

2025 01G

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

ASSOCIATION OF SEAFOOD PRODUCERS INC.

APPLICANT

AND:

HIS MAJESTY IN RIGHT OF NEWFOUNDLAND
AND LABRADOR as represented by the
HONOURABLE MINISTER OF FISHERIES, FORESTRY
AND AQUACULTURE

FIRST RESPONDENT

AND:

FISH, FOOD AND ALLIED WORKERS UNION
(FFAW-UNIFOR)

SECOND RESPONDENT

AFFIDAVIT

Court file no:	2025 01G
Date of filing of document:	March 28, 2025
Name of party filing or person:	The Applicant, Association of Seafood Producers Inc.
Application to which document being filed relates:	Application for an order of certiorari and a declaration pursuant to section 19.01 of the <i>Fishing Industry Collective Bargaining Act</i> , R.S.N.L. 1990, c. F-18 and Rule 54 of the <i>Rules of the Supreme Court, 1986</i> , S.N.L. 1986 c. 42 Schedule D.
Statement of purpose in filing:	In support of the Application

I, Jeff Loder, of the City of St. John's, Newfoundland and Labrador, make oath and say as follows:

1. I am the Executive Director of the Association of Seafood Producers Inc. ("**ASP**") and as such I have knowledge of the matters deposed to herein, except where stated to be by way of information and belief.

I, Jeff Loder, of the City of St. John's, Newfoundland and Labrador, make oath and say as follows:

1. I am the Executive Director of the Association of Seafood Producers Inc. ("**ASP**") and as such I have knowledge of the matters deposed to herein, except where stated to be by way of information and belief.
2. The ASP is a processors organization within the meaning of the *Fisheries Industry Collective Bargaining Act*, R.S.N.L. 1990 c. F-18 ("**FICBA**"), formed for the purpose of regulating relations between processors and harvesters.
3. The ASP's duties include representing the interests of processors in pricing negotiations with the Fish Food and Allied Workers Union ("**FFAW**"). The FFAW is the bargaining agent certified to represent a bargaining unit of fishers under the FICBA. The FFAW represents close to 100% of fish harvesters in the Province.
4. The FICBA is a codification of the labour relations regime governing collective bargaining as it relates to the price and conditions of sale for various fish species. The Standing Fish Price-Setting Panel (the "**Panel**") is FICBA's central feature. The Panel is an independent three-person panel which, should a bargaining agent and a processors' organization fail to agree on a price for a particular species of fish for a fishing season by a set date, is required to establish a price through final offer selection arbitration.
5. On February 18, 2025, the Fisheries Minister set March 15, 2025, as the date by which prices and conditions of sale must be in place for snow crab in accordance with section 19.01(1) of FICBA. A copy of this letter is attached hereto as Exhibit A.
6. On February 28, 2025, ASP and the FFAW (collectively, the "**Parties**"), through the Panel's facilitator, jointly requested that the Fisheries Minister vary the date set under subsection 19.01(1). A copy of the request is attached hereto as Exhibit B.
7. On March 21, the Fisheries Minister granted the joint request and stated that the new date by which the prices and conditions of sale must be in place for snow crab would be April 1, 2025. A copy of the Fisheries Minister's response is attached hereto as Exhibit C.

8. The Parties have not made any further joint requests for a change of the section 19.01 date. The sole joint request submitted by the Parties was on February 28, 2025.
9. The Panel acknowledged on March 25, 2025, that under section 19.01(2) of FICBA, the "Minister's date can only be amended with joint request of the parties." A copy this communication is attached hereto as Exhibit D.
10. On March 27, 2025, at 2:31pm, the Parties were advised via e-mail that the Panel would convene on Saturday, March 29, 2025. A copy of this communication is attached hereto as Exhibit E.
11. At 9:26pm on March 27, 2025, the Fisheries Minister sent a letter to the Parties and the Panel's joint facilitator advising that the Minister altered the section 19.01 date at the sole request of the FFAW. The Minister advised that the FFAW was in the process of replacing the position of its lead negotiator and therefore requested a new date. The Minister referenced his authority under section 19.01 and advised that the date by which the prices and conditions of sale must be in place for the 2025 fishing season is now April 13, 2025. A copy of this letter is attached hereto as Exhibit F.
12. The Minister's letter dated March 27 marked the first time ASP had been advised of an issue relating to the FFAW's lead negotiator. On the evening of March 27, ASP sought further information as to the rationale for their request for a delay. ASP was told that the FFAW's President was taking a medical leave, but ASP was not aware of any developments relating to FFAW's main negotiating representatives.
13. At 9:59 PM on Thursday, March 27, 2025, the facilitator for the Panel appeared to accept the Fisheries Minister's direction in relation to the new date by stipulating that the hearing before the Panel would now occur on April 7, 2025, rather than the originally scheduled March 29, 2025. A copy of this communication is attached hereto as Exhibit G.
14. On March 28, 2025, ASP wrote to the Panel indicating that the Fisheries Minister was acting *ultra vires* and the Panel should proceed as scheduled. A copy of this communication is attached hereto as Exhibit K.
15. On March 28, 2025, the Panel replied to ASP indicating that it would be following the Fisheries Minister's direction. A copy of this communication is attached hereto as Exhibit L.

16. ASP has raised the issue of inappropriate political interference with the Panel's operation before. On March 22, 2025, the facilitator of the Panel advised that the Minister Responsible for Labour had requested the Panel hearing for crab be postponed to March 28, 2025. A copy of that communication is attached hereto as Exhibit H. The Minister's request was in response to the FFAW's request that the Panel delay the hearing in relation to determining the price for snow crab until after tariffs are announced. The FFAW suggested either April 3 or 4 as possible dates. A copy of the FFAW's request is attached hereto as Exhibit I.
17. On March 24, 2025, ASP wrote the Panel advising that they did not consent to the FFAW's request. ASP requested the Panel's complete record relating to the request of the Minister Responsible for Labour. Absent a joint request from the parties under section 19.01(2) of FICBA, ASP's position was that the price must be set by April 1, 2025, in accordance with the Fisheries Minister's previous direction. A copy of ASP's correspondence to the Panel is attached hereto as Exhibit J.
18. I have read and I understand the within Application in respect of which this Affidavit is filed, and the facts contained therein are true to the best of my knowledge, information and belief.
19. I make this Affidavit in support of the ASP's Application seeking a prerogative Order in respect of the Fisheries Minister's purported decision under section 19.01 of FICBA.

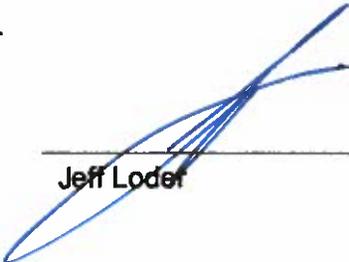
[Remainder of page intentionally left blank. Signature page to follow]

SWORN before me at the City of
St. John's, in the Province of
Newfoundland and Labrador, this 28 day of
March , 2025.



A BARRISTER, NL

Barrister, NL



Jeff Loder

This is **Exhibit A** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ___ day
of March, 2025.



Barrister, NL

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:38 PM
To: G. John Samms
Attachments: Letter from Honourable Gerry Byrne to Sheilagh Murphy, Dwan Street and Jeff Loder Collective Bargaining for 2025.pdf

This is an external email.

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COR/2025/00411

February 18, 2025

Sheilagh Murphy, Chair
Standing Fish Price-Setting Panel
Labour Relations Agency
P.O. Box 8700
20 Crosbie Road
St. John's, NL A1A 5H3
smurphy@yourlegalteam.ca

Dwan Street
Fish, Food and Allied Workers
P.O. Box 10, Station C
368 Hamilton Avenue
St. John's, NL A1C 5H5
dstreet@ffaw.ca

Jeff Loder
Association of Seafood Producers
Suite 103, Baine Johnston Centre
10 Fort William Place
St. John's, NL A1C 1K4
jloder@seafoodproducers.org

Dear Sheilagh Murphy, Dwan Street and Jeff Loder

Re: **Collective Bargaining for 2025**

In accordance with Section 19.01 (1) of the **Fishing Industry Collective Bargaining Act**, I am writing to advise you of dates by which prices and conditions of sale must be in place for 2025 fisheries.

Halibut – March 10, 2025
Snow Crab – March 15, 2025
Herring – March 28, 2025
Lobster – April 12, 2025
Shrimp – April 28, 2025
Sea Cucumber – May 9, 2025
Lump Roe – May 12, 2025
Whelk – May 12, 2025

.../2

Sheilagh Murphy
Dwan Street
Jeff Loder
Page: 2
February 18, 2025

Cod – May 26, 2025
Turbot – June 2, 2025
Capelin – June 16, 2025
Squid – July 22, 2025
Mackerel – August 19, 2025

I wish you all the best in your bargaining sessions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerry Byrne', with a long horizontal flourish extending to the right.

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

- c. Honourable Lisa Dempster, Minister of Environment and Climate Change and
Minister Responsible for Labour

This is **Exhibit B** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ___ day
of March, 2025.

A handwritten signature in blue ink, appearing to read "John Loder", written above a horizontal line.

Barrister, NC

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:46 PM
To: G. John Samms
Subject: Fw: Minister's date for crab

This is an external email.

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Friday, February 28, 2025 2:47:55 PM
To: Collins, Mark <markcollins@gov.nl.ca>
Cc: Barry, Sean P <seanbarry@gov.nl.ca>; smurphy23@sfpsp.ca <smurphy23@sfpsp.ca>; Jeff Loder <jloder@seafoodproducers.org>; Renae Butler <rbutler@seafoodproducers.org>; Dwan Street <DStreet@ffaw.ca>; Sherry Glynn <sglynn@ffaw.ca>
Subject: Minister's date for crab

Hi Mark,

Due to delays in bargaining we will not be able to have the Panel Hearing on March 5th. We have scheduled the Panel date for March 20th. The fishery is anticipated to open between the 26th – 29th.

The parties are requesting the Ministers date to be changed to March 26th.

If there are any questions let me know, I have cc'd the parties and Panel Chair.

Thanks,

Glenn



Glenn George | Facilitator/Senior Mediator
Standing Fish Price-Setting Panel
Labour Relations Division

Tel 709 729 0615 | Cell 709 725 3885

Conciliation: A Path to a Negotiated Collective Agreement

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This is **Exhibit C** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ____ day
of March, 2025.



Barrister, NL

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:37 PM
To: G. John Samms
Subject: Fw: Letter from Honourable Gerry Byrne to Sheilagh Murphy, Dwan Street and Jeff Loder Change of Date Snow Crab and Herring 2025 / March 2025
Attachments: Letter from Honourable Gerry Byrne to Sheilagh Murphy, Dwan Street and Jeff Loder Change of Date Snow Crab and Herring 2025 March 2025.pdf

This is an external email.

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From: Joy, Carla <carlajoy@gov.nl.ca>
Sent: Friday, March 21, 2025 9:36:51 AM
To: 'smurphy@yourlegalteam.ca' <smurphy@yourlegalteam.ca>; 'dstreet@ffaw.ca' <dstreet@ffaw.ca>; Jeff Loder <jloder@seafoodproducers.org>
Cc: Shulba, Janice <JaniceShulba@gov.nl.ca>
Subject: Letter from Honourable Gerry Byrne to Sheilagh Murphy, Dwan Street and Jeff Loder Change of Date Snow Crab and Herring 2025 / March 2025

Good Day,

Please see the attached correspondence from the Honourable Gerry Byrne.

Best Regards,

Carla Joy
Administrative Assistant to Minister Gerry Byrne
Fisheries, Forestry and Agriculture
30 Strawberry Marsh Road
Petten Building
St. John's, NL A1B 4J6
709.729.2504

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-----< HPE Records Manager record Information >-----

Record Number : COR/2025/00411-05

Title : Letter from Honourable Gerry Byrne to Sheilagh Murphy, Dwan Street and Jeff Loder Change of Date Snow Crab and Herring 2025 / March 2025

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Government of Newfoundland and Labrador
Department of Fisheries, Forestry and Agriculture
Office of the Minister

COR/2025/00411-05

March 21, 2025

Sheilagh Murphy, Chair
Standing Fish Price-Setting Panel
smurphy@yourlegalteam.ca

Dwan Street
Fish, Food and Allied Workers
dstreet@ffaw.ca

Jeff Loder
Association of Seafood Producers
jloder@seafoodproducers.org

Dear Sheilagh Murphy, Dwan Street and Jeff Loder,

Re: Change of Date – Herring and Snow Crab

I am responding to the request of the Fish, Food and Allied Workers and Association of Seafood Producers as communicated by Glenn George on March 14, 2025, to change the date by which prices and conditions of sale must be in place for snow crab and herring.

In accordance with Section 19.01 of the **Fishing Industry Collective Bargaining Act**, please be advised of the change of date by which prices and conditions of sale must be in place for snow crab and herring.

- **Snow crab is April 1, 2025**
- **Herring is April 15, 2025**

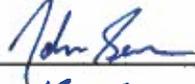
Sincerely,

A handwritten signature in blue ink, appearing to read "Gerry Byrne".

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

- c. Honourable Lisa Dempster, Minister of Environment and Climate Change and
Minister Responsible for Labour

This is **Exhibit D** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ____ day
of March, 2025.



Barrister, NC

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:39 PM
To: G. John Samms
Subject: Fw: Request for delay

This is an external email.

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From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Tuesday, March 25, 2025 1:37:49 PM
To: George, Glenn <GlennGeorge@gov.nl.ca>
Subject: Re: Request for delay

Thanks Glen,

I would like specific confirmation that GNL is not moving the panel or ministerial date.

Jeff

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Tuesday, March 25, 2025 12:44:05 PM
To: Jeff Loder <jloder@seafoodproducers.org>
Subject: Request for delay

Hi Jeff,

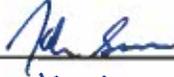
Section 19.01(2) states that the Minister's date can only be amended with joint request of the parties.

Thanks,

Glenn

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This is **Exhibit E** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ____ day
of March, 2025.

A handwritten signature in blue ink, appearing to be "John Loder", written above a horizontal line.

Jurist, M

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:39 PM
To: G. John Samms
Subject: Fw: Crab 2025: Hearing of the Standing Fish Price-Setting Panel

This is an external email.

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Thursday, March 27, 2025 2:31:14 PM
To: Jeff Loder <jloder@seafoodproducers.org>; Renae Butler <rbutler@seafoodproducers.org>; Dwan Street <DStreet@ffaw.ca>; Sherry Glynn <sglynn@ffaw.ca>; Ray Critch <rcritch@ffaw.ca>
Cc: Collins, Mark <markcollins@gov.nl.ca>; Barry, Sean P <seanbarry@gov.nl.ca>; smurphy23@sfpasp.ca <smurphy23@sfpasp.ca>; 'Brian Vallis' <bvallis23@sfpasp.ca>; emccurdy22@sfpasp.ca <emccurdy22@sfpasp.ca>; Ellis, Fiona <fionaellis@gov.nl.ca>; Snow, Valerie <ValerieSnow@gov.nl.ca>; Chislett, Nicole B. <nicolechislett@gov.nl.ca>
Subject: Crab 2025: Hearing of the Standing Fish Price-Setting Panel

Hi all,

If a collective agreement is not reached on species crab for the fishing season 2025, there will be a Hearing of the Standing Fish Price-Setting Panel on Saturday March 29th, 2025 at 2:00PM. The Hearing will be conducted virtually, you will receive an electronic invitation before the proceeding.

Appendixes are to be exchanged between the parties by 12:00PM on Friday March 28th, you must copy me on these emails.

Submissions to the Panel are to be emailed to me for simultaneous exchange by 4:00PM on Friday March 28th.

Thanks,

Glenn



Glenn George | Facilitator/Senior Mediator
Standing Fish Price-Setting Panel
Labour Relations Division

Tel 709 729 0615 | Cell 709 725 3885

Conciliation: A Path to a Negotiated Collective Agreement

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This is **Exhibit F** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ___ day
of March, 2025.

John S. ...



Barrister, N.L.

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:36 PM
To: G. John Samms
Subject: Fw: Emailing: Letter from Honourable Gerry Byrne to Sheilagh Murphy Dwan Street and Jeff Loder Change of Date Snow Crab.pdf
Attachments: Letter from Honourable Gerry Byrne to Sheilagh Murphy Dwan Street and Jeff Loder Change of Date Snow Crab.pdf

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From: Joy, Carla <carlajoy@gov.nl.ca>
Sent: Thursday, March 27, 2025 9:26:41 PM
To: 'smurphy@yourlegalteam.ca' <smurphy@yourlegalteam.ca>; 'dstreet@ffaw.ca' <dstreet@ffaw.ca>; Jeff Loder <jloder@seafoodproducers.org>
Cc: Dempster, Lisa <LisaDempster@gov.nl.ca>; Byrne, Gerry <GerryByrne@gov.nl.ca>; Hatfield, Elizabeth <ElizabethHatfield@gov.nl.ca>
Subject: Emailing: Letter from Honourable Gerry Byrne to Sheilagh Murphy Dwan Street and Jeff Loder Change of Date Snow Crab.pdf

Good Day,

Please see the attached correspondence from the Honourable Gerry Byrne.

Best Regards,

Carla Joy
Administrative Assistant to Minister Gerry Byrne
Fisheries, Forestry and Agriculture
30 Strawberry Marsh Road
Petten Building
St. John's, NL A1B 4J6
709.729.2504

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March 27, 2025

COR/2025/00411-06

Sheilagh Murphy, Chair
Standing Fish Price-Setting Panel
smurphy@yourlegalteam.ca

Dwan Street
Fish, Food and Allied Workers
dstreet@ffaw.ca

Jeff Loder
Association of Seafood Producers
jloder@seafoodproducers.org

Dear Sheilagh Murphy, Dwan Street and Jeff Loder,

Re: Change of Date –Snow Crab

The Fish, Food and Allied Workers (FFAW) has advised me that due to exceptional and unforeseen circumstances involving its lead negotiator, they are in the process of replacing this key position. The FFAW has therefore requested a new date by which a price must be reached for snow crab.

Given the nature of the circumstances before me, and the importance of the preparedness of the key participants for each party to a fair negotiation process, in accordance with Section 19.01 of the **Fishing Industry Collective Bargaining Act**, and as supported by Minister responsible for Labour, the Honourable Lisa Dempster, please be advised of the date by which prices and conditions of sale must be in place for snow crab.

The date for snow crab for the 2025 fishing season is April 13, 2025.

I thank you for your anticipated attention to this important matter.

Sincerely,



HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

c. Honourable Lisa Dempster, Minister of Environment and Climate Change and
Minister Responsible for Labour

This is **Exhibit G** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ___ day
of March, 2025.

John Loder
Burrhead, ME

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:39 PM
To: G. John Samms
Subject: Fw: Standing Fish Price-Setting Panel Hearing for Crab

This is an external email.

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Thursday, March 27, 2025 9:59:45 PM
To: Jeff Loder <jloder@seafoodproducers.org>; Renae Butler <rbutler@seafoodproducers.org>; Dwan Street <DStreet@ffaw.ca>; Sherry Glynn <sglynn@ffaw.ca>; Ray Critch <rcritch@ffaw.ca>; Sheilagh Murphy <smurphy@yourlegalteam.ca>; Earle McCurdy <emccurdy22@sfpsp.ca>; 'Brian Vallis' <bvallis23@sfpsp.ca>; Collins, Mark <markcollins@gov.nl.ca>; Barry, Sean P <seanbarry@gov.nl.ca>; Snow, Valerie <ValerieSnow@gov.nl.ca>; Ellis, Fiona <fionaellis@gov.nl.ca>; Chislett, Nicole B. <nicolechislett@gov.nl.ca>
Subject: Standing Fish Price-Setting Panel Hearing for Crab

Good evening,

Please be advised the date for the Standing Fish Price-Setting Panel is set for April 7th, 2025 at the request of the Minister Responsible for Labour.

Thanks,

Glenn

This is **Exhibit H** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ___ day
of March, 2025.



Notary Public, NL

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:41 PM
To: G. John Samms
Subject: Fw: Panel date

This is an external email.

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Saturday, March 22, 2025 5:00:05 PM
To: Jeff Loder <jloder@seafoodproducers.org>; Renae Butler <rbutler@seafoodproducers.org>; Dwan Street <DStreet@ffaw.ca>; Sherry Glynn <sglynn@ffaw.ca>; Ray Critch <rcritch@ffaw.ca>
Subject: Panel date

Hi all,

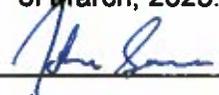
The Hearing of the Standing Fish Price-Setting Panel for crab has been postponed to Friday March 28th at 2:00 as per the request of the Minister Responsible for Labour.

Thanks,

Glenn

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This is **Exhibit I** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ____ day
of March, 2025.



Barrister, NL

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Thursday, March 27, 2025 11:40 PM
To: G. John Samms
Subject: Fw: Panel Hearing date

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Monday, March 24, 2025 1:09:33 PM
To: Jeff Loder <jloder@seafoodproducers.org>; Renae Butler <rbutler@seafoodproducers.org>
Subject: Re: Panel Hearing date

Thanks Jeff, I will get back to you.

Glenn

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Monday, March 24, 2025 12:59:28 PM
To: George, Glenn <GlennGeorge@gov.nl.ca>; Renae Butler <rbutler@seafoodproducers.org>
Subject: Re: Panel Hearing date

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please "note" I meant to say.

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From: George, Glenn <GlennGeorge@gov.nl.ca>
Sent: Monday, March 24, 2025 12:42:52 PM
To: Jeff Loder <jloder@seafoodproducers.org>; Renae Butler <rbutler@seafoodproducers.org>
Subject: Panel Hearing date

Hi Jeff,

The union have requested to move the Panel hearing until after the tariffs are announced, they suggest either the 3rd or 4th.

Does ASP agree with this delay?

Thanks,

Glenn

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Affidavit of Jeff Loder sworn or
affirmed before me this ____ day
of March, 2025.

John B...
Barrister, N.C.

Jasdeep Kaur

From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Monday, March 24, 2025 2:48 PM
To: G. John Samms; Stephen F. Penney
Subject: Fw: Panel Postponement: Snow Crab 2025

This is an external email.

FYI

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From: Jeff Loder <jloder@seafoodproducers.org>
Sent: Monday, March 24, 2025 2:32:19 PM
To: Kim Quinlan <kquinlan@quinlanbros.ca>; awareham@icewaterseafoods.com <awareham@icewaterseafoods.com>; pgrant@beothic.com <pgrant@beothic.com>
Cc: Renae Butler <rbutler@seafoodproducers.org>
Subject: Fw: Panel Postponement: Snow Crab 2025

FYI

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From: Jeff Loder
Sent: Monday, March 24, 2025 2:31:40 PM
To: George, Glenn <glenngeorge@gov.nl.ca>
Subject: Panel Postponement: Snow Crab 2025

Dear Mr. George,

We write in response to your correspondence dated March 24, 2025, in which you sought ASP's submissions on the Union's request for a postponement until "after the tariffs are announced", with possible dates being the 3rd or 4th of April.

ASP is requesting disclosure of the Panel's and GNL's complete record as it relates to decisions respecting any postponements to date that ASP did not concur with. In particular, we refer to your correspondence dated Saturday, March 22, 2025 in which you stated "The Hearing of the Standing Fish Price-Setting Panel for crab has been postponed to Friday, March 28 at 2:00 as per the request of the Minister Responsible for Labour." Without limiting the generality of our request for the Panel's complete record, ASP is particularly seeking any documents or information relating to the request of the Minister Responsible for Labour, which you confirmed occurred in your March 22 correspondence.

ASP reserves its right to make further submissions once this information has been disclosed in accordance with the rule of law and generally accepted principles of procedural fairness.

In the absence of full and fair disclosure, ASP respectfully submits at this juncture that "until after the tariffs are announced" is not a reasonable request. Tariffs have been threatened for months – there is no guarantee that there will be any further modicum of certainty by the 3rd or 4th of April. It is an uncertainty that the parties, and indeed the Panel, must consider in setting the price. Delay will only achieve one thing: destroy value. It is well accepted that the value of snow crab in this province

deteriorates to the extent the season pushes into the summer months. In any event, the Act is clear: pursuant to section 19.01(1), the Minister “shall set the date by which the conditions of a sale for a fish species shall be set in a year.” This date is only modifiable by a “joint request of the parties to collective bargaining” under subsection 19.01(2). There is no joint request from the parties, thus a price must be decided by April 1, 2025.

We would like to remind all parties that any political interference in this quasi-judicial process is deeply inappropriate and contrary to the Act.

Regards,

Jeff Loder

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This is **Exhibit K** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ____ day
of March, 2025.

A handwritten signature in blue ink, appearing to read "John Loder", is written over a horizontal line.



association of
seafood producers

March 28, 2025

Urgent

Via Electronic Mail

Sheilagh M. Murphy, KC
Standing Fish Price-Setting Panel
PO Box 8700
Confederation Building
PO Box 8700
St. John's, NL
A1B 4J6

Dear Ms. Chair:

Re: Snow Crab Pricing Decision Timing

We write in relation to Minister Gerry Byrne's letter of 9:26 PM last night, March 27, 2025, in which he purported to set a new date under section 19.01 of the *Fishing Industry Collective Bargaining Act* (the "Act").

The Minister's direction is *ultra vires* the Act and the Panel should disregard it. Section 19.01 of the Act is clear that the Minister is limited to setting "the date by which the price and conditions of sale for a fish species", unless the parties to collective bargaining jointly request that date to be varied:

19.01 (1) The minister responsible for fisheries and aquaculture shall set the date by which the price and conditions of sale for a fish species shall be set in a year.

(2) Notwithstanding subsection (1), the minister may, upon the joint request of the parties to collective bargaining, vary the date set under that subsection.

Emphasis added

As stated by the Standing Fish Price-Setting Panel's facilitator in email correspondence dated March 25, 2025, the "Minister's date can only be amended with joint request of the parties". ASP have not submitted a request to vary the current legal obligation that the price for snow crab be set by April 1, 2025.

In this regard, the Association of Seafood Producers is ready to proceed as originally scheduled. We will be submitting our written submissions today, unless we hear otherwise, and we plan to be ready to proceed tomorrow at 2 PM, as originally scheduled. The Panel has no jurisdiction to decide the price of crab beyond April 1, 2025 – in this regard, if the Panel accedes to the Minister's unlawful direction, the result will be as if the Act did not exist. The Panel therefore must reject the Minister's unlawful political interference or the legislature's objective in enacting the Act will have been lost. As stated by former Chief Justice Orsborn, the legislature saw it as "**essential to**

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ensure a timely start to the most critical fisheries of this province” when it enacted the *Fishing Industry Collective Bargaining Act*.¹

The political interference into the independent price setting process must come to an end. Minister Byrne's error in interfering in this process is compounded by political interference from the Minister of Labour, who has had influence over the Panel's processes without any legal authority to do so. As set out in our correspondence dated March 24, 2025, the Minister responsible for Labour inappropriately interfered with the Panel's procedure.

We request confirmation from the Panel that it will be acting in accordance with its statutory grant of authority regardless of the Minister's unlawful direction by 2 PM today. To be clear, we fully appreciate that the Minister has put the Panel in an extremely difficult position. Similarly, the Minister has put ASP in this difficult position to make this request of the Panel. Depending on your decision, we may have no choice but to initiate urgent proceedings before the Supreme Court – General Division to quash the Minister's improper direction and ensure the Panel proceeds in a timely fashion.

Regards,



Jeff Loder

- c. Dwan Street, FFAW
The Honourable Minister Gerry Byrne
The Honourable Minister Lisa Dempster
The Honourable Minister Bernard Davis
Glenn George, Standing Fish Price Setting Panel Mediator

¹ *Association of Seafood Producers Inc. v Fish, Food and Allied Workers Union*, 2024 CanLII 85294 (NL LA)

This is **Exhibit L** referred to in the
Affidavit of Jeff Loder sworn or
affirmed before me this ___ day
of March, 2025.

John Samms
Barrister, N.C.



Government of Newfoundland and Labrador
Environment and Climate Change
Standing Fish Price-Setting Panel

March 28, 2025

Jeff Loder
Association of Seafood Producers
jloder@seafoodproducers.org

Dear Mr. Loder:

I write in response to your correspondence of today's date in relation to Minister Byrne's letter of March 27, 2025.

With respect, the ASP's position that the Minister's decision to unilaterally set a new date by which the price and conditions of sale for the species Crab must be set for the 2025 season is *ultra vires* the *Fishing Industry Collective Bargaining Act* (the "Act") is beyond the control of the Standing Fish Price-Setting Panel.

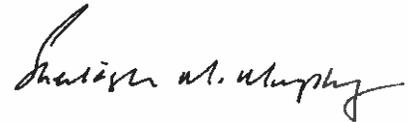
This Panel's authority exists under the scope of the Act. The Act requires that this Panel set the price and conditions of sale of a species, in the event that the parties are unable to agree to such price and conditions of sale, by the date set by the Minister. The Panel has no control over the date the Minister sets. The Panel has no authority to override the Minister's decision to change the date by which the price and conditions of sale are to be set. There is nothing in the Act which allows this Panel to override the date set by the Minister. The Act uses the word "shall" in that the Panel "shall" set the price and conditions of sale by the date set by the Minister. The Minister has advised that the date by which the price and conditions of sale are to be set is April 13, 2025. Therefore, the Panel must set it by then.

If ASP objects to the Minister's change the date by which the Panel must set the price and conditions of sale, then another entity – likely the Supreme Court of NL – would be the venue in which to raise such objection. Certainly, it is not the Standing Fish Price-Setting Panel that has such authority.

However, the Panel notes that the Minister had already changed the date by which the price and conditions of sale had to be set once already this season, in moving the date to April 1, 2025 from the originally-scheduled date. The Panel received no objection from either party at that time.

Based on the April 1 date, the Panel had set its hearing into the price and conditions of sale for Crab for tomorrow, March 29, 2025 at 14:00. The Panel sets its hearing dates in consultation with the parties, as required by *FICBA*. The Panel has not received any submissions on Crab for 2025 from either party. It is the Panel's understanding that the FFAW is now unable to present its position on March 29, 2025 due to exceptional and unforeseen circumstances involving its lead negotiator and will not be appearing on March 29, 2025. Therefore, a new date is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheilagh M. Murphy". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

SHEILAGH M. MURPHY, KC
Chair