

The Province

[‘We believe that our players are amateur student athletes’ – Canadian Hockey League insists](#)

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Sam Berg (right) briefly played for the Niagara Ice Dogs in 2013-14; now he's at the centre of a lawsuit over scholarship money and pay for junior hockey players. (TYLER BROWNBIDGE/The Windsor Star)



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In response to a lawsuit filed on Friday in Ontario court, the Canadian Hockey League, the umbrella organization for major junior hockey, has fired back.

The lawsuit is seeking \$180 million in back pay for junior hockey players, claiming players in the top three leagues of Canadian junior hockey are acting as professionals and should be paid as such.

The CHL, not surprisingly, is sticking to their long-standing party line: “our players are amateur student athletes.”

And they also trumpeted their educational program, something that's been especially notable for at least two years, ever since the idea of a junior hockey players union first started drawing notice.

That move was led by the Gumbley brothers, [who have an interesting history](#). The CHL was [quick to point that out in their release](#).

In terms of the class action that was filed today in Toronto, the CHL, our member leagues and teams 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 student athletes are involved.

In addition, despite all mentions to the contrary, recent communications and social media posts by Glenn Gumbley of the CHLPA lead us to believe that the Gumbleys are still actively 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.

The “negative effect on hockey in Canada” is an interesting angle as well. Many of these teams operate on tight budgets. Depending on locale, some of that is because of venue costs. Travel cost challenges are universal. But there's always the question of how these teams fit into the owner's broader commercial interests. Sometimes a loss in one area can benefit another.

And then there's the likes of the Oil Kings and the Hitmen, who benefit from the economies of scale that come with falling under the umbrellas of the local NHL franchises.

If any of these moves to pay players succeeds, there's no denying it would alter the orientation of hockey in this country.

(Unifor, the national union of which my fellow journalists here at the Province and I are members, is leading [the charge to certify players in Quebec](#). They have [acknowledged a relationship with the Gumbley brothers](#).)

The class action is a new wrinkle in an issue [that's been on the boil for some time](#). Some of the details alleged in the suit are explosive. [Sam Berg, son of ex-NHL forward Bill, is the lead plaintiff](#). As reported by the Toronto Star:

After being sent down to play in Junior B hockey, a shoulder injury ended his career.

He later learned his contract — mandatory for playing in the league — was never forwarded to the OHL for approval while he was playing with the IceDogs, the statement claims.

It was later revised by the league, the statement alleges.

“Knowing that Sam was injured and could not play, the OHL approved the contract but reduced his tuition package from four years to half a year,” it alleges. His father, Bill Berg, said: “I feel like I let my son down.”

“It was me that brokered this deal with the IceDogs in good faith. It was important to my wife and I that he get his education. They agreed to a four-year scholarship once he played a single game in the league. We assumed the contract was guaranteed.”

Marty Williamson, coach and general manager of the IceDogs, says Berg was the one who breached the contract by not showing up for training camp this fall.

“He quit. He didn’t fulfil his contract to play for us. It’s a guaranteed contract as long as you play for the hockey team. You can’t just quit and not show up.”

The suit is taking aim at the requirements for claiming money under the CHL’s scholarship plan. Players can claim their money anytime in the 18 months following the end of their CHL career. If a player goes to Europe or the ECHL or the AHL (or the NHL for that matter), they still have only the 18 months to make the claim.

But what’s really explosive is the wage target. The statement of claim filed by Berg and [his lawyer, Ted Charney](#), points to a 2000 Tax Court of Canada case which found that junior players are employees of their team (in this case the Brandon Wheat Kings). The case has drawn little attention in the intervening years, but it’s back in focus.

That would be why the CHL is so insistent on identifying their players as “student athletes.” Will more players add their weight to the case? TSN’s Rick Westhead spoke with [Charney on Monday afternoon, and word from the lawyer was a firm “yes.”](#)

This is a case that will take time to develop – likely years – but it will continue to be one to watch.