



Westhead: Lawsuit charges QMJHL rewrote player contracts to avoid paying minimum wage

By [Rick Westhead](#)

A new \$50-million lawsuit filed against the Quebec Major Junior Hockey League by former player Lukas Walter alleges that the league's teams conspired to rewrite standard player contracts last year to avoid paying players the legal minimum wage.

The lawsuit was filed in Quebec and was obtained by TSN.

Walter, from B.C., played the 2013-14 season with the Saint John Sea Dogs. According to his statement of claim, Walter signed a contract as a 20-year-old player with Saint John on Sept. 13, 2013. He was to receive \$476 per week in compensation, and another \$90 a week for accommodation, court papers say.

Walter played 53 games as a forward for the Sea Dogs, primarily playing the role of an enforcer.

He alleges that he was paid \$8,314.29 for the six-month season, and that a record of employment shows that he officially worked 1,048 hours over that time for the team.

"Lukas's bi-weekly pay was always the same, no matter how many hours each week he worked for the team," his lawsuit says. "In some weeks, he did not receive a fee equivalent to minimum wage, nor did he receive any vacation pay, holiday pay or overtime pay as required under the applicable employment standards legislation."

Walter alleged teams in the QMJHL have "unlawfully, maliciously ... conspired and agreed together, the one with the other, to act in concert to demand or require that all players sign a contract which (they) knew was unlawful."

Walter is asking that the Quebec court certify his case as a class action lawsuit and award damages of \$50 million.

Walter's allegations have not been proven and the QMJHL and Sea Dogs have not filed a response in court. CHL commissioner David Branch did not respond to an email seeking comment. A QMJHL spokesman couldn't be reached for comment. A Sea Dogs spokesman referred calls to the QMJHL.

Walter's lawsuit comes days after another lawsuit was filed by former Ontario Hockey League player Sam Berg against the CHL, the governing body for 60 teams in the OHL, QMJHL and Western Hockey League.

A statement of claim filed by Berg on behalf of himself and thousands of other players seeks \$180 million in outstanding wages, vacation, holiday and overtime pay and employer payroll contributions, according to legal documents obtained by TSN.

The documents filed by Berg show players in the OHL receive \$50 to \$120 a week in compensation, while players in the QMJHL get \$35 to \$150, depending on the age of the player. Those aged 16 to 19 get \$50 a week in the OHL and \$35 a week in the QMJHL.

CHL president David Branch has repeatedly said that players in the CHL are student athletes, and are well compensated, thanks largely to an education program the league has in place that provides some players with university scholarships when they are done playing.

That description of players as student athletes is now under fire in Walton's lawsuit.

In past years, players were described as independent contractors by teams in their contracts.

But in 2013, at the same time as questions were being raised in the U.S. over whether NCAA student athletes receive their fair share of compensation, the CHL redrafted contracts to remove references to fees, Walton's lawsuit alleges.

Instead the players' fees were recast as an allowance.

QMJHL teams have reworded the former contract to describe the fee as an allowance and to recast the status between players and clubs as one of 'student athletes' in an attempt to avoid minimum-wage laws, Walton says.

In the wake of Berg's lawsuit and as the union Unifor continues efforts to start a players union for major-junior hockey, several player agents told TSN that it's common practice for teams to give players T-4 tax slips, which they say is evidence that players are employees, not student athletes as Branch describes them.

On Oct. 23, before Walton filed his lawsuit, TSN sent Branch a series of emailed questions.

One question was: "Some OHL teams issued T4 slips for the 2013 tax year. Is that true? If so, doesn't that establish an employee-employer relationship?"

Branch replied on Oct. 24 that "we are not currently issuing T4's and we are not certain what the past practices of our Clubs may have been. The teams are responsible for filing their own tax documents and the league doesn't have access to their detailed information."

While TSN has learned that the CHL also has a new TV contract with Rogers Communications that is worth at least \$5 million a season (the previous TV contract was a barter deal with no rights fee), Branch declined to discuss terms of the CHL's TV contract.

Branch was also asked about recent changes to the standard players agreement (SPA) in the OHL.

"I will reiterate that 97 per cent of our players are represented by agents, in addition, the players and their parents are required to sign the SPA and to either provide a certificate of independent legal counsel or a waiver of such," Branch wrote.