

Standing Fish Price-Setting Panel

2023-26 Activity Plan



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Message from the Chairperson

I am pleased to submit the multi-year Activity Plan (the Plan) of the Standing Fish Price-Setting Panel (the Panel) for the fiscal years 2023-24, 2024-25, and 2025-26. This Plan has been prepared in compliance with the **Transparency and Accountability Act**. The Panel is categorized as a category three government entity and it is required to prepare a performance-based activity plan. The Panel is accountable for the preparation of this Plan and the achievement of its objectives. In developing this Plan, the Board has considered the strategic directions of the Provincial Government.

Looking forward, the Panel is cognizant of its role and of the need to discharge its mandate in an effective and efficient manner while contributing to the economic stability of the fishing industry. Facilitating and encouraging successful collective bargaining is paramount; however, where necessary, the Panel will set fish prices and conditions of sale through a well-managed, unbiased, timely and transparent process.



Sheilagh M. Murphy, Chair

1.0 Overview

The **Fishing Industry Collective Bargaining Act** (the Act) regulates collective bargaining between fish harvesters and processors. The collective bargaining framework was created in 1971 and has been amended several times to prohibit strikes or lockouts by providing for binding arbitration using different models: a single arbitrator; or binding arbitration using a Standing Fish Price-Setting Panel, which is the current model. The latest changes to the Act were completed in 2022 resulting from recommendations of the Conway Report.

Established in 2006, the Panel is required to set the price and conditions of sale for fish when parties are unable to do so through the collective bargaining process. Specific duties of members are outlined in Section 19.2 of the Act and include: annually identifying, in consultation with stakeholders, particular fish species for collective bargaining; collecting and disseminating market information; establishing parameters for negotiations; facilitating collective bargaining; acting as an arbitration panel for the parties in setting fish prices; setting hearing dates; and setting fish prices when the parties to the negotiations have been unwilling or unable to agree.

The Panel consists of the following members:

- Sheilagh M. Murphy, Chair
- John Whelan, Alternate Chair
- Ronald McCabe, Alternate Chair
- Brian Vallis, Regular Member
- Earle McCurdy, Regular Member
- William Reid, Alternate Member
- Arthur Dodd, Alternate Member

The Panel is supported by a Panel Facilitator, who provides support for Panel activities and stakeholders' work in establishing fish prices. The Panel Facilitator, as well as administrative and secretarial support services are provided by the Labour Relations Division of the Department of Environment and Climate Change, as well as the Department of Fisheries, Forestry and Agriculture.

The Panel's clients are the Association of Seafood Producers and the Fish, Food and Allied Workers'/Unifor Union which represents fish harvesters in the province.

2.0 Mandate

The mandate of the Panel is to consult with industry stakeholders to identify particular fish species for collective bargaining, and to ensure price and conditions of sale are in place by the date established by the Minister of Fisheries, Forestry and Agriculture. The Panel establishes parameters to facilitate collective bargaining, acts as an arbitration panel where the parties to negotiations fail to agree, and has the authority to set prices when negotiations do not take place.

The legislative authority establishing the Panel and its role and responsibilities is contained in Sections 19.1–19.15 of the Act. Appendix A outlines how the Panel is appointed, as well as duties of the Panel, from Sections 19.1-19.5 of the Act.

3.0 Vision

The vision of the Panel is of an optimal collective bargaining climate between fish harvesters and processors in the province to ensure binding collective agreements are in place for the timely commencement of the fisheries on an annual basis.

4.0 Issues

Issue 1: Ensure binding collective agreements are established annually for particular species.

Where particular fish species are identified for collective bargaining purposes and where binding collective agreements are not achieved, the Panel will ensure arbitration hearings are held, and prices and conditions of sale established. The following objective and indicators apply to the 2023-24, 2024-25, 2025-26 fiscal years and will be reported on in the relevant annual reports.

Objective

By March 31, 2024, 2025 and 2026 the Panel will have ensured collective agreements were in place and prices and conditions of sale for fish species were established prior to the date established by the Minister of Fisheries, Forestry and Agriculture.

Indicators:

1. Industry stakeholders responsible for collective bargaining of fish species are notified of the dates by which binding collective agreements are in effect.
2. Requisite facilitation and mediation services are made available to the parties to collective bargaining through the Panel facilitator, to assist the parties in achieving a collective agreement.
3. Industry stakeholders responsible for collective bargaining of fish species are notified of hearing dates, where the parties did not achieve a collective agreement.
4. Where collective agreements are not achieved in bargaining, hearings are conducted in order to provide the parties to collective bargaining with an opportunity to represent their respective positions to the Panel.
5. Following a hearing, the Panel will make and inform industry stakeholders of timely decisions establishing prices and conditions of sale for the particular fish species.

Issue 2: Recommend legislative or regulatory amendments that provide a realistic mechanism for price setting.

The Panel may consult with fishing industry stakeholders to seek input on improving both the collective bargaining process and the process by which the Panel makes decisions. If this process identifies an area where changes are necessary to improve collective bargaining or the hearing process, improvements may be made through legislative amendments. The Panel may make representation to the Minister of Environment and Climate Change, the Minister of Fisheries, Forestry and Agriculture, or both.

The following objective and indicators apply to the 2023-24, 2024-25, 2025-26 fiscal years and will be reported on in the relevant annual reports.

Objective

By March 31, 2024, 2025 and 2026, the Panel, where in its opinion it was warranted, may make recommendations to the Minister responsible, with respect to an amendment to, or modification of, the **Fishing Industry Collective Bargaining Act** and Regulations.

Indicators:

1. The collective bargaining process is monitored.
2. Recommendations for changes to the legislation and regulations are proposed, as warranted.

5.0 Appendix A: Appointment and Duties of the Standing Fish Price-Setting Panel

(Source: Fishing Industry Collective Bargaining Act)

Appointment of Panel

- 19 .1** (1) The Standing Fish Price Setting Panel is continued and shall consist of 3 members appointed as follows:
- (a) a chairperson appointed by the Lieutenant-Governor in Council on the recommendation of the minister in accordance with subsection (2);
 - (b) one member representing the certified bargaining agent appointed by the Lieutenant-Governor in Council on the recommendation of the certified bargaining agent; and
 - (c) one member representing the processors' organization appointed by the Lieutenant-Governor in Council on the recommendation of the processors' organization.
- (2) For the purposes of paragraph (1)(a), the minister shall provide a list of qualified candidates for chairperson to both the certified bargaining agent and the processors' organization who shall rank the candidates in accordance with a process established by the minister and submit the rankings to the minister.
- (3) A member of the panel shall serve for a period of up to 3 years and is eligible to be reappointed.
- (4) Alternate members of the panel shall be appointed as follows:
- (a) 2 alternate chairpersons appointed by the Lieutenant-Governor in Council on the recommendation of the minister in accordance with subsection (2), each of whom may act in place of the chairperson when the chairperson is not available;
 - (b) one alternate member representing the certified bargaining agent appointed by the Lieutenant-Governor in Council on the recommendation of the certified bargaining agent who shall act in place of the member appointed under paragraph (1)(b) when that member is not available; and
 - (c) one alternate member representing the processors' organization appointed by the Lieutenant-Governor in Council on the recommendation of the processors' organization who shall act in place of the member appointed under paragraph (1)(c) when that member is not available.
- (5) The alternate members appointed under subsection (4) shall

(a) serve for a period of up to 3 years and are eligible to be reappointed; and

(b) be considered to be members of the panel only while serving on the panel.

(6) The members of the panel shall be paid remuneration and expenses related to the carrying out of their duties at a rate set by the Lieutenant-Governor in Council.

(7) The remuneration and expenses referred to in subsection (6) shall be paid as follows:

(a) the remuneration and expenses of the chairperson and the alternate chairpersons shall be paid from money appropriated by the legislature for that purpose;

(b) the remuneration and expenses of a member appointed under paragraph (1)(b), (4)(b) and (9)(b) shall be paid by the certified bargaining agent; and

(c) the remuneration and expenses of a member appointed under paragraph (1)(c), (4)(c) and (9)(c) shall be paid by the processors' organization.

(8) Where a member of the panel resigns or due to absence, incapacity or other cause, is unable to carry out the duties as a member, a person shall be appointed in the member's place in accordance with subsection (9) who shall serve for the remainder of the term of the member being replaced.

(9) For the purposes of subsection (8), where the member is

(a) the chairperson, the Lieutenant-Governor in Council shall appoint a person in the member's place in accordance with subsection (2);

(b) the member representing the certified bargaining agent, the Lieutenant-Governor in Council on the recommendation of the certified bargaining agent shall appoint a person in the member's place; and

(c) the member representing the processors' organization, the Lieutenant-Governor in Council on the recommendation of the processors' organization shall appoint a person in the member's place.

(10) Where the term of a member or alternate member expires, the member or alternate member continues to be a member or alternate member until reappointed or replaced.

(11) In this section,

(a) "certified bargaining agent" means the certified bargaining agent prescribed in the regulations; and

(b) "processors' organization" means the processors' organization prescribed in the regulations.

(12) The minister may make regulations

- (a) prescribing the certified bargaining agent for the purposes of paragraph (11)(a); and
- (b) prescribing the processors' organization for the purposes of paragraph (11)(b).

Duties of the Panel

19.2 The duties of the panel are:

- (a) to facilitate access by parties to collective bargaining to market information relating to the sale of fish;
- (b) to establish criteria that are not inconsistent with this Act relating to collective bargaining under this Act;
- (c) to provide assistance to parties engaged in collective bargaining under this Act;
- (d) to set prices and conditions of sale for a fish species where parties have engaged in collective bargaining and have been unable to agree or where parties have refused to engage in collective bargaining;
- (e) to review and report on matters related to the price and conditions of sale of a fish species that may be referred to it by the minister responsible for the fisheries and aquaculture; and
- (f) to make recommendations on matters falling within its mandate to the minister responsible for fisheries and aquaculture and the minister responsible for fisheries in the Government of Canada.

Matters beyond Panel's authority

19.3 The Panel shall not have authority with respect to

- (a) raw material shares; or
- (b) production limits.

Procedure of the Panel

19.4 The Panel may establish rules and procedures for the purpose of carrying out its duties under this Act.

Powers of the Panel

19.5 The Panel has all the powers that are or may be conferred on a commissioner under the Public Inquiries Act.

