule is identical to the agreement with

the Labrador Fishermen's Union Shrimp Company. The schedule will be binding on the signatories and all other processors that purchase cod in the areas noted, during the period stated therein, and will form a collective agreement or part of a collective agreement with the FFAW.

Dated the 2nd of July, 2008.



JOSEPH P. O'NEILL



BILL WELLS



MAX SHORT

Submission to Standing Fish Price-Setting Panel
4R3Pn and 2J3KL Cod
June 25, 2008

On February 6th, 2008 the Fish, Food and Allied Workers (FFAW/CAW) sent notice of intent to meet and negotiate prices and conditions of sale with respect to crab, shrimp, cod, lumproe, capelin, mackerel and squid to the Association of Seafood Producers Inc. (ASP) and Seafood Processors of Newfoundland and Labrador Inc. (SPONL), as well as unaffiliated processors in the province.

A letter from the Panel, signed by Chair Mr. Joe O'Neill, dated April 17, 2008 confirmed there was no majority cod processor or processor's organization identified by the Department of Fisheries and Aquaculture. Accordingly, the provisions of section 19.9 of the *Fishing Industry Collective Bargaining Act* apply.

On June 9th and 10th, a notice of intent to negotiate 4R3Pn and 2J3KL cod prices and conditions of sale was send to ASP and SPONL, respectively (see Appendix A), but no negotiations with either group. There was no response from either group. The Union conducted negotiations with Icewater Seafoods and later with the Labrador Fishermen's Union Shrimp Company. Agreement was reached for a Cod Schdule as per Appendix B.