

In the matter of the Fishing Industry Collective Bargaining Act and an application from the Fish Food and Allied Workers under section 19:14(1) of that Act for a reconsideration of the decision of the Standing Fish Price-Setting Panel dated the 06 May 2011 on price and conditions of sale for the species lobster for 2011 .

DECISION OF THE STANDING FISH PRICE SETTING PANEL

12 May 2011

Decision on Request from Fish Food and Allied Workers for Reconsideration of the Decision of the Standing Fish Price Setting Panel dated the 06 day of May, 2011.

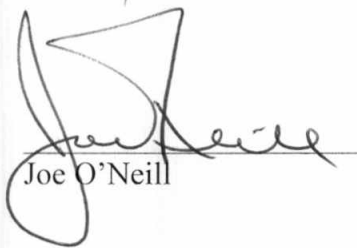
In the matter of the *Fishing Industry Collective Bargaining Act* and an application pursuant to Section 19.14 of the Act from the Fish Food and Allied Workers (FFAW) to the panel to reconsider its decision respecting the price and conditions of sale for the species lobster dated May 6th, 2011.

The Panel received a request from FFAW dated May 12th, 2011 pursuant to section 19.14 of the Act to reconsider its decision respecting the prices and conditions of sale for the species lobster dated May 6th, 2011

The FFAW filed a revised Lobster Schedule reflecting an agreement arrived at on this date between the FFAW and the Seafood Producers of Newfoundland and Labrador. It is the decision of the panel to accept the position of the FFAW and confirm the agreement between the parties.

Attached is the revised 2011 Lobster schedule which is to be effective as of May 12th, 2011.

Dated 12th May, 2011.



Joe O'Neill



Bill Wells



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2011 Lobster Schedule

The prices and related terms and condition for lobster for 2011 are set out in this Schedule.

This Schedule together with the terms and conditions of the Master Collective Agreement between FFAW/CAW and the Association of Seafood Producers (ASP) shall together constitute a Lobster Collective Agreement for the purposes of the Fishing Industry Collective Bargaining Act.

- (1) The minimum price for lobster in NL in 2011 shall be determined on a weekly basis, adjusted in accordance with the Urner Barry price listing for 1 1/4 pound live lobster FOB New England.
- (2) The minimum price shall be \$3.25 for all Urner Barry price listings up to and including \$5.00.
- (3) The minimum price shall be increased by 70% of any incremental amount greater than \$6.00 Canadian, and 80% of any incremental amount greater than \$6.00 Canadian.

Example: Market price = \$6.50 U.S.

7 day average exchange rate: \$1.00 U.S. = \$0.97 Cdn.

i.e. Market price = \$6.50 x 0.97 = \$6.30 Cdn.

$$\begin{aligned}\text{Minimum Raw Material Price} &= \$3.25 + (.70 \times \$1.00) + (.80 \times \$0.30) \\ &= \$3.25 + .70 + .24 \\ &= \$4.19\end{aligned}$$

- (4) The minimum price for each week of the lobster season shall be calculated based on the average of the Urner Barry listings on Thursday of that week and Tuesday of the following week, and shall apply retroactively to all sales from Sunday to Saturday, inclusive, payable no later than Thursday of the following week.

Example: The price payable for landings in Week 1 (from Sunday to Saturday inclusive) shall be calculated based on the average of the Urner Barry listings for Thursday of Week 1 and Tuesday of Week 2, payable no later than Thursday of Week 2.

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- (5) All Urner Barry listings used for this purpose shall be converted to Canadian dollars based on the average exchange rate for the seven day period immediately preceding the Tuesday following the week in which the landings occurred, as per the Oanda website.
- (6) Should Urner Barry provide a listing on Thursday in a particular week, or on the following Tuesday, but not both, that listing shall be used as the basis of the calculation. Should there be no Urner Barry listing provided on either a Thursday or the following Tuesday, the most recent prior Urner Barry listing shall be the basis of the calculation.
- (7) In the event that Urner Barry provides a range of prices on a given day, the low end of the range shall be used as the price listing for the purposes of this Schedule.

Example: If Urner Barry reports a market range of \$6.00 to \$6.10, all calculations done for the purposes of this Schedule shall be based on \$6.00.

- (8) Notwithstanding the provisions of the preceding paragraphs, the parties may agree on lobster prices on the following basis:
 - (a) No later than noon on Saturday of any week, the parties may agree in writing on a minimum raw material price for lobster to take effect at 12:01 a.m. on the following Sunday.
 - (b) This agreed price shall remain in effect thereafter on a week by week basis unless either party gives notice in writing to the other no later than noon on Friday of any subsequent week of intent to renegotiate the price for the following week. The parties shall then have until noon on Saturday to reach agreement for a minimum price for the following week, failing which the provisions of paragraphs (1) through (7) shall apply, effective 12:01 a.m. the following Sunday.
 - (c) In negotiating prices in accordance with this section, the parties shall take into account fluctuations in market prices and the Canada/U.S. exchange rate.
 - (d) In order to provide transparency as to actual export market prices for Newfoundland and Labrador lobster, member companies of

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SPONL agree to provide export market receipts to an independent third party agreed upon by the parties, for the purpose of developing a database of accurate market information. The independent third party will provide information to the parties in a manner which respects the confidentiality of market information on an individual buyer basis. The parties will also seek to obtain information on market prices paid in other provinces, and circulate same to the parties through the independent third party, for information purposes.

- (9) Notwithstanding the provisions of paragraphs (1) to (7) above, the minimum price for lobster effective May 8, 2011 shall be \$3.65 per pound. This price shall remain in effect until either party gives notice as per Paragraph 8 (b) above.
- (10) Prices are based on legal size lobster.
- (11) This Schedule is effective from May 8, 2011 until the end of the 2011 lobster fishing season. All sales prior to May 8, 2011 shall be governed by the decision of the Standing Fish Price-Setting Panel dated April 18, 2011.

Dated at St. John's, NL this 12th day of May, 2012.

Signed on behalf of
Fish, Food and Allied Workers
(FFAW/CAW)






Witness

Signed on behalf of
Seafood Producers of Newfoundland
and Labrador (SPONL)





Witness