

STANDING FISH PRICE-SETTING PANEL

COD FISHERY – 2012

The Standing Fish Price-Setting Panel, hereinafter referred to as “the Panel”, issued its Schedule of Hearings for 2012 on March 9th, 2012. Under to Section 19 of the *Fishing Industry Collective Bargaining Act*, hereinafter referred to as “the Act”, the Panel set Monday, May 14th, 2012, as the date by which collective agreements binding on all processors in the province that process Cod, must be in effect. In the absence of such collective agreement, the Panel set Tuesday, May 15th, 2012, 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 it 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 provisions of Section 19.9 of the Act were to apply. Presentations would be accepted by the Panel from any processor, processors’ organization and the Fish, Food and Allied Workers, at the hearing.

The Panel further advised that parties intending to make a presentation 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 would 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 the species Cod, 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 a hearing Notice dated May 11th, 2012, (copy attached), to 2:00 p.m, Wednesday, May 23rd, 2012. The location was also change to the Battery Hotel and Suites in St.John’s.

The Panel convened its hearing for Cod at 2:00 p.m. on Wednesday, May 23rd, 2012. The only party to appear before the Panel was the FFAW. The FFAW made a brief submission (copy attached) to which was attached a copy of a 2012/2013 Cod Schedule, arrived at by agreement with Icewater Seafoods, dated May 22nd, 2012. (copy attached).

The FFAW advised that a notice of intent to negotiate Cod prices with all processors in the province was sent out in January, which notice was copied to the Panel at that time. The only response received was from Icewater Seafoods Inc. The Panel notes that it has received no other submissions with respect to the species Cod and no other party appeared before the Panel.

The FFAW Points out that in recent years:... “ our negotiations with Icewater have been the basis of the Panels decision with respect to Cod, and that appears to be accepted by other buyers...” The Panel in previous decisions with respect to the species Cod has also made mention of that fact.


It is the decision of the Panel that the prices and condition of sale for the species Cod for the 2012/2013 collective agreement(s) will be as set out in the attached 2012/2013 Cod Schedule dated the 22nd day of May, 2012, between the FFAW and Icewater Seafoods Inc.

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

Dated the 23rd day of May, 2012.


BILL WELLS


MAX SHORT


EDWIN HUSSEY

2012/13 Cod Schedule

The prices and related terms and conditions for cod during the 2012/13 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, 2013, 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, 4R and 3Pn

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

*3Ps - From July 22 to September 29

Hook and Line/Trawl Gillnet/Otter Trawl (18" and over) \$0.40 per lb.

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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 \$0.05 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

For Icewater Seafoods Inc.

William Brodeur

Albert

Lina Proby
Witness

Kurt Sullivan
Witness

May 22/2012
Date

May 22/12
Date

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