

Sports Local Hockey



MAJOR JUNIOR HOCKEY

Toronto lawyer files \$180-million class action lawsuit seeking minimum wage compensation for CHL players



By [Ryan Pyette](#), The London Free Press

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David Branch, Ontario Hockey League commissioner. (QMI Agency Files)

Ted Charney has skated into David Branch's corner of the junior hockey world with his elbows flying.

The Toronto lawyer, who has filed a \$180-million class action lawsuit seeking minimum wage compensation for Canadian Hockey League players, wants a judge to rule that teams, including the OHL's London Knights, must start considering its on-ice talent as employees and approach their personal contracts accordingly.

“We’re not talking about trying to recover a salary in the hundreds of thousands of dollars here, although I’m sure some of the players are worth (it) based on the profits some of the teams make,” Charney said Monday. “We’re talking minimum wage. Every employer in the country has to pay minimum wage and I’m sure some of the teams in this league make more than the average employer.”

Branch, the longtime CHL president and OHL commissioner, joined with counterparts Ron Robison (Western Hockey League) and Gilles Courteau (Quebec Major Junior Hockey League) to issue a statement that read “(we) will vigorously defend ourselves against this action which will not only have a negative effect on hockey in Canada but through all sports in which amateur athletes are involved.”

The CHL views its players — for the most part 16 to 20 years old — as student-athletes eligible for league-issued post-secondary school scholarships, as well as money for out-of-pocket expenses, equipment, billeting and travel costs.

Charney sees the setup as the equivalent of a professional league.

“David Branch clings to the scholarships because it’s the only thing he can think of to justify paying \$50 a week,” Charney said. “There’s a bunch of hoops players have to go through to get those scholarships.

“It’s not the perfect package it’s made out to be.”

Charney represents 18-year-old Sam Berg – the son of former Toronto Maple Leafs forward Bill Berg – who played eight games for the Niagara IceDogs last year before suffering an injury. The lawsuit says Sam was told if he played even one exhibition game, he would be entitled to a four-year scholarship, but by the time the league approved it, they amended it to say they were only going to grant him a half-year of tuition to represent the amount of time he played.

“Right now, it’s a proposed class-action,” Charney said. “You need one representative plaintiff, which we have, and then you need to get it approved by a court. A judge has to decide whether or not to certify it as a class-action and the next step is to circulate a notice to the class members and they have 90 days to opt out, or they’re in.”

This action coincides with a TSN report that former OHL goalie John Chartrand is suing the Barrie Colts for \$12 million, alleging the team’s medical and hockey staff cleared him to play too soon after suffering a concussion in a major car accident.

“One of the side issues is to what extent these (junior hockey) workers are entitled to worker’s compensation coverage,” Charney said. “The question is the relationship between team-player an employer-employee relationship and if not, what is it? The league calls the players independent contractors. (That means) someone who provides a service for money. A lot of these teams are taking payroll deductions off a cheque they pay the kids and some issue T-4 slips.

“What are they doing?”

The league-issued statement suggests Glenn Gumbley, who was behind the failed bid to organize a CHL players union a few years ago, is still involved “on the fringes of junior hockey in Canada and with this action. The CHL will once again issue warnings to our players and their parents cautioning them about the Gumbleys (Glenn and brother Randy).”

Charney expects more former players to register with the action than current ones.

“It’s completely confidential and their team won’t find out,” he said. “It’ll just give us an opportunity to collect information about each player’s situation in terms of what they’re receiving and how they’re being paid. People still pursuing their dreams to become pro hockey players will be more reluctant to speak out.

“It’s the nature of suing your employer.”

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