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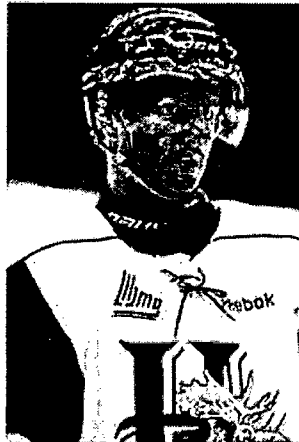
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Sports / Hockey

Hockey player Joshua Desmond files suit against CHL for unpaid wages

Joshua Desmond, a hockey player from Nova Scotia, has filed suit against the CHL for unpaid wages in what may be the first of several such suits.



FRANCIS VACHON / THE CANADIAN PRESS FILE PHOTO

Hockey player Joshua Desmond, formerly a defenceman for the Halifax Mooseheads, has launched a suit against the CHL for unpaid wages.

By: Robert Cribb Foreign, Published on Wed Oct 31 2012

A 19-year-old hockey player in Nova Scotia has filed the first in what could become a string of union-supported claims for unpaid wages against Canadian Hockey League teams.

Joshua Desmond, formerly a defenceman for the Halifax Mooseheads of the Quebec Major Junior Hockey League, filed a complaint with Nova Scotia's Labour Standards Division last Friday alleging he is owed "approximately \$12,000" based on average hours of work between August of last year and April of this year.

If successful, the complaint could open the door to a crush of similar claims worth potentially millions of dollars in retroactive pay.

"I am filing this complaint because I was not being paid minimum wage," Desmond wrote by hand on the complaint form.

He earned \$48 per week for approximately 41 hours of work, the complaint alleges.

Now playing for the Yarmouth Jr. A Mariners, the teen is being represented in his labour complaint by a lawyer with the newly minted Canadian Hockey League Players' Association.

"While I was playing, I never even thought about wages," said Desmond, who had five goals and 11 assists in 52 games with the Moosehead last year.



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WHEN I KNOW SOMETHING, IT BRINGS ME THINGS ABOUT WHAT I SHOULD DO. I CHOOSE TO DO THIS.

Dave Branch, president of the CHL, said his league is not in violation of any federal or provincial laws.

"We look upon our players as student athletes. We've never considered ourselves professional. We are under Hockey Canada, which is the recognized amateur sports-governing body."

When the union first announced its plans in August, Branch issued a public statement saying, "No junior hockey league in the world has made more changes to support the best interest of its players both on and off the ice as the CHL."

Bobby Smith, owner of the Moosehead, said the wages earned by his players is only the beginning of the benefits they receive.

Travel expenses, summer training, strength and conditioning coaches and psychologists are all part of the compact, he says.

"For me, the deal is you're going to come and play for the Halifax Mooseheads and we'll do everything we can to make you an NHL player," he said in an interview. "If you don't have it in you, we're going to pay for your education. I think it's a pretty darn good deal and a far better deal than anyone might get if they said they deserved minimum wage."

Desmond's complaint appears to be just the first.

The union is "preparing for Quebec players to take legal action with the Labour Standards Commission to ensure ... they meet the minimum conditions of work in Quebec," said a French-language press release issued Tuesday. "Other CHL teams will soon be covered by similar approaches."

Asked how many more claims for unpaid wages are to come, CHLPA executive director Georges Laraque said, "it depends on how negotiation goes with the league. We have lawyers working for us in every province. We can reinforce the law."

The two sides have yet to meet.

The unpaid wages complaints are the latest — and perhaps most aggressive — strategy from the fledgling CHLPA.

Last week, the union, still uncertified in Ontario, threatened legal action in a letter to CHL president David Branch, his Ontario clubs and Hockey Canada president Bob Nicholson, alleging "blatant disregard for the bare minimum working standards that have been set for employees."

The letter claims the league has failed to pay minimum wage, overtime, severance or vacation pay to players, allegedly in breach of Ontario labour legislation.

"In the event that these ongoing violations are not immediately rectified, please be advised that we intend to commence legal proceedings," the union letter promises.

Laraque, president of the proposed union, says higher wages for players isn't the ultimate goal of the organization. The real aim is a better scholarship program for the vast majority of players who will not make the NHL or otherwise have careers in professional hockey.

Currently, a player who doesn't enrol in an educational program within 18 months of hanging up his skates loses access to the scholarship funds.

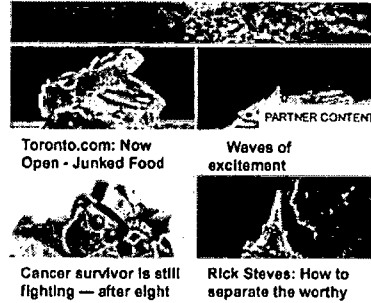
That's not enough time, says Laraque.

Minimum-wage demands like Desmond's are leverage for a scholarship extension, Laraque says; either the league needs to extend the time limit or face a flood of minimum-wage demands.

Branch said no requests for changes to the league's scholarship policy have been formally tabled by the union.

The 18-month limit for enrolment in a post-secondary program was the result of consultation with parents who told the league not to make the time frame too long, he said.

"They were concerned that the longer their kids were out of school, the less likely (it



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should go to school and get your education. It's something that we'll continue to have dialogue on with parents and players. We'll see."

The CHLPA has other legal irons in the fire, reaching into the United States.

The Star recently reported a legal opinion the union obtained from a U.S. law firm indicating it has a strong case against the CHL's eight U.S.-based teams for breaching American competition laws.

The opinion concluded that standardized wages given to players, regardless of their abilities or experience, may well be found in court to breach U.S. law.

"It seems abundantly clear that league-wide restrictions which set compensation scales, bonuses, and other remuneration without any reliance on the market constitutes an unreasonable restraint on trade," concluded the legal memo from the firm of Willig, Williams & Davidson.

"It is clear that the CHL, its member leagues, and member teams have restricted trade with respect to its players and has done so unreasonably."

Payments to CHL players in all three leagues are also uniformly fixed at \$35 per week for 16- and 17-year-olds, \$50 for 18-year-olds, \$60 for 19-year-olds, and \$125 per week by age 20, the memo says.

Laraque said if negotiations with the league fail, an anti-competition lawsuit will proceed in the U.S. on behalf of players on the CHL's eight American teams.

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