

STANDING FISH PRICE-SETTING PANEL
CRAB FISHERY 2018

In the matter of the *Fishing Industry Collective Bargaining Act*, hereinafter referred to as the “Act” and an application by the Fish, Food and Allied Workers Union requesting that, pursuant to Section 19.14 of the Act, the Standing Fish Price-Setting Panel reconsider its decision of April 4, 2018, setting price and conditions of sale for the species Crab.

The Panel received an application from the Fish, Food and Allied Workers Union, hereinafter referred to as “FFAW”, dated May 13, 2018, requesting the Panel to reconsider its decision dated April 4, 2018, concerning the price and conditions of sale for crab in 2018. The application is based on the claim that current market prices are significantly higher than were known and anticipated at the time of the initial Panel decision on April 4, 2018.

The Panel, pursuant to Section 19.14(1) of the Act, requested the FFAW and the Association of Seafood Producers, hereinafter referred to as “ASP”, the parties to the decision of the Panel on April 4, 2018, provide their price positions for Final Offer Selection by 4:00 p.m. on Monday, May 14, 2018. With the concurrence of the parties, the deadline for submissions was later extended to 6:00 p.m. The parties were also requested to attend a hearing on the request for reconsideration which would be held on Tuesday, May 15, 2018 at 9:00 a.m. at the Ramada Hotel.

The Regulations made pursuant to the Act state at Section 3(3): “*A decision respecting reconsideration shall be made by the Panel within 48 hours from the time the Panel has acknowledged receipt of the application for reconsideration.*” The Act and Regulations also stipulate, that in making a decision under Section 19.14(2) of the Act: “*...final offer selection shall be the only form of arbitration used.*”

The Panel convened its hearing on the application at 9:00 a.m. on Tuesday, May 15, 2018, at the Ramada Hotel, 102 Kenmount Road, St. John’s. Appearing before the Panel were representatives of the parties who supported their written submissions (copies attached) in argument and rebuttal.

At the hearing, ASP raised a preliminary matter. Despite having made a price offer for final offer selection, it objects to the action of the Panel to reconsider its initial decision. This objection is based upon their assertion that, despite there being a change in market prices, the conduct of the fishery is not in jeopardy.

Under Section 19.14 (3) of the Act, "The panel shall only reconsider its decision (a) where it believes the failure to do so would jeopardize the conduct of the fishery to which its decision applies; ...". The Regulations made pursuant to the Act state at Section 3(1): "*In determining whether the conduct of the fishery to which its decision applies is in jeopardy under subsection 19.14 (3) of the Act, the Panel shall consider whether market or currency factors have changed significantly from the time the panel made its initial decision.*"

In respect of the preliminary objection of ASP, the Panel has accepted the position of the FFAW that reconsideration of our initial decision on 2018 prices is warranted under the current circumstances.

On the final offers of price, it is the decision of the Panel to accept the position of the ASP.

The minimum prices for the species crab effective from the release of this decision will be:

- \$4.90/lb. – 4" carapace and up.
- \$4.70/lb. - for legal size under 4".

These prices will form a collective agreement or part of a collective agreement binding on all processors that process the species Crab.

The Panel will issue a more detailed report on its decision at a later date.

Dated the 15th day of May, 2018.



Wayne Follett



Bill Carter



Rosalind Walsh