



Newfoundland and Labrador
New Democratic Party

Keith Sullivan, President
FFAW-Unifor
368 Hamilton Ave.
St. John's, NL A1C 5H5

May 5, 2019

Dear Keith,

Thank you for the opportunity to respond to your questionnaire regarding issues affecting the fishing industry, the well-being of your membership, and the state of labour relations in the province. Please see our responses below.

1. Investing in the Future of the Inshore Fishery

Will your government support FFAW-Unifor's recommendation incrementally increase northern cod harvest rates as the stock grows?

The NDP is fully committed to ensuring the fishing industry is ready to prosecute this fishery—in a sustainable manner—and will strongly lobby the federal government to ensure that as the stock grows the province's fishing industry will be allocated more quota.

Will your government continue to promote and invest in technology and infrastructure needed to establish new groundfish fisheries?

The resurgence of the Northern cod has been long anticipated by the fishing industry. It is important that this “new” fishery be designed to market the highest quality product to the world. We must never again see the industrial harvesting of “cod blocks.”

To make this happen, the NDP is committed to assisting the industry in its bid to adopt new technologies in the harvesting and processing of groundfish.

We must focus on developing high quality products, properly harvested, and processed to add value, so the industry can see the best value for the catch. Government must use its resources to properly market products and to research, promote and help fund new technologies.

Will your government continue to support the federal government's commitment to allocate the first 115,000 metric tons of northern cod to owner-operator fish harvesters and Indigenous groups?

This policy was adopted at a government/industry special seminar on Northern cod in 1979. Under that policy, as a senior DFO official told the Parliamentary Fisheries Committee, “The first 115,000 tonnes go to the inshore, and the remainder would be shared between the offshore and the inshore.”

Since 1979, this policy has been reiterated by various DFO Ministers and senior officials. The inshore fishery has always been the backbone of the economy of rural Newfoundland and Labrador, generating revenue and employment. It is also a vital and sustainable industry in the province as a whole.

Key to the continuation of this industry is making sure the federal government remains committed to this 40-year policy. The NDP is firmly committed to keeping this policy as a lynchpin in provincial economic plans.

The NDP served on the All-Party Committee on Northern Shrimp, fighting against the Last In, First out notion espoused by industrial harvesters. We were successful in ensuring inshore shrimp harvesters continued to get access to that valuable resource. That’s our track record of getting results.

2. Transparency in Fish Price Negotiations

Will your government commit to collecting from fish processors accurate information on all product forms processed in Newfoundland and Labrador, including information on production, yield, and domestic and international prices for all species of fish, and accompanying by-products processed in Newfoundland and Labrador?

The fishery is a common property resource jointly owned by the people of Canada and Newfoundland and Labrador. Those who are given access to this resource must abide by the laws, regulations and requirements of the governments that control and protect it.

Moreover, the NDP embraces openness and transparency as sound public policy.

Processors’ reasons for not wanting to share data are trumped by the common good. As the fishery is a public resource, it is government’s role to make sure all players in the industry—plant workers, harvesters and processors—benefit from it.

The NDP is committed to ensuring—by legislation if need be—that processors provide accurate information so that the Panel’s decisions are fair to both harvesters and processors.

3. Supporting Young Fish Harvesters

Will your government commit to review and invest in the future of the Newfoundland and Labrador fishery through a program that will support young harvesters to invest in their own enterprise?

The future of the province's fishing industry depends on the next generation choosing it as a way to make a living. We have an aging population declining in numbers. A high percentage of the current fisheries labour force—both enterprise owner-operators and crew—are now reaching retirement age. The industry is facing a critical shortage of skilled labour.

Today's fishery requires an educated workforce as well as sizeable investments from those who want to get into harvesting. The NDP is committed to informing young people in rural areas and other potential new entrants, including Indigenous youth and newcomers, about career opportunities in the fishing industry.

We need to offer more training and apprenticeship opportunities, and improve access to capital for young people wanting to start their own enterprises. The NDP is committed to adjusting the provincial loan guarantee program to make it easier to invest in an enterprise.

The NDP is also committed to maintaining the fleet separation policy.

4. Fish Processing Health and Safety

Will your government establish a fish processing sector safety council with or without the endorsement of employer groups?

Worker safety is a core NDP principle, and we have lobbied government for many years to implement these kinds of initiatives with the goal of having the safest possible workplaces for Newfoundlanders and Labradorians.

Fish plant work is hard and challenging. The incidence of workplace injury is higher in the fishing industry than in other industries. Processors and employer groups must understand the duty they have to their employees, who contribute to the success of their businesses.

The NDP supports the establishment of a fish processing sector safety council, with the necessary funding and legislation to improve health and safety in the industry.

5. A New Model for the Aquaculture Industry

Will your government introduce legislation that requires all aquaculture companies operating in Newfoundland and Labrador to establish, as part of a Condition of License, a yearly production plan, outlining job numbers and weeks of employment?

How will your government maximize value of aquaculture development and ensure the industry offers secure, adequate work?

The NDP has been critical of parts of the aquaculture industry for some time. While we understand the need for the employment the industry promises, we have serious concerns about the long-term environmental impacts of projects like the Grieg Aqua Project in Placentia Bay—particularly its impacts on the marine ecosystem and wild salmon stocks.

The NDP would support requiring a yearly production plan, and an outline of job numbers and weeks of employment. Aquaculture companies—particularly salmonid finfish farmers—use our marine environment to conduct their business, and they get subsidies from the provincial treasury. They have a responsibility to be open and transparent about the value we are getting from this investment.

The global salmonid finfish industry has been plagued with problems—outbreaks of ISA and other diseases, the advent of sea lice, and large-scale “escapes” of farmed salmon that contaminate the DNA of wild stocks. In many parts of the world, the industry is turning to land-based farming. In other parts of Canada and the U.S., hard decisions are being made about allowing salmonid farming in the open ocean.

The NDP wants aquaculture to be long-term and sustainable, but not at the cost of destroying the marine environment and wild stocks. We would like to see investment and research into better ways to farm salmon. We also want to see processing—an important part of this industry—done in the province, and done in a way that provides secure, sustainable and environmentally sound jobs.

6. Impact of Oil and Gas Activity on Fishing Industry

Will your government commit to a robust process to review the impact of offshore oil and gas development on the fishing industry?

Will your government fund research on the impact of seismic testing and activities associated with oil and gas development on fish stocks?

How will your government ensure other marine operators, such as the oil and gas sector, fulfil their responsibility to invest in science on commercially important fish species and the marine environment?

The NDP is concerned about the impact offshore oil is having on the long-term health of the marine environment. The fishing industry is a sustainable industry, and it should not be held back for the benefit of a non-renewable industry. How can industrial activity be allowed in an area when fish harvesting is not?

The federal government listed Tobin's Point off the east coast of the Island as marine protected, and banned all bottom-contact fishing activities. Yet the C-NLOPB is allowing oil and gas exploration. This cannot be allowed to stand.

The NDP is committed to conducting sound, independent research into possible impacts of oil and gas exploration and production on the marine environment and the fishing industry. We are particularly concerned with seismic testing, since early independent research is finding its impact to be far worse than first anticipated.

We also agree with the FFAW that a portion of this research must be paid for by the oil and gas industry, as it is the impacts of their activities that are of concern. However, this financing cannot come with strings: all research must be independent and unbiased.

7. Fairness in Labour Relations

Will your government commit to amending the Labour Relations Act to address the following?

i. Ensure that, if a company re-tenders work provided by a third party, that any bargaining rights related to the contracted work is maintained, even if the third-party provider changes, as if there had been a sale of business?

Contract flipping is practised by corporations solely to out-manoeuvre organized labour. It is an anti-union practice and must be made illegal. The NDP commits to ensuring this happens.

ii. Appoint a special mediator with the power to compel parties to meet and negotiate in good faith, after 90 days of a strike or lockout?

iii. Allow either party to apply to the Labour Relations Board for an order requiring the resolution of a strike or lockout by binding arbitration and provide

the Board with specific authority to make such an order, where the Board is satisfied that:

a. Based on a review of the bargaining history, the parties will not be able to conclude a collective agreement; or

b. One of the parties has committed an egregious unfair labour practice relating to collective bargaining.

We support these amendments to the *Labour Relations Act*. The Vale strike of 2010-2011 and the 2016-2018 DJ Composites lockout made it clear the *Act* needs to be amended to level the playing field when workers have a dispute with their employers.

Recommendation 5 of the 2011 Industrial Inquiry Commission into the Vale strike at Voisey's Bay called for amending the *Labour Relations Act* to impose binding arbitration where a company has bargained in bad faith, where collective bargaining has failed, or when it is in the public interest to do so. The NDP has advocated for this change and will continue to do so.

Binding arbitration must be legally triggered where a strike or lockout is protracted, or a company is found to be bargaining in bad faith. In the case of DJ Composites, the Labour Relations Board ruled twice that the U.S.-owned company was guilty of bargaining in bad faith.

iv. Ban the use of scab replacement workers.

Another contentious issue that has plagued strikes in this province is the ability of employers to use replacement workers. This undermines the right of workers to effectively negotiate with employers. The Industrial Inquiry report noted that multi-national employers are using replacement workers with little concern for Canadian practice and with large funds at their disposal to do so. The NDP is committed, and has lobbied governments for many years, to enact anti-replacement worker legislation.

8. Good Manufacturing Jobs

Will your government ensure skilled trades and metal fabrication work for the Bay du Nord development and other provincial megaprojects is carried out by Newfoundland and Labrador workers and is not contracted out of the province?

The NDP believes that economic activity must be primarily for the benefit of the people of the province. This is especially true for non-renewable resource extraction such as offshore oil and gas. Companies who want access to our resources must understand



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that while their focus is their bottom line, our focus is to make sure the people of the province are the primary beneficiaries.

Contracting out work that can be done in the province to the benefit of workers and their families is a cornerstone of our position. It may benefit a multinational's bottom line to contract work outside the province, but the NDP is concerned with the "bottom line" for workers and their families here. The NDP commits to making sure skilled work that can be done here will be done here, for the benefit of Newfoundland and Labrador workers.

Thank you again for your interest in our policies.

Sincerely,

Alison Coffin, Leader
NL New Democratic Party