

IN THE MATTER OF A NEGOTIATION BETWEEN:

[Name] (“Producers”)
-and-
[Name] (“Processor”)

Scheduled for: [dates]

Observer’s Mandate

1. The Producers and Processors appoint **Genevieve A. Chornenki** (“Observer”) to act as observer to their negotiations in accordance with section 22(1) of Ontario Regulation 107/05 to the *Farm Products Marketing Act* and to subsequently serve as arbitrator in final-offer selection if the negotiations do not result in an agreement.
2. The Observer’s mandate is to attend the negotiations and witness the joint sessions by watching, taking notes and asking questions of clarification, when necessary. The Observer will not actively participate in the negotiations, express opinions about the conduct or content of the negotiations or take on the role of conciliator or mediator unless both sides expressly agree.
3. The Observer understands that the negotiations are without prejudice discussions intended to produce a settlement of outstanding issues. If negotiations do not succeed and arbitration becomes necessary, the Observer will select one final offer over another on the basis of:
 - i The Producers’ and Processor’s briefs delivered to the Observer at least 72 hours before the date of the arbitration;
 - ii The oral presentations made at arbitration hearing; and
 - iii Any other facts or arguments agreed to by the Producers and Processors for the purposes of the arbitration.
4. The Observer will not make use of the negotiations in the arbitration except:
 - i To confirm the final offers made by each side at the end of the negotiation process;
 - ii To decide whether any party raises a matter or argument in a brief or at arbitration that was not discussed during negotiations; or
 - iii As agreed by both sides.

Dated at [place] on [date]

_____ for the Producers

_____ for the Processor

“Genevieve A. Chornenki”
Observer