

## STANDING FISH PRICE-SETTING PANEL

### COD FISHERY – SUMMER 2011

The Standing Fish Price-Setting Panel, hereinafter referred to as “the Panel”, issued its Schedule of Hearings for *inter alia* cod on April 12<sup>th</sup>, 2011. Pursuant to Section 19 of the *Fishing Industry Collective Bargaining Act*, hereinafter referred to as “the Act”, the Panel set Wednesday, May 11<sup>th</sup>, 2011, as the date by which collective agreement(s) binding on all processors in the province that process the species Cod, must be in effect. In the absence of such collective agreement(s), the Panel set Thursday, May 12<sup>th</sup>, 2011, 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 hearing for Cod by Notice dated the 9th day of May, 2011 to 2:00 p.m. Friday, May 13, 2011.

The Panel convened its hearing for Cod at 2:00 pm, on Friday, May 13, 2011 at the Labour Relations Board Hearings Room, 1<sup>st</sup> 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 an agreement between the FFAW and Iceswater Seafoods Inc., headed 2011/12 Cod Schedule, dated the 13<sup>th</sup> day of May, 2011 (copy attached). This Schedule set out minimum prices for Cod for areas 3Ps, 2J 3KL, 4R and 3PN for the periods specified. The Schedule also specifies the terms and conditions of sale for the species Cod, and with the Master Collective Agreement constitutes a Collective Agreement between the parties.

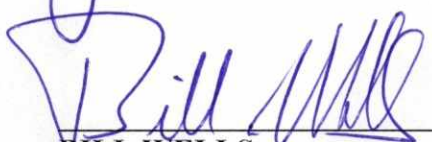
The FFAW requested the Panel to endorse this Schedule as the collective agreement to be binding on all processors that process Cod in the province. No other processor or processors organization responded to the FFAW's request to negotiate.

As the Panel notes that since 2006 the prices for the species Cod has been set by the Panel as confirmation of agreements between the FFAW and Icewater Seafoods Inc., or, decided by the Panel on representation by both of the parties.

It is the decision of the Panel that the prices for the species cod, and the conditions of sale for the cod fishery, in the 2011/12 collective agreement(s) will be as set out in the attached Schedule dated the 13th day of May, 2011, between the FFAW and Icewater Seafoods Inc.

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

Dated the 16<sup>th</sup> of May, 2011.

  
**JOSEPH P. O'NEILL**  
**BILL WELLS**  
**MAX SHORT**

## 2011/12 Cod Schedule

The prices and related terms and conditions for cod during the 2011/12 season are set out in this Schedule.

The parties agree that this Schedule and the Master Collective Agreement between FFAW/CAW and the Association of Seafood Producers (ASP) dated May 9, 2011 together constitute a Collective Agreement between the parties for cod for the purposes of the *Fishing Industry Collective Bargaining Act*.

1. Both parties recognize the importance of maintaining quality. To ensure top quality cod, all fish must:
  - be gutted and properly iced immediately after coming onboard the vessel;
  - be free of gut and liver;
  - have temperatures maintained at <4 degrees C.
2. Fish Harvesters' Resource Centres (FRC) will be the exclusive dockside monitoring company for the cod fishery.
3. The terms and conditions of this Schedule may be amended by mutual consent.
4. This Schedule is in effect from date of signing until March 31, 2012, inclusive.
5. Minimum cod prices will be as follows. For the purpose of this Schedule, length of fish is measured from the tip of the nose to the crux (meat) of the tail.

### 3Ps\*, 2J3KL and 4R North of Johnson's Cove

Hook & Line/Trawl and Gillnet/Otter Trawl (18" and over) \$0.60 per lb.

\* The company may cease buying between July 24<sup>th</sup> and September 17<sup>th</sup> subject to quality

### 3Pn (Boor Island to South of Johnson's Cove)

Hook & Line/Trawl (18" and over)

\$0.60 per lb.



6. Prices are based on the following conditions:
- (a) Minimum acceptable quality is 80% Grade A. Raw material below 80% Grade A will be rejected.
  - (b) Prices are for fish including tongues and/or cheeks. Fish with tongues and/or cheeks removed will be deducted \$.05 per lb. This provision does not entitle the buyer to require harvesters to remove tongues and/or cheeks as a condition of sale.
7. The parties recognize that the Company's cod markets have stringent quality specifications. The Company reserves the right to cease buying at times when intrinsic quality characteristics of the fish in particular areas fail to meet these specifications.

For Fish Food and Allied Workers  
(FFAW/CAW)

Garth McCarty

Bill Brodenick  
Witness

May 13, 2011  
Date

For Icewater Seafoods Inc.

Allen

Barbie Droyer  
Witness

May 13/11  
Date

AW



**FISH, FOOD AND  
ALLIED WORKERS**

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**EARLE McCURDY**  
*President*

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**DAVID DECKER**  
*Secretary-Treasurer*

**Submission to Standing Fish Price-Setting Panel  
for Cod: May 13, 2011 to March 31, 2012**

FFAW/CAW issued notice of intent to negotiate cod prices to all processors in the Province in January, a copy of which notice was provided to the Panel at the time.

The only response we received was from Icewater Seafoods Inc., the major buyer of cod in the province. In recent years, our negotiations with Icewater have been the basis of the Panel's decisions with respect to cod, and that appears to be accepted by other buyers. In any event, no other buyers responded to our notice.

We appreciate the Panel's co-operation in rescheduling today's hearing to accommodate the timing of negotiations in relation to the Brussels Seafood Show, which is the venue around which cod market discussions take place.

A negotiating committee on behalf of the Union met with officials of Icewater Seafoods this week. These negotiations gave rise to an agreement on cod prices which was executed by the parties this morning. A copy of this agreement is attached.

We hereby request the Panel to endorse the attached Schedule as a decision of the Panel.