

STANDING FISH PRICE-SETTING PANEL

COD FISHERY – SUMMER 2010

The Standing Fish Price-Setting Panel, hereinafter referred to as “the Panel”, issued its Schedule of Hearings for 2010 on January 26, 2010. Pursuant to Section 19 of the *Fishing Industry Collective Bargaining Act*, hereinafter referred to as “the Act”, the Panel set Wednesday, May 5, 2010, 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 Thursday, May 6, 2010, 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 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 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 industry representatives, the Panel rescheduled the dates for Cod by Notice dated April 26, 2010 (copy attached). Again, at the request of industry representatives, the Panel rescheduled the hearing for Cod by Notice dated May 13, 2010 (copy attached), to 2:00 pm, Thursday, June 3, 2010. The location was also changed to the Labour Relations Board Hearings Room, 1st Floor Beothuck Building, 20 Crosbie Place, St. John’s.

The Panel convened its hearing for Cod at 2:00 pm, on Thursday, June 3, 2010, at the Labour Relations Board Hearings Room, 1st Floor Beothuck Building, 20 Crosbie Place, St. John’s.

The only party to appear before the Panel was the FFAW. The FFAW filed a brief submission to which was attached a copy of a collective agreement between the FFAW and Iceswater Seafoods dated the 2nd day of June 2010 (copy attached). The collective agreement incorporates the previous Master Collective Agreement. Article 16 contains the provisions of the previous Cod Schedule. Schedule “A” of the agreement

sets out minimum cod prices for areas 3Ps, 4R, 3PN, 2J and 3KL for the periods indicated.

The FFAW requested the Panel to accept this collective agreement as the collective agreement to be binding on all processors buying cod in the province. In support of that request, it was noted that in previous years the Panel has accepted price schedules agreed between the FFAW and Icewater Seafoods Inc. as the binding collective agreement. No other processor or processors' organization responded to the FFAW's request to negotiate.

As the Panel noted in its 2009 decision: "... in each of the three previous years it had confirmed cod prices based on agreements arrived at between Icewater and the FFAW. The circumstances are no different this year."

It is the decision of the Panel that the prices for the species cod, and the conditions of sale for the summer cod fishery, in the 2010/11 collective agreement(s) will be as set out in the attached collective agreement dated the 2nd day of June, 2010, between the FFAW and Icewater Seafoods Inc. attached hereto.

This agreement is binding on all processors that purchase cod in the areas noted, during the periods stated therein, and will form an agreement or part of a collective agreement with the FFAW.

Dated the 3rd of June, 2010.



JOSEPH P. O'NEILL



BILL WELLS



MAX SHORT