Tanner, Michael A LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Tuesday, September 2, 2014 5:48 PM
To: Blakely, John H LBR:EX; Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX
Subject: RE: Saskatchewan Employment Standards Regulation

s.13

See reply I sent to MO about the issue last week.

s.13

Happy to join the call next Tuesday – let me know when it is scheduled.
Also happy to provide more information in advance if necessary.
T.

http://www.tsn.ca/nhl/story/?id=460273

http://blogs.windsorstar.com/sports/unifor-faces-challenges-to-organize-chl-players-union

http://panow.com/node/464669

From: Blakely, John H LBR:EX
Sent: Tuesday, September 2, 2014 5:46 PM
To: Hughes, Trevor LBR:EX; Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX
Subject: RE: Saskatchewan Employment Standards Regulation

Thanks, I guess I will note that Saskatchewan's definition of employee in the employment standards division of their *Employment Act* (copied below) is quite similar to BC's definition, s.13

s.13

(By the way, the one substantive difference that I see is that Saskatchewan can exclude someone who performs a prescribed activity from the definition of employee. In contrast, BC can exclude a class of persons from some or all of the Act. But I don't think that this difference is germane to this issue)

"employee" includes:

(i) a person receiving or entitled to wages;

(ii) a person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee;

(iii) a person being trained by an employer for the employer's business;

(iv) a person on an employment leave from employment with an employer; and

(v) a deceased person who, at the relevant time, was a person described in any of subclauses (i) to (iv);

but does not include a person engaged in a prescribed activity;

From: Hughes, Trevor LBR:EX
Sent: Tuesday, September 2, 2014 4:38 PM
To: Blakely, John H LBR:EX; Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX
Subject: Re: Saskatchewan Employment Standards Regulation

Yes, that does it. Will send to MSB and see what she says. I did say s.13
s.13

From: Blakely, John H LBR:EX
Sent: Tuesday, September 2, 2014 4:31 PM
To: Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX; Hughes, Trevor LBR:EX
Subject: Re: Saskatchewan Employment Standards Regulation

Jennifer, thanks for this. Trevor, does this answer your question? Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Webb, Jennifer HLTH:EX
Sent: Tuesday, September 2, 2014 4:26 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Subject: Saskatchewan Employment Standards Regulation

On April 29, 2014, the Government of Saskatchewan proclaimed *The Saskatchewan Employment Act* and its Regulations into force.

Included in the new Employment Standards Regulations was the following:

Exemptions from Part II of the Act
3(1) Part II of the Act does not apply to:
...
(c) athletes while engaged in activities related to their athletic endeavour.

News releases for the Ministry of Labour and Workforce Safety appear to be posted only until the end of 2013. However, the Ministry website does reference the following:

Who is not covered under Part II of *The Saskatchewan Employment Act*

Some employers and employees are not covered by employment standards. This includes:

- Employers under federal jurisdiction;
- Athletes while engaged in their athletic endeavour; and
- Family businesses employing only immediate family members.

Do you require further information? If so, I would be happy to contact the Ministry tomorrow morning.

Thank you.

Tanner, Michael A LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Wednesday, September 3, 2014 1:39 PM
To: Tanner, Michael A LBR:EX; Blakely, John H LBR:EX; Webb, Jennifer HLTH:EX
Subject: Re: Saskatchewan Employment Standards Regulation

s.13

From: Tanner, Michael A LBR:EX
Sent: Wednesday, September 3, 2014 12:22 PM
To: Blakely, John H LBR:EX; Hughes, Trevor LBR:EX; Webb, Jennifer HLTH:EX
Subject: RE: Saskatchewan Employment Standards Regulation

s.13

From: Blakely, John H LBR:EX
Sent: Tuesday, September 2, 2014 5:46 PM
To: Hughes, Trevor LBR:EX; Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX
Subject: RE: Saskatchewan Employment Standards Regulation

Thanks, I guess I will note that Saskatchewan's definition of employee in the employment standards division of their *Employment Act* (copied below) is quite similar to BC's definition, s.13
s.13

(By the way, the one substantive difference that I see is that Saskatchewan can exclude someone who performs a prescribed activity from the definition of employee. In contrast, BC can exclude a class of persons from some or all of the Act. But I don't think that this difference is germane to this issue)

> **"employee"** includes:
>
> (i) a person receiving or entitled to wages;
>
> (ii) a person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee;
>
> (iii) a person being trained by an employer for the employer's business;
>
> (iv) a person on an employment leave from employment with an employer; and
>
> (v) a deceased person who, at the relevant time, was a person described in any of subclauses (i) to (iv);

but does not include a person engaged in a prescribed activity;

From: Hughes, Trevor LBR:EX
Sent: Tuesday, September 2, 2014 4:38 PM
To: Blakely, John H LBR:EX; Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX
Subject: Re: Saskatchewan Employment Standards Regulation

Yes, that does it. Will send to MSB and see what she says. s.13
s.13

From: Blakely, John H LBR:EX
Sent: Tuesday, September 2, 2014 4:31 PM
To: Webb, Jennifer HLTH:EX; Tanner, Michael A LBR:EX; Hughes, Trevor LBR:EX
Subject: Re: Saskatchewan Employment Standards Regulation

Jennifer, thanks for this. Trevor, does this answer your question? Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Webb, Jennifer HLTH:EX
Sent: Tuesday, September 2, 2014 4:26 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Subject: Saskatchewan Employment Standards Regulation

On April 29, 2014, the Government of Saskatchewan proclaimed *The Saskatchewan Employment Act* and its Regulations into force.

Included in the new Employment Standards Regulations was the following:

Exemptions from Part II of the Act
3*(1) Part II of the Act does not apply to:*
...
(c) athletes while engaged in activities related to their athletic endeavour.

News releases for the Ministry of Labour and Workforce Safety appear to be posted only until the end of 2013. However, the Ministry website does reference the following:

> **Who is not covered under Part II of *The Saskatchewan Employment Act***
>
> Some employers and employees are not covered by employment standards. This includes:
>
> - Employers under federal jurisdiction;
> - Athletes while engaged in their athletic endeavour; and
> - Family businesses employing only immediate family members.

Do you require further information? If so, I would be happy to contact the Ministry tomorrow morning.

Thank you.

Webb, Jennifer LBR:EX

From:	Clunn, Karen E LBR:EX
Sent:	Tuesday, September 9, 2014 10:20 AM
To:	Webb, Jennifer LBR:EX
Subject:	FW: WHL Meeting with BC Labour Minister Shirley Bond
Attachments:	Letter to Minister of Labour Shirley Bond.pdf

From: Webb, Jennifer HLTH:EX
Sent: Friday, September 5, 2014 10:20 AM
To: Clunn, Karen E LBR:EX
Subject: FW: WHL Meeting with BC Labour Minister Shirley Bond

From: Hughes, Trevor LBR:EX
Sent: Wednesday, September 3, 2014 4:51 PM
To: Blakely, John H LBR:EX; Ayers, Jake LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer HLTH:EX
Subject: Fw: WHL Meeting with BC Labour Minister Shirley Bond

This is a bit of a stretch of the outcome yesterday. Will see if MSB wants a reply.....

From: Venessa Smorodin <smorodinv@whl.ca>
Sent: Wednesday, September 3, 2014 8:42 PM
To: Bond.MLA, Shirley LASS:EX; Titchener, Dorothy LASS:IN
Cc: Hughes, Trevor LBR:EX; Greg Pocock - Prince George Cougars; John Pateman - Prince George Cougars
Subject: WHL Meeting with BC Labour Minister Shirley Bond

Please see attached.

Venessa Smorodin
Executive Assistant
Western Hockey League
Father David Bauer Arena
2424 University Drive, NW
Calgary, AB, T2N 3Y9

Direct: 403.693.3056
Fax: 403.693.3031
www.whl.ca Email: smorodinv@whl.ca

The Honourable Shirley Bond
Minister of Jobs, Tourism and Skills Training
Minister for Labour
Government of British Columbia
1350 Fifth Avenue
Prince George B.C.
V2L 3L4

VIA EMAIL

September 3, 2014

Dear Shirley Bond,

I would like to express my sincere thanks to you for taking the time to meet with representatives of the new Prince George Cougars ownership group Mr. Greg Pocock and Mr. John Pateman and myself regarding the WHL position on a current labour matter.

We very much appreciate that you are in support of our position to preserve the amateur athlete status of WHL players who participate on our B.C. based WHL teams. We are also very appreciative of the fact that you are prepared to have your staff address this matter at the upcoming provincial Labour Minister meetings later this week in Halifax. It is also our understanding you will be reviewing your current employment and labour legislation to determine if it adequately addresses the status of amateur athletes in your province.

Once again, many thanks for your time and consideration yesterday. We look forward to staying in contact with you and your Ministry as we continue to address this important issue.

Sincerely,

Ron Robison
Commissioner
Western Hockey League

cc: Mr. Trevor Hughes, Assistant Deputy Minister, Industrial Relations
Mr. Greg Pocock, Prince George Cougars
Mr. John Pateman, Prince George Cougars

WESTERN HOCKEY LEAGUE
Father David Bauer Arena – 2424 University Drive NW, Calgary AB T2N 3Y9
T. 403-693-3030 F. 403-693-3031
www.whl.ca

LBR-16-63865
new request
Sassie.

Tanner, Michael A LBR:EX

From: Johnson, Chris M LBR:EX
Sent: Monday, July 21, 2014 11:05 AM
To: Tanner, Michael A LBR:EX
Subject: RE: Western Hockey League and amateur athletes

Great thanks!

From: Tanner, Michael A LBR:EX
Sent: Monday, July 21, 2014 11:04 AM
To: Johnson, Chris M LBR:EX
Subject: FW: Western Hockey League and amateur athletes

Hi Chris - s.13

From: Blakely, John H LBR:EX
Sent: Monday, July 21, 2014 11:00 AM
To: Tanner, Michael A LBR:EX
Subject: RE: Western Hockey League and amateur athletes

s.13

Thanks

From: Tanner, Michael A LBR:EX
Sent: Monday, July 21, 2014 10:56 AM
To: Blakely, John H LBR:EX
Subject: FW: Western Hockey League and amateur athletes

s.13

Just checking with you in case I missed something, before I get back to Chris.

From: Johnson, Chris M LBR:EX
Sent: Monday, July 21, 2014 10:53 AM
To: Tanner, Michael A LBR:EX
Subject: FW: Western Hockey League and amateur athletes

Hi Michael:

s.13

Chris

From: Humyra Sabir [mailto:Humyra.Sabir@gov.ab.ca]
Sent: Monday, July 21, 2014 10:27 AM
To: Johnson, Chris M LBR:EX; Yvonne.spyropoulos@gov.mb.ca
Subject: Western Hockey League and amateur athletes

Good Morning,

I hope you are both doing well!
s.13,s.16

Thanks and I hope you are having a great summer!

Humyra

Humyra (Mira) Sabir
Director, Employment Standards Policy,
Legislation and Program Development
Alberta Jobs, Skills, Training & Labour
8th Flr, Labour Building
10808-99 Ave. NW
Edmonton AB T5K 0G5
T. 780.422.6091 C. 780.405.5693 F. 780.638.4366
www.workright.alberta.ca
YouTube - Find out what you don't know!

WORK RIGHT

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Tuesday, September 8, 2015 3:32 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: FW: Sept 17 MSB Meeting Agenda

Michael and Jennifer,

FYI, here is the latest on the WHL and amateur athletes...

Thanks

From: Hughes, Trevor LBR:EX
Sent: Tuesday, September 8, 2015 3:28 PM
To: Blakely, John H LBR:EX; Clunn, Karen E LBR:EX
Cc: Rogoza, Hanna LBR:EX
Subject: RE: Sept 17 MSB Meeting Agenda

I agree – s.13
s.13

Thanks.

From: Blakely, John H LBR:EX
Sent: Tuesday, September 8, 2015 3:27 PM
To: Hughes, Trevor LBR:EX; Clunn, Karen E LBR:EX
Cc: Rogoza, Hanna LBR:EX
Subject: RE: Sept 17 MSB Meeting Agenda

s.13

s.13

Thanks

From: Hughes, Trevor LBR:EX
Sent: Tuesday, September 8, 2015 2:28 PM
To: Clunn, Karen E LBR:EX
Cc: Blakely, John H LBR:EX; Rogoza, Hanna LBR:EX
Subject: Re: Sept 17 MSB Meeting Agenda

s.13

T.

From: Clunn, Karen E LBR:EX
Sent: Tuesday, September 8, 2015 2:26 PM
To: Hughes, Trevor LBR:EX
Cc: Blakely, John H LBR:EX; Rogoza, Hanna LBR:EX
Subject: FW: Sept 17 MSB Meeting Agenda

s.13

K

From: Hourston, Sveah JTST:EX
Sent: Tuesday, September 8, 2015 2:06 PM
To: Purdy, Sheila JTST:EX; White, Sunny JTST:EX; Saini, Sukie JTST:EX; Clunn, Karen E LBR:EX
Cc: Olson, Lianna JTST:EX; Kwan, Shirley JTST:EX; Chauvin, Lindsay JTST:EX; Charlton, Julie JTST:EX; Nelson, Shirley D JTST:EX
Subject: Sept 17 MSB Meeting Agenda
Importance: High

Please see below proposed agenda for MSB briefing next week September 17th from 8:30-11am. If possible could I please have materials to me by 4pm Thursday September 10th, cut off to make the binder will be 9am the following morning. If any items are going to be verbal please advise back to me as soon as possible.
Thanks,
Sveah

s.13

Page 011

Withheld pursuant to/removed as

s.13

Tanner, Michael A LBR:EX

From:	Hughes, Trevor LBR:EX
Sent:	Thursday, September 17, 2015 1:50 PM
To:	Blakely, John H LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Cc:	Ayers, Jake LBR:EX; Clunn, Karen E LBR:EX
Subject:	WHL
Importance:	High

Update from MSB briefing on this item.

s.13

Thanks all.
T.

Page 013

Withheld pursuant to/removed as

s.12;s.13

Tanner, Michael A LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Monday, May 4, 2015 5:11 PM
To:	LBR, Labour Division LBR:EX
Cc:	Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject:	FW: Amateur Athletes and The Employment Standards Act
Attachments:	WHL letter.docx

Olivia, this is approved. May I ask you to convert this to the appropriate font? And will the response be going out as an email or as a letter?

Thanks

From: Tanner, Michael A LBR:EX
Sent: Monday, May 4, 2015 10:53 AM
To: Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: FW: Amateur Athletes and The Employment Standards Act

John – for your review...

From: Webb, Jennifer LBR:EX
Sent: Monday, May 4, 2015 10:49 AM
To: Tanner, Michael A LBR:EX
Subject: FW: Amateur Athletes and The Employment Standards Act

Michael, here is a draft response to Mr. Robison's offer. No CLIFF has been assigned yet.

From: Tanner, Michael A LBR:EX
Sent: Monday, April 27, 2015 2:20 PM
To: Hughes, Trevor LBR:EX; Blakely, John H LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: Amateur Athletes and The Employment Standards Act

I agree...I don't think you need to reply to the specifics. Thanks could be ok, as well as acknowledging/appreciating his offer to answer questions should we have any questions as government works through the issue.

From: Hughes, Trevor LBR:EX
Sent: Monday, April 27, 2015 2:14 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: Fw: Amateur Athletes and The Employment Standards Act

FYI. I don't think a reply is necessary. Other than maybe "thanks". Thoughts/advice?

From: Ron Robison <robisonr@whl.ca>
Sent: Monday, April 27, 2015 2:07 PM
To: Hughes, Trevor LBR:EX
Cc: Gavin Hume
Subject: Amateur Athletes and The Employment Standards Act

Trevor,

Thank you for your recent letter in which you acknowledged receipt of the correspondence sent to the Minister on March 25, 2015.

As you are aware, the current class action lawsuit against the WHL may not only threaten the viability of our B.C. based franchises but also have serious implications on the amateur sport system as a whole in the province. It is therefore extremely important this matter be addressed as soon as possible by the Cabinet.

In the meantime, we are pleased to report that the Washington State Senate and House of Representatives have overwhelmingly passed new legislation to exempt WHL players from employment laws in their State. Attached is a copy of the Bill (Engrossed Senate Bill 5893) which has been forwarded to the Governor for his signature. The WHL and our Washington State based teams were delighted that the legislators felt it was extremely important to not only preserve the franchises but the opportunities they provide for aspiring young hockey players.

As discussed during our meeting with you on March 19, we can clarify the legal uncertainty by excluding amateur athletes from the current definition of employees within the B.C. Employment legislation and that this could be accomplished by Cabinet approving a regulation defining amateur athletes. Gavin Hume and myself are available to assist your office with the drafting of the regulation should you require any assistance.

We appreciate your support and trust you understand the urgency of having Cabinet address this matter immediately. Both Gavin and myself are available at any time to assist you with this process and to clarify any questions that you may have.

Regards,
Ron

Ron Robison
Commissioner
Western Hockey League
Father David Bauer Arena
2424 University Drive, NW
Calgary, AB, T2N 3Y9
Direct: 403.693.3033
Fax: 403.693.3031
www.whl.ca Email: robisonr@whl.ca

Page 016 to/à Page 021

Withheld pursuant to/removed as

Copyright

Clunn, Karen E LBR:EX

Subject: FW: Re: Amateur Athletes and The Employment Standards Act

---

From: Van Tassel, Olivia LBR:EX **On Behalf Of** Hughes, Trevor LBR:EX
Sent: Tuesday, May 5, 2015 9:28 AM
To: 'robisonr@whl.ca'
Subject: Re: Amateur Athletes and The Employment Standards Act

Dear Ron:

Thank you for your email of April 27, 2015, regarding amateur athletes and the *Employment Standards Act*.

Your offer to answer any questions that may arise regarding this issue is appreciated. As government works through its process, Ministry staff will contact you should further information be required.

Again, thank you for writing.

Sincerely,

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs

From: Ron Robison <robisonr@whl.ca>

Sent: Monday, April 27, 2015 2:07 PM

To: Hughes, Trevor LBR:EX

Cc: Gavin Hume

Subject: Amateur Athletes and The Employment Standards Act

Trevor,

Thank you for your recent letter in which you acknowledged receipt of the correspondence sent to the Minister on March 25, 2015.

As you are aware, the current class action lawsuit against the WHL may not only threaten the viability of our B.C. based franchises but also have serious implications on the amateur sport system as a whole in the province. It is therefore extremely important this matter be addressed as soon as possible by the Cabinet.

In the meantime, we are pleased to report that the Washington State Senate and House of Representatives have overwhelmingly passed new legislation to exempt WHL players from employment laws in their State. Attached is a copy of the Bill (Engrossed Senate Bill 5893) which has been forwarded to the Governor for his signature. The WHL and our Washington State based teams were delighted that the legislators felt it was extremely important to not only preserve the franchises but the opportunities they provide for aspiring young hockey players.

As discussed during our meeting with you on March 19, we can clarify the legal uncertainty by excluding amateur athletes from the current definition of employees within the B.C. Employment legislation and that this could be accomplished by Cabinet approving a regulation defining amateur athletes. Gavin Hume and myself are available to assist your office with the drafting of the regulation should you require any assistance.

We appreciate your support and trust you understand the urgency of having Cabinet address this matter immediately. Both Gavin and myself are available at any time to assist you with this process and to clarify any questions that you may have.

Regards,

Ron

Ron Robison

Commissioner

Western Hockey League

Father David Bauer Arena

2424 University Drive, NW

Calgary, AB, T2N 3Y9

Direct: 403.693.3033

Fax: 403.693.3031

www.whl.ca Email: robisonr@whl.ca

Page 024 to/à Page 025

Withheld pursuant to/removed as

s.14;s.13

Page 026 to/à Page 029

Withheld pursuant to/removed as

s.14;s.16;s.13

Flatman, John CSCD:EX

From: Chauvin, Lindsay JTST:EX
Sent: Thursday, July 2, 2015 11:26 AM
To: Denniston, Tristan M MEM:EX; Hodson, Blake SDSI:EX; Knudsen, Mark ENV:EX; Miniaci, Mario EDUC:EX
Cc: Hourston, Sveah JTST:EX
Subject: For Decision: 109710 DN MSB re employement standards exclusion
Attachments: 109710 DN MSB re employment standards exclusion for amateur atheletes.docx

Hi,

Please see attached request for decision. Cliff updated to MO.

Sincerely,

Lindsay Chauvin
Document Coordinator
Office of the Deputy Minister
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour
Phone: (250) 952-6389

Bond, Shirley B JTST:EX

From:	Miniaci, Mario JTST:EX
Sent:	Friday, July 3, 2015 8:13 AM
To:	Bond, Shirley B JTST:EX
Cc:	Knudsen, Mark JTST:EX
Subject:	For Decision Re: employement standards exclusion
Attachments:	109710 DN MSB re employment standards exclusion for amateur atheletes.docx

Minister- please find attached a decision note around employment standards exclusion for "amateur athletes". The recommended option is:

Option 2 (Recommended): Develop an amendment to the Regulation for Cabinet's consideration.

s.12,s.13,s.14,s.16

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR
DECISION NOTE

Cliff #: 109710

Date: June 30, 2015

PREPARED FOR: Honourable Shirley Bond, Minister

ISSUE: Update on the request for employment standards exclusion for "amateur athletes".

BACKGROUND:

In March 2015, the Commissioner of the Western Hockey League (WHL) wrote to the Minister requesting an exclusion for "amateur athletes" from the *Employment Standards Act* (the Act). (Please see briefing note Cliff # 108944 for the background on the WHL's request).

In response to similar requests from the WHL, Saskatchewan and Washington State have recently granted employment standards exclusions that impact their respective WHL teams:

- In April 2014, Saskatchewan exempted "athletes while engaged in their athletic endeavour" from its employment standards legislation.
- Effective July 24, 2015, amendments to Washington State's Labor Regulations will come into effect which will exempt "an individual who is at least sixteen years old but under twenty-one years old, in his or her capacity as a player for a junior ice hockey team that is a member of a regional, national, or international league and that contracts with an arena owned, operated, or managed by a public facilities district created under chapter 36.100 RCW" from the definition of "employee".

s.12,s.13,s.14,s.16

In April, the Labour Policy Branch was instructed by the Minister to undertake some preliminary analysis on the WHL's request. This Decision Note details the work undertaken to date, and sets out the implications of the request for the Minister's consideration.

DISCUSSION:

s.12,s.13,s.14,s.16

OPTIONS:

s.12,s.13,s.14,s.16

Option 2 (Recommended): Develop an amendment to the Regulation for Cabinet's consideration.

s.12,s.13,s.14,s.16

RECOMMENDATION:

s.12,s.13,s.14,s.16

Approved / Not Approved	Date:
Comments:	

Prepared by: Jennifer Webb, Senior Policy Advisor, Labour Policy and Legislation Branch
Telephone: (250) 387-5551

Reviewed by			
Dir: Michael Tanner	ED: John Blakely	ADM: Trevor Hughes	DM:

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Tuesday, May 19, 2015 3:43 PM
To: Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL

s.13,s.14

Thanks

From: Hughes, Trevor LBR:EX
Sent: Tuesday, May 19, 2015 3:39 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL

Further to my note below, I am being asked to brief the Minister Monday next at 5 pm.
s.13,s.14

Thanks.

From: Hughes, Trevor LBR:EX
Sent: Thursday, May 7, 2015 11:22 AM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: WHL

s.13,s.14

Tanner, Michael A LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Wednesday, May 20, 2015 8:59 AM
To: Blakely, John H LBR:EX
Cc: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: s.13,s.14

s.13,s.14

From: Blakely, John H LBR:EX
Sent: Wednesday, May 20, 2015 8:35 AM
To: Hughes, Trevor LBR:EX
Cc: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: Re: s.13,s.14

s.13,s.14

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Blakely, John H LBR:EX
Sent: Wednesday, May 20, 2015 8:13 AM
To: Hughes, Trevor LBR:EX
Cc: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: Fw: s.13,s.14

Here is the email string with Adele's comments and Michael's analysis.
Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tanner, Michael A LBR:EX <Michael.Tanner@gov.bc.ca>
Sent: Friday, May 15, 2015 3:35 PM
To: Blakely, John H LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: s.13,s.14

s.13,s.14

Page 038 to/à Page 040

Withheld pursuant to/removed as

s.14;s.13

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Thursday, May 26, 2016 5:52 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Cc: Hughes, Trevor LBR:EX
Subject: Fw: B.C. Labour Ministry Information

Follow Up Flag: Follow up
Flag Status: Flagged

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gavin Hume
Sent: Thursday, May 26, 2016 5:04 PM
To: Blakely, John H LBR:EX
Subject: B.C. Labour Ministry Information

John
Here is the information that I have rece3ived in response to your questions. Let me know if there are other matters you wish to explore. s.22

Presumably, this would include the 60 players who graduated in 2014/15 plus some of the 50, 57, 48 and 57 who graduated in the previous years and who were eligible for WHL Scholarships in their second or subsequent years of study. Is this correct?

Yes that is correct, the 338 in the first table represents WHL Graduates that may have accessed their WHL Scholarship for the first time and also WHL Graduates who accessed their WHL Scholarship in their second or subsequent years of study. It does not differentiate between WHL Graduates who are accessing their scholarship for the first time or for the fourth time, but rather the total number of WHL Graduates who accessed their WHL Scholarship in that Academic Year.

In addition, would the 338 include any who may have played professional hockey in a previous year (since from the player agreement it appears that some players retain a right to a scholarship even if they have played professionally for a limited period of time)? And finally, would the 338 include anyone else? For example, what about players who played in the WHL when they were 17 or 18, but not in their 19 or 20 season?

The 338 in the first table would include WHL Graduates that have went on to play professional hockey for a year following their junior eligibility and returned to access their WHL Scholarship. This is the reason that we have not included the 2015-2016 numbers in the second table. Players are still within their 18 month window to make the decision whether they continue to play professional hockey or take advantage of the WHL Scholarship that they have earned while playing in the WHL. Once this academic year begins, we would be able to calculate the numbers for 2015-2016 on the second table. This 338 in the first table would also represent players that played in the WHL when they were 17 or 18, but not in their 19 or 20 season.
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
GHume@harrisco.com

HARRIS

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Workplace Law & Advocacy

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Thursday, June 11, 2015 11:26 AM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: FW: WHL

Michael and Jennifer, I met with Gavin Hume. He provided me with some documents which I will bring back for you, and also with answers to our questions. I have summarized the answers below. I can fill you in with a few things that he and I discussed when I see you. Perhaps we can meet in the next day or two to see where we are at and to see if we are ready to proceed to what I think is the next step - of preparing a decision note laying out options (with pros and cons) for the Minister.

Thanks

From: Blakely, John H LBR:EX
Sent: Friday, May 29, 2015 11:01 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: Fw: WHL

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gavin Hume <GHume@harrisco.com>
Sent: Friday, May 29, 2015 7:21 PM
To: Blakely, John H LBR:EX; Hughes, Trevor LBR:EX
Cc: 'Ron Robison'; Mark E. Colavecchia
Subject: RE: WHL

John
Thanks for your email We will get on this ASAP with the objective of having the information to you by the end of next week.
Gavin

From: Blakely, John H LBR:EX [mailto:John.Blakely@gov.bc.ca]
Sent: Friday, May 29, 2015 11:17 AM
To: Hughes, Trevor LBR:EX; Gavin Hume
Cc: 'Ron Robison'
Subject: RE: WHL

Gavin and Ron, thanks very much for getting back to us and obtaining the consent of the Vancouver Giants and the Kamloops Blazers as the teams prepared to respond to our questions. As we discussed, our hope is that answers to these questions will help to provide information regarding the teams and athletes that will assist us in our internal deliberations and briefings regarding the WHL's request for an Employment Standards Act exclusion.

Here is what we have come up with (see below). If you or the teams have any questions, I would be happy to answer them. As per our discussion, I assume (Gavin) that the responses will come back to Trevor and myself through you. As for how much time the teams should be given to respond to these questions, would it be reasonable for them to get their responses back to you (and then for you to forward them to us) by the end of next week? This would allow us to keep moving this issue forward fairly quickly.

Thanks very much.

As part of our research in response to the request from the Commissioner of the WHL for an exclusion for amateur athletes from the *Employment Standards* Act, we need to have a better understanding, and more complete information, concerning the teams in the WHL in British Columbia. To this end, we have several questions set out below. We understand and appreciate that some of these questions may not be applicable and some others may not be framed in a way that best reflects the day-to-day relationship between teams and their players. However, any information that is related to the issues raised in our questions would be very helpful and most appreciated.

1. Are the teams operated as societies, not-for-profit, or for-profit enterprises?

   For profit enterprises

2. What is the stipend range for players? What determines the stipend that each player receives?

   There is no stipend range. All players are paid $250/month during the hockey season to cover out-of-pocket expenses related to their training and travel. This amount is stipulated in the WHL Standard Player Agreement.

3. Are deductions made from the stipends? If so, what are the deductions that are made?

   No

4. What other benefits, if any, are paid or provided to the players in addition to the stipends?

   I was provided with a document that sets out other benefits paid to the players. In addition, both clubs indicated that they provide "gas money" for within city travel.

5. How does the team generate revenue (i.e., revenue sources)? Are the player costs (including stipends) funded from this revenue?

   Sponsorships, team concessions/products, ticket sales. Yes, player costs are funded from this revenue.

6. Do players sign contracts? If so, what would a typical contract cover and who are the parties to the contract? Are you able to provide the ministry with a blank standard contract?

   Yes, I was given a copy of the standard player agreement.

7. Is there any capital outlay or fees required of the players? If so, what are the amounts and what are they for?

   No

8. Is there a set day-to-day or weekly schedule of duties for each player? What does a typical day/typical week look like for a player in terms of games, travel, practices, and any other duties or expectations set by the team? What might these other duties or expectations, if any, be?

   Both teams indicated that players would be expected to spend between 30 – 35 hours/week performing a range of duties which would include: games (typically three games/week with players expected to show up at least two hours before the start of the game); practices (typically 90 minutes – three or four times/week); physical fitness sessions (60 minutes – three or four times/week); education sessions; team meetings; and community/promotional events/activities. The information that I was provided did not appear to include travel time. Gavin will get back to me with more information on travel arrangements and travel time. I also asked a follow-up question on what the teams meant by "community/promotional events". He will get back to me with some further information.

9. How many hours in a typical day/typical week would a player perform duties for the team?

   See question 8 above.

10. How are matters of personal conduct (including absences for reasons other than illness/injury) addressed?

    These are handled in accordance with provisions of the standard player agreement.

11. Do the teams have the right to suspend a player? What does the process for dismissing or releasing a player look like, and what contractual obligations (if any) does the team (or league?) have towards players that have been dismissed or released?

    Yes, as per provisions of the standard player agreement.

12. Who buys the equipment used by the player? Who owns the equipment used by the player? Who is responsible for maintaining the equipment used by the player?

    The teams buy and own the equipment and are ultimately responsible for maintaining the equipment.

John Blakely
Executive Director, Labour Policy and Legislation
Ministry of Jobs, Tourism and Skills Training and Ministry Responsible for Labour
250-356-9987

From: Hughes, Trevor LBR:EX
Sent: Tuesday, May 26, 2015 2:06 PM
To: 'Gavin Hume'
Cc: 'Ron Robison'; Blakely, John H LBR:EX
Subject: RE: WHL

Thanks – appreciate the response. John Blakely, cc'd here, will be in touch.
T.

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour

Victoria: 250 356-1346
Vancouver: 604 660-5157
Mobile: 250 508-4273

From: Gavin Hume [mailto:GHume@harrisco.com]
Sent: Tuesday, May 26, 2015 1:57 PM
To: Hughes, Trevor LBR:EX
Cc: 'Ron Robison'
Subject: RE: WHL

Trevor
Ron has obtained the consent of the Vancouver Giants and the Kamloops Blazers as the teams prepared to respond to questions from your staff in order to prepare a report for the Minister and Cabinet. I look forward to receiving the questions so I can review them with Ron and then forward them to the relevant persons at the

teams.
Gavin

Gavin Hume, Q.C. *

* Law Corporation

D/ 604 891 2228

C/ 604 328 0477

GHume@harrisco.com

Harris & Company LLP

14th Floor, 550 Burrard St.

Vancouver, BC V6C 2B5

T/ 604 684 6633

F/ 604 684 6632

http://harrisco.com

This email is confidential and may be privileged. If you have received this email in error please delete it and inform the sender immediately. Unauthorized distribution or use is strictly prohibited and may result in penalties and/or damages.

Webb, Jennifer LBR:EX

From:	Tanner, Michael A LBR:EX
Sent:	Thursday, July 16, 2015 5:17 PM
To:	Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX; Ayers, Jake LBR:EX
Cc:	Blakely, John H LBR:EX; Clunn, Karen E LBR:EX
Subject:	RE: Minister briefing - takeaways.
Follow Up Flag:	Follow up
Flag Status:	Flagged

Thanks for the update Trevor. s.13,s.14

s.13,s.14

From: Hughes, Trevor LBR:EX
Sent: Thursday, July 16, 2015 4:51 PM
To: Webb, Jennifer LBR:EX; Ayers, Jake LBR:EX; Tanner, Michael A LBR:EX
Cc: Blakely, John H LBR:EX; Clunn, Karen E LBR:EX
Subject: Minister briefing - takeaways.

All, today I had a good briefing with the Minister on 6 issues.

1. s.13

s.13

2. s.13,s.14

s.13,s.14

3. s.13

s.13

4. s.13

5. s.13

s.13

6. s.13,s.16

s.13,s.16

Please let me know if you have any questions.
Thanks.
T.

Webb, Jennifer LBR:EX

From: Tanner, Michael A LBR:EX
Sent: Thursday, July 30, 2015 2:29 PM
To: Adamic, Adele J JAG:EX
Cc: Mason, Justin JAG:EX; Webb, Jennifer LBR:EX; Blakely, John H LBR:EX
Subject: RE: WHL - Further request for information

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you very much Adele. s.13,s.14
s.13,s.14
s.13,s.14 Thanks again.

Michael

From: Adamic, Adele J JAG:EX
Sent: Thursday, July 30, 2015 2:16 PM
To: Tanner, Michael A LBR:EX
Cc: Mason, Justin JAG:EX; Webb, Jennifer LBR:EX; Blakely, John H LBR:EX
Subject: RE: WHL - Further request for information s.13,s.14

Michael,

s.13,s.14

Page 050 to/à Page 051

Withheld pursuant to/removed as

s.14;s.13

Tanner, Michael A LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Thursday, December 24, 2015 12:21 PM
To:	Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX
Cc:	Webb, Jennifer LBR:EX
Subject:	Re: s.13

Okay, great. I will contact Gavin next week, and hopefully, I will be able to connect with him. I hope you have a great holiday as well, and talk to you next week.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Hughes, Trevor LBR:EX
Sent: Thursday, December 24, 2015 12:06 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: s.13

Thanks for this. Great update and good questions.

My answers are:
s.13

Please let me know if the above answers your questions.

I hope you all have a great holiday season. s.13
s.13
T.

From: Blakely, John H LBR:EX
Sent: Thursday, December 24, 2015 11:43 AM
To: Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: s.13

Trevor,

s.13

s.13

s.13,s.14

I guess that's it.

Thanks,

From: Hughes, Trevor LBR:EX
Sent: Tuesday, December 22, 2015 4:21 PM
To: Tanner, Michael A LBR:EX; Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: s.13

s.13

From: Tanner, Michael A LBR:EX
Sent: Tuesday, December 22, 2015 3:04 PM
To: Hughes, Trevor LBR:EX; Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: s.13

Thanks Trevor and John. s.13
s.13

From: Hughes, Trevor LBR:EX
Sent: Tuesday, December 22, 2015 2:31 PM
To: Blakely, John H LBR:EX
Cc: Tanner, Michael A LBR:EX
Subject: RE: s.13

Great – thanks. Have let Athana know.
Best,
T.

From: Blakely, John H LBR:EX
Sent: Tuesday, December 22, 2015 2:30 PM
To: Hughes, Trevor LBR:EX
Cc: Tanner, Michael A LBR:EX
Subject: Fw: s.13

Trevor, just to let you know that s.13,s.14
s.13,s.14 Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tanner, Michael A LBR:EX <Michael.Tanner@gov.bc.ca>
Sent: Tuesday, December 22, 2015 2:23 PM
To: Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX; Mason, Justin JAG:EX
Subject: s.13

John s.13,s.14
s.13,s.14

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Monday, January 11, 2016 12:09 PM
To: Hughes, Trevor LBR:EX
Cc: Clunn, Karen E LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL

s.13,s.14

Thanks,

From: Hughes, Trevor LBR:EX
Sent: Monday, January 11, 2016 11:43 AM
To: Blakely, John H LBR:EX
Cc: Clunn, Karen E LBR:EX
Subject: RE: WHL

Thanks for this.
Just talked to Athana. s.13,s.14
s.13,s.14

Does that address your question?
Thanks.
T.

From: Blakely, John H LBR:EX
Sent: Monday, January 11, 2016 11:31 AM
To: Hughes, Trevor LBR:EX
Cc: Clunn, Karen E LBR:EX
Subject: WHL

Trevor,

s.13,s.14

Thanks,

Webb, Jennifer LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Thursday, January 21, 2016 9:53 AM
To: Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX; Clunn, Karen E LBR:EX
Subject: Re: S.13

Good question. S.13 . Please and thanks.
T.

From: Blakely, John H LBR:EX
Sent: Thursday, January 21, 2016 9:38 AM
To: Hughes, Trevor LBR:EX
Cc: Webb, Jennifer LBR:EX; Clunn, Karen E LBR:EX
Subject: S.13

Trevor, as you probably know from Karen, S.13
S.13

Thanks,

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Thursday, January 21, 2016 1:46 PM
To: Webb, Jennifer LBR:EX
Subject: FW: s.12,s.13

fyi

From: Anderson, Steve PREM:EX
Sent: Thursday, January 21, 2016 1:39 PM
To: Hughes, Trevor LBR:EX
Cc: Blakely, John H LBR:EX; Leduc, Danine CSCD:EX
Subject: Re: s.12,s.13

Many thanks.

On Jan 21, 2016, at 1:39 PM, Hughes, Trevor LBR:EX <Trevor.Hughes@gov.bc.ca> wrote:

s.12,s.13

From: Anderson, Steve PREM:EX
Sent: Thursday, January 21, 2016 1:35 PM
To: Hughes, Trevor LBR:EX
Cc: Blakely, John H LBR:EX; Leduc, Danine CSCD:EX
Subject: Question: s.12,s.13

Hi Trevor.

John kindly (thank you John) put together the response below to a couple of questions we at cab ops had s.12,s.13
s.12,s.13

Many thanks

Begin forwarded message:

From: "Leduc, Danine CSCD:EX" <Danine.Leduc@gov.bc.ca>
Date: January 20, 2016 at 7:52:48 PM PST
To: "Anderson, Steve PREM:EX" <Steve.Anderson@gov.bc.ca>
Subject: s.12,s.13

Good Evening, Steve;

s.12,s.13

s.12,s.13

Thank you,
Danine

Executive Director,
Corporate Planning & Priorities Branch

Ministry of Community, Sport and Cultural Development,
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour,
Ministry of International Trade and Minister Responsible for Asia Pacific Strategy and Multiculturalism,
Ministry of Small Business and Red Tape Reduction and Minister Responsible for Liquor Distribution Branch.

Webb, Jennifer LBR:EX

From:	Hughes, Trevor LBR:EX
Sent:	Tuesday, January 26, 2016 10:00 AM
To:	Blakely, John H LBR:EX; Webb, Jennifer LBR:EX
Cc:	Clunn, Karen E LBR:EX
Subject:	FW: WHL
Attachments:	BN for Minister - exclusion for amateur athletes.docx
Importance:	High

Folks, just did briefing of MSB for WHL. Need the following done ASAP today please and thanks.

s.12,s.13,s.14

Thanks.
T.

Page 060 to/à Page 066

Withheld pursuant to/removed as

s.12;s.14;s.13

Tanner, Michael A LBR:EX

From: Blakely, John H LBR:EX
Sent: Wednesday, February 3, 2016 7:38 PM
To: Morley, Gareth JAG:EX
Cc: Sandstrom, Kurt JAG:EX; Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX
Subject: Re: WHL update

I'll add him to the invitation list.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Morley, Gareth JAG:EX
Sent: Wednesday, February 3, 2016 7:37 PM
To: Blakely, John H LBR:EX
Cc: Sandstrom, Kurt JAG:EX; Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX
Subject: Re: WHL update

Scott Webber should be there as well.

Sent from my iPhone

On Feb 3, 2016, at 7:36 PM, Blakely, John H LBR:EX <John.Blakely@gov.bc.ca> wrote:

> Sounds good, and Trevor can call into our boardroom. We will send out a meeting invitation.
>
> Thanks
>
> Sent from my BlackBerry 10 smartphone on the Rogers network.
>
> **From:** Sandstrom, Kurt JAG:EX
> **Sent:** Wednesday, February 3, 2016 7:09 PM
> **To:** Blakely, John H LBR:EX; Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX; Morley, Gareth JAG:EX
> **Subject:** RE: WHL update
>
> 10:00 works. Let's meet at yours. s.22
> s.22
>
> **From:** Blakely, John H LBR:EX
> **Sent:** Wednesday, February 3, 2016 7:04 PM
> **To:** Sandstrom, Kurt JAG:EX; Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX; Morley, Gareth JAG:EX
> **Subject:** Re: WHL update
>
> Okay, thanks. Shall we plan to meet at 10:00? We can meet at your offices or ours, whichever you prefer.
>
> Thanks,
> John Blakely
>
> Sent from my BlackBerry 10 smartphone on the Rogers network.

Page 068 to/à Page 070

Withheld pursuant to/removed as

s.12;s.14;s.13

s.12,s.13,s.14

From: Blakely, John H LBR:EX
Sent: Thursday, February 4, 2016 1:26 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Hughes, Trevor LBR:EX
Subject: RE: WHL update

DRAFT – may I have your comments before I send this?

s.12,s.13,s.14

Page 072 to/à Page 073

Withheld pursuant to/removed as

s.12;s.14;s.13

Tanner, Michael A LBR:EX

From: Webb, Jennifer LBR:EX
Sent: Thursday, February 4, 2016 1:57 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Subject: RE: WHL update

s.12,s.13,s.14

From: Blakely, John H LBR:EX
Sent: Thursday, February 4, 2016 1:26 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Hughes, Trevor LBR:EX
Subject: RE: WHL update

DRAFT – may I have your comments before I send this?

s.12,s.13,s.14

Page 075 to/à Page 076

Withheld pursuant to/removed as

s.12;s.14;s.13

Tanner, Michael A LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Thursday, February 4, 2016 1:44 PM
To:	Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject:	Re: WHL update

s.12,s.13,s.14

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Hughes, Trevor LBR:EX
Sent: Thursday, February 4, 2016 1:41 PM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL update

s.12,s.13,s.14

From: Blakely, John H LBR:EX
Sent: Thursday, February 4, 2016 1:33 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Hughes, Trevor LBR:EX
Subject: RE: WHL update

s.12,s.13,s.14

From: Blakely, John H LBR:EX
Sent: Thursday, February 4, 2016 1:26 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Hughes, Trevor LBR:EX
Subject: RE: WHL update

DRAFT – may I have your comments before I send this?

s.12,s.13,s.14

Page 078 to/à Page 080

Withheld pursuant to/removed as

s.12;s.14;s.13

Tanner, Michael A LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Thursday, February 4, 2016 9:53 AM
To:	Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Hughes, Trevor LBR:EX
Subject:	FW: WHL update
Importance:	High

How about something like this?

s.12,s.13,s.14

From: Tanner, Michael A LBR:EX
Sent: Wednesday, February 3, 2016 4:29 PM

Page 082 to/à Page 087

Withheld pursuant to/removed as

s.12;s.14;s.13

Page 088 to/à Page 089

Withheld pursuant to/removed as

s.14;s.13

Tanner, Michael A LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Saturday, February 6, 2016 1:31 PM
To:	Tanner, Michael A LBR:EX
Subject:	Re: WHL Standard Player Agreement

Yes, see my reply in a minute.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tanner, Michael A LBR:EX
Sent: Saturday, February 6, 2016 1:30 PM
To: Blakely, John H LBR:EX
Subject: Re: WHL Standard Player Agreement

I just read Trevor' s note s.13

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tanner, Michael A LBR:EX
Sent: Saturday, February 6, 2016 1:28 PM
To: Blakely, John H LBR:EX
Subject: Re: WHL Standard Player Agreement

s.13

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Blakely, John H LBR:EX
Sent: Saturday, February 6, 2016 1:14 PM
To: Tanner, Michael A LBR:EX
Subject: Re: WHL Standard Player Agreement

s.13

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tanner, Michael A LBR:EX
Sent: Saturday, February 6, 2016 1:08 PM
To: Blakely, John H LBR:EX
Subject: Re: WHL Standard Player Agreement

s.13

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Blakely, John H LBR:EX
Sent: Saturday, February 6, 2016 12:56 PM
To: Tanner, Michael A LBR:EX
Subject: Fw: WHL Standard Player Agreement

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gavin Hume <GHume@harrisco.com>
Sent: Saturday, February 6, 2016 12:31 PM
To: Blakely, John H LBR:EX
Cc: Hughes, Trevor LBR:EX
Subject: FW: WHL Standard Player Agreement

John
Further to your voice mail and email messages yesterday, here is a complete copy of the WHL Standard Player agreement. It includes the missing page 5. I was only able to obtain it a few minutes ago.
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
C/ 604 328 0477
GHume@harrisco.com

HARRIS

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632

Tanner, Michael A LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Saturday, February 6, 2016 12:57 PM
To:	Tanner, Michael A LBR:EX
Subject:	Fw: WHL Standard Player Agreement
Attachments:	WHL Standard Player Agreement - New.pdf

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gavin Hume
Sent: Saturday, February 6, 2016 12:31 PM
To: Blakely, John H LBR:EX
Cc: Hughes, Trevor LBR:EX
Subject: FW: WHL Standard Player Agreement

John
Further to your voice mail and email messages yesterday, here is a complete copy of the WHL Standard Player agreement. It includes the missing page 5. I was only able to obtain it a few minutes ago.
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
C/ 604 328 0477
GHume@harrisco.com

HARRIS

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632

Page 093 to/à Page 128

Withheld pursuant to/removed as

Copyright

Page 129 to/à Page 140

Withheld pursuant to/removed as

s.14;s.13

Tanner, Michael A LBR:EX

From: Tanner, Michael A LBR:EX
Sent: Tuesday, February 16, 2016 2:16 PM
To: Blakely, John H LBR:EX; Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL OIC

I have nothing further to add. Thanks.

From: Blakely, John H LBR:EX
Sent: Tuesday, February 16, 2016 2:13 PM
To: Hughes, Trevor LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL OIC

Michael and Jennifer, feel free to wade in if you have more. But my view is that s.13,s.14

s.13

Thanks,

From: Hughes, Trevor LBR:EX
Sent: Tuesday, February 16, 2016 1:59 PM
To: Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Blakely, John H LBR:EX
Subject: FW: WHL OIC

I read this in the way I think we needed it read. A commitment on the scholarships.
Any issues?
Do you want me to engage him on the study/impact/long-term issue??

From: Ron Robison [mailto:robisonr@whl.ca]
Sent: Tuesday, February 16, 2016 1:58 PM
To: Hughes, Trevor LBR:EX
Cc: Gavin Hume (ghume@harrisco.com); Sandstrom, Kurt JAG:EX; Blakely, John H LBR:EX
Subject: Re: WHL OIC

Trevor

Thank you for forwarding a copy of the deposited Order in Council.

On behalf of the WHL and our B.C. based Clubs, we sincerely appreciate your assistance and cooperation with the processing of this amendment. It provides us with the ability to continue offering world class hockey and academic opportunities to players participating on our WHL B.C. teams in the years to come.

Regards,

Ron

RON ROBISON | Commissioner
Western Hockey League
Father David Bauer Arena
2424 University Drive NW | Calgary, AB, T2N 3Y9
Direct: 403.693.3033 | Cell: 403.462.2810
Email: robisonr@whl.ca | Website: www.whl.ca
Facebook: WHLHockey | Twitter : TheWHL

On Feb 16, 2016, at 12:02 PM, Hughes, Trevor LBR:EX <Trevor.Hughes@gov.bc.ca> wrote:

Gavin and Ron, as promised, attached is the deposited OIC. Please let me know if you wish to discuss this.
Thank you.
Trevor.

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour

Victoria: 250 356-1346
Vancouver: 604 660-5157
Mobile: 250 508-4273

Tanner, Michael A LBR:EX

From:	Tanner, Michael A LBR:EX
Sent:	Tuesday, February 16, 2016 2:50 PM
To:	Johnson, Chris M LBR:EX; Mullin, Brent G LRB:EX; Gordon, Marcella EST:EX
Cc:	Blakely, John H LBR:EX; Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject:	New Employment Standards Regulation 37.16 for ice hockey players
Attachments:	18_2016.pdf

Hi Chris, Brent and Marcella.

Please find attached an Order in Council that was deposited today (and thus comes into force today) amending the Employment Standards Regulation to add a new section 37.16. Section 37.16 provides an exemption for a player on a major junior ice hockey team if the player is entitled to receive a post-secondary scholarship as set out in section 37.16. If you have any questions, please feel free to connect with John, Jennifer or me. Also feel free to share the OIC with your staff and members. Thanks.

Michael

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 075 , *Approved and Ordered* February 15, 2016

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Employment Standards Regulation, B.C. Reg. 396/95, is amended as set out in the attached Schedule.

DEPOSITED

February 16, 2016

B.C. REG. 18/2016

Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Employment Standards Act*, R.S.B.C. 1996, c. 113, s. 127

Other: OIC 1155/95

February 9, 2016

RESUB2 R/1089/2015/17

SCHEDULE

1 *The Employment Standards Regulation, B.C. Reg. 396/95, is amended by adding the following section:*

Ice hockey players

37.16 (1) The Act does not apply to a player on a major junior ice hockey team if the player is entitled, in respect of each of the first 5 hockey seasons the player completes, to receive a scholarship from the team, or the league of which that team is a member, in an amount equal to or greater than the eligible cost of an academic year of a post-secondary educational program in Canada of the player's choice.

(2) In this section, **"eligible cost"**, in relation to an academic year of an educational program, means the lesser of the following:

(a) the cost of tuition fees, compulsory student fees and required textbooks for a full time student to attend an academic year of the educational program;

(b) the cost of tuition fees, compulsory student fees and required textbooks for a full time student to attend an academic year of a comparable educational program offered by a publicly funded post-secondary educational institution in British Columbia.

Tanner, Michael A LBR:EX

From: Blakely, John H LBR:EX
Sent: Friday, March 11, 2016 10:18 AM
To: Hughes, Trevor LBR:EX; Currie, David GCPE:EX; Kristofferson, Kristie L GCPE:EX
Cc: Tanner, Michael A LBR:EX
Subject: FW: WHL

FYI

From: Tanner, Michael A LBR:EX
Sent: Friday, March 11, 2016 10:16 AM
To: Webb, Jennifer LBR:EX
Cc: Blakely, John H LBR:EX; Hughes, Trevor LBR:EX; Ayers, Jake LBR:EX; Rogers, Peter LBR:EX; Adamic, Adele J JAG:EX; Mason, Justin JAG:EX
Subject: FW: WHL

Thanks for providing this Jennifer.

From: Webb, Jennifer LBR:EX
Sent: Friday, March 11, 2016 9:55 AM
To: Tanner, Michael A LBR:EX
Subject: WHL

http://www.agwlaw.ca/blog/2016/2/19/bc-government-off-side-in-changing-the-rules-for-student-athletes

Jennifer Webb
Labour Policy and Legislation
BC Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour
Phone: (250) 387-5551

Page 147 to/à Page 151

Withheld pursuant to/removed as

Copyright

Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

OIC / MO Tracking – October 27, 2016

Type	Description	CLIFF	Status	Date Required	Log No.	Notes
In-Progress Items						
s.12,s.13,s.14						

Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

OIC / MO Tracking – October 27, 2016

Type	Description	CLIFF	Status	Date Approved	Order No.	Notes
Completed Items						
Regulatory OIC	Amendment to Workers Compensation Act CPI schedule	111404	COMPLETED	15-Feb-16	OIC 74	
Regulatory OIC	Amendment to the Employment Standards Regulation re: exemption for major junior ice hockey team players	111660	COMPLETED	10-Feb-16	OIC 75	
Regulatory OIC	OIC to repeal spent regulations (2): -Medical Review Panel Transitional Regulation -Reservists' Leave Regulation	111644	COMPLETED	10-Feb-16	OIC 135	
Regulatory OIC	Amendment to the Employment Standards Regulation re: minimum wage	113125	COMPLETED	09-Jun-16	OIC 396	
Regulatory OIC	Amendment to the Employment Standards Regulation re: Resident Caretakers	112880	COMPLETED	14-Jul-16	538	
Regulatory OIC	Amendment to the Employment Standards Regulation re: Chartered Professional Accountants	112454	COMPLETED	14-Jul-16	537	
Non-regulatory MO	To approve amendments to Labour Relations Board Rules	111886	COMPLETED	29-Feb-16	MO 067	
OIC appointment	Northern Development Initiative Trust - 2 (Hoffman, Wesley)	111879; 112222; 112223	COMPLETED	10-Feb-16	OIC 90	
OIC appointment	WorkSafeBC - Ramsay	112419; 112568	COMPLETED	17-Mar-16	OIC 177	
OIC appointment	Labour Relations Board - Glougie	112418; 113115	COMPLETED	13-Apr-16	OIC 223	

OIC appointment	Industry Training Appeal Board - Armour (Chair)	113205; 113388	COMPLETED	07-Jun-16	OIC 369	
OIC appointment	WorkSafeBC - Alan R. Cooke	113420	COMPLETED	29-Jul-16	O553	
OIC appointment	Canadian Centre for Occupational Health and Safety's Council of Governors - Jeffrey Blaine Trevor Alexander	113394	COMPLETED	30-Jun-16	OIC 484	

s.13

OIC appointment	Destination BC Corp -Doi -Miller -Raine	114085	COMPLETED		OIC 744	
MO appointment	Aboriginal Business and Investment Council (11 reappts)	111632; 111805; 111806, 111807	COMPLETED	25-Jan-16	MO 19	
MO appointment	Aboriginal Business and Investment Council (2) Ericksen and Sellars	111875; 112211; 112212	COMPLETED	22-Feb-16	MO 60	
MO appointment	Employment Standards Tribunal (5 reappts) Groves; Roberts; Stevenson; Thornicroft; Bahoo	111876; 112316	COMPLETED	09-Feb-16	MO 073	
MO appointment	Nechako - Kitamaat Development Fund Society - Fraser	112447; 112569	COMPLETED	23-Mar-16	MO 104	
MO appointment	Industry Training Authority - (4) Calitz; Kasper; Morgan; Sigurdson	112663; 113068	COMPLETED	30-Apr-16	MO 151	

MO appointment	Industry Training Authority - (2) Langill; Whitworth	113120; 113421	COMPLETED	31-May-16	M213	
MO appointment	Industry Training Authority - Laurie Sterritt	113120; 113422	COMPLETED	31-May-16	M217	
MO appointment	Industry Training Authority - Shane Kevin John Stirling	113120; 113423	COMPLETED	31-May-16	M218	
MO appointment	Nechako - Kitamaat Development Fund Society - Shelford	113286; 113424	COMPLETED	31-May-16	M212	
MO appointment	Goodwin (Ministry Representative); Neilson; Robertson; Salewski (Chair)	113286; 113426	COMPLETED	31-May-16	M211	
Ministerial letter appointment	Collective Agreement Arbitration Bureau Joint Advisory Committee (3) Boyd; Holden; Jewell	112255	COMPLETED	03-Mar-16	-	
Ministerial letter appointment	Minister's Council on Tourism (2) Fisher; Henry	112618; 112619	COMPLETED	30-Mar-16	-	
Ministerial letter appointment	Premier's Women's Economic Council (6) Nahirney; Popescul; Redies; Wilson; Yuers; Harper	112927	COMPLETED	3-May-16	-	
Ministerial letter appointment	Premier's Women's Economic Council (8) Wasylyk; Anglin; Baptiste; De Araujo; Janzen; Middleton; Sun; Williamson	113012	COMPLETED	16-May-16	-	
Ministerial letter appointment	Premier's Women's Economic Council - Mardirossian	113276	COMPLETED	July-16		BRDO sent notification email to candidate in July; saved to file
Proclamation	Technology Skills Appreciation Week (Feb 29-Mar 4)	111514	COMPLETED			
Proclamation	Canadian RVing and Camping Week (May 24-29)	111804	COMPLETED			

Proclamation	Creative Industries Week (Apr 25 - May 2)		COMPLETED			
Proclamation	North American Occupational Safety and Health (NAOSH) Week (May 1 - May 7)	112457	COMPLETED			
Proclamation	Tourism Week (May 29 - June 4)	112623	COMPLETED			
Proclamation	World Refugee Day (June 20)	112692	COMPLETED			
Proclamation	Screen In BC Day (Sept 21)	113485	COMPLETED			
Proclamation	Manufacturing Week (Oct 9 - 15)	113976	COMPLETED			
Proclamation	Apprenticeship Recognition Week (Oct 31 - Nov 4)	113650	COMPLETED			

Davidson, Julie CSCD:EX

From: Blakely, John H LBR:EX
Sent: Wednesday, May 11, 2016 10:58 AM
To: 'Gavin Hume'
Subject: FW: B.C. Labour Ministry Information
Attachments: Canadian Postsecondary Performance Impact (2015).pdf; Stats Canada Study (2009).pdf; WHL Scholarship Study.pdf

Gavin,
Gavin,

I hope you are doing well. Now that the dust has settled on a number of files, we are in a position to review in detail the material you provided in March and to turn our minds to the question of whether any further information or follow-up might be warranted at this time. At this point, we have two questions that I'm wondering if you could answer (or arrange to get answers).

First, can you advise who actually conducted the WHL Scholarship Study (the third attachment). Was it prepared internally within the WHL (i.e., by WHL staff or by someone from one of the teams on behalf of the WHL)? Or was it prepared by an academic or an external researcher or consultant who was engaged by the WHL?

And second, we have some questions about the first two tables in the WHL Scholarship Study document and specifically whether or how we might be able to reconcile the numbers between the two tables. We understand that the second table shows, for each of the five years between 2010/11 to 2014/15, the number of WHL players who graduated from the WHL in either their 19 or 20 year old season - and how many of those who went on to professional hockey, a WHL scholarship or "other". For example, we understand that in 2014/15, 104 players "graduated" from the WHL, and that 60 of those accessed a scholarship while 44 went on to professional hockey. In contrast, when we look at the first table, we see that 338 "WHL Graduate Players" accessed a WHL Scholarship in 2014/15. Presumably, this would include the 60 players who graduated in 2014/15 plus some of the 50, 57, 48 and 57 who graduated in the previous years and who were eligible for WHL Scholarships in their second or subsequent years of study. Is this correct? In addition, would the 338 include any who may have played professional hockey in a previous year (since from the player agreement it appears that some players retain a right to a scholarship even if they have played professionally for a limited period of time)? And finally, would the 338 include anyone else? For example, what about players who played in the WHL when they were 17 or 18, but not in their 19 or 20 season?

The bottom line is that we would appreciate getting confirmation that we are interpreting the two tables correctly. And, if available, we would also appreciate it if we could get the breakdown underlying the numbers that appear in the first table (along the lines of my questions above).

If you would like to discuss this or if there is anyone that you would like to refer us to, please let me know.

Thanks,

John Blakely
Executive Director, Labour Policy and Legislation
Ministry of Jobs, Tourism and Skills Training and Ministry Responsible for Labour
250-356-9987

From: Gavin Hume [mailto:GHume@harrisco.com]
Sent: Tuesday, March 15, 2016 9:52 AM
To: Blakely, John H LBR:EX
Subject: B.C. Labour Ministry Information

John
See the attached Scholarship Study prepared by the WHL and the two reports referenced in the study. Let me know if that deals with the issue we have been discussing.
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
C/ 604 328 0477
GHume@harrisco.com

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Workplace Law & Advocacy

Webb, Jennifer LBR:EX

From:	Blakely, John H LBR:EX
Sent:	Tuesday, March 15, 2016 12:47 PM
To:	Tanner, Michael A LBR:EX; Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject:	Fw: B.C. Labour Ministry Information
Attachments:	Canadian Postsecondary Performance Impact (2015).pdf; Stats Canada Study (2009).pdf; WHL Scholarship Study.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Fyi, and perhaps we can discuss this and next steps next week, s.22 Fyi, I got back to Gavin thanking him for this.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gavin Hume <GHume@harrisco.com>
Sent: Tuesday, March 15, 2016 12:52 PM
To: Blakely, John H LBR:EX
Subject: B.C. Labour Ministry Information

John
See the attached Scholarship Study prepared by the WHL and the two reports referenced in the study. Let me know if that deals with the issue we have been discussing.
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
C/ 604 328 0477
GHume@harrisco.com

HARRIS

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Workplace Law & Advocacy

5 year review of the WHL Scholarship Program

WHL Scholarships Accessed by WHL Graduate Players over a 5 Year Period (2011-16)

2011-12	2012-13	2013-14	2014-15	2015-16	Total
326	336	329	338	348	**1,677**

- Over the past 5 years a total of 1,677 WHL Scholarships have been accessed by WHL Graduates, representing an overall investment in excess of $9.5 million by WHL Club ownership.
- On average, WHL Graduates attend 85 different post-secondary institutions annually across North America including Universities, Colleges, Technical Schools and Trade programs.

WHL Graduate Players Career Options (Professional Hockey vs. WHL Scholarships Accessed)

Year	Professional Hockey		WHL Scholarship		Other		Total
2010-11	46	*45%*	57	*55%*	0	0%	103
2011-12	49	*49%*	48	*47%*	4	4%	101
2012-13	49	*46%*	57	*54%*	0	0%	106
2013-14	46	*48%*	50	*52%*	1	1%	97
2014-15	44	*42%*	60	*58%*	0	0%	104
Total	**234**	**46%**	**272**	***53%***	**5**	**1%**	**511**

- A WHL Graduate player is defined as a player who has graduated from the WHL in either their 19 or 20 year old season.
- A Professional Hockey Player is defined as any player playing hockey in North America or in a European League who has signed a professional contract, including the National Hockey League.
- Other is designated as an individual who has chosen another career path other than hockey or post-secondary education.
- The 2014-2015 academic year represents the highest activation rate (58%) since the league wide WHL Scholarship was introduced in 1993.
- Based on this past year, the WHL anticipates the activation rate for WHL Scholarships to be in excess of 55% in the current 2015-16 academic year and beyond.
- Over a 5 year period, an average of 53% of WHL Graduates have accessed their WHL Scholarship.

Study on Canadian Post-Secondary Performance: Impact 2015 *(Published by Harvey P. Weingarten, Martin Hicks, Linda Jonker, Carrie Smith and Hillary Arnold in 2015)*

- According to this study, the national average for participation rates for 18-24 years attending Post-Secondary Institution is 21.8%. The average for the four Western Provinces was 19.5%.
- The national average for attainment rates for 25 to 34 year olds that have completed Post-Secondary Education (University/College/Trades) is 66.4%. The Average for the four Western Provinces was 63%.
- The WHL Graduate activation rate of 54% over the past 5 years is higher than the national average stated in this study (21.8%).

Stats Canada Study on Post-Secondary Education vs Employment Rate (2009) *(Published by Statistics Canada <Catalogue no. 81-599-X Issue no. 008> in 2009)*

	Population with a College or University Education (%)	Employment Rate (%)
Canada	50	82
BC	47	79
Alberta	46	85
Saskatchewan	37	86
Manitoba	44	85

- This study indicates higher levels of education are typically associated with higher employment rates. In Canada in 2009, 82% of the adult population aged 25 to 64 with post-secondary education were employed, compared to 55% with a high school education or less.

The WHL does not track whether our Graduates who have accessed their WHL Scholarship have received a diploma, degree or certificate after their studies completed. The WHL is confident based on the activation rate of WHL Scholarships that the percentage of WHL Graduates attaining post-secondary education and employment following access of their WHL Scholarship is higher than the national average.

Page 163 to/à Page 265

Withheld pursuant to/removed as

Copyright

92

94

Higher Education
Quality Council
of Ontario

1 Yonge Street, Suite 2402,
Toronto, ON M5E 1E5

Tanner, Michael A LBR:EX

From: Tanner, Michael A LBR:EX
Sent: Monday, March 21, 2016 1:00 PM
To: 'GeoffWilliams@gov.nl.ca'
Cc: Blakely, John H LBR:EX
Subject: FW: conference call meeting
Attachments: 18_2016.pdf

Good afternoon Geoff. Chris Johnson from B.C.'s Employment Standards Branch forwarded your email about the Canadian Hockey League. John and I work with BC's Labour Policy and Legislation Branch and we were recently involved in the enactment of the attached regulation providing an employment standards exclusion for players on a major junior ice hockey team under the conditions set out in the regulation. Please let us know when you set up the teleconference on the 23rd or 24th, and one or both of us will participate if available. If that doesn't work, we would be happy to have a separate conversation with you.

Michael

Michael Tanner
Director
Labour Policy and Legislation Division
Ministry of Jobs, Tourism and Skills Training and Ministry Responsible for Labour
[British Columbia]
Phone: (250) 356-7264
Fax: (250) 356-5186
E-mail: Michael.Tanner@gov.bc.ca

From: Johnson, Chris M LBR:EX
Sent: Monday, March 21, 2016 6:15 AM
To: Tanner, Michael A LBR:EX; Blakely, John H LBR:EX
Subject: Fwd: conference call meeting

Since I was not involved in any way with this, doesn't make sense for me to participate. Forwarding to the experts should you wish to do so.

Chris

Chris Johnson
Executive Director
Employment Standards Branch

Begin forwarded message:

> **From:** "Williams, Geoff" <GeoffWilliams@gov.nl.ca>
> **Date:** March 21, 2016 at 4:58:53 AM PDT
> **To:** "Andrew Speight " <andrew.speight@gnb.ca>, "Chris Johnson " <chris.johnson@gov.bc.ca>, "Clements, Ken" <kclements@gov.nl.ca>, "Greg Tuer " <greg.tuer@gov.sk.ca>, "Humyra (Mira) Sabir" <humyra.sabir@gov.ab.ca>, "Janelle James " <janelle_james@gov.nt.ca>, "Judith Buchanan "

<judith.buchanan@labour-travail.gc.ca>, "Lynn Hartley " <lynn.hartley@novascotia.ca>, "Maude Galarneau " <maude.galarneau@cnesst.gouv>, Nathalie Nadon <nathalie.nadon@labour-travail.gc.ca>, "Robert Yeo " <rgyeo@gov.pe.ca>, "Shane Hickey " <shane.hickey@gov.yk.ca>, Stephen Mcdonald <stephen.mcdonald@ontario.ca>, "Stephen Shaddock " <sshaddock@gov.nu.ca>, Yvonne Spyropoulos <yvonne.spyropoulos@gov.mb.ca>
Subject: conference call meeting

Good Morning from the East Coast. I am relatively new to the group as having been appointed in October 2015; however, I am anxious to get to know and work with each of you. Recently, we have been approached s.13,s.16
s.13,s.16

Please advise of your availability to attend a conference call meeting on Wednesday or Thursday (March 23 or 24) for approximately 1 hour.

Thank-you for your consideration.

Geoff

Geoff Williams
Chief Executive Officer
Labour Relations Agency
3rd Floor, Beothuk Building
20 Crosbie Place
St. John's, NL A1b 4J6
729-2715 (P)
729-1759 (F)

Tanner, Michael A LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Wednesday, March 23, 2016 12:15 PM
To: Tanner, Michael A LBR:EX
Cc: Blakely, John H LBR:EX
Subject: Re: conference call meeting

We absolutely should participate. I did speak to NS directly. And emailed Sask and Man and Ont about our change. I'd like to join but if tomorrow might be hard.
T.

From: Tanner, Michael A LBR:EX
Sent: Wednesday, March 23, 2016 12:09 PM
To: Hughes, Trevor LBR:EX
Cc: Blakely, John H LBR:EX
Subject: FW: conference call meeting

Trevor -- John and I have been invited to the following teleconference scheduled for 10:00 our time tomorrow morning to talk about our experience with the WHL request and eventual regulation. I believe that Ontario, Saskatchewan and New Brunswick have accepted the invitation to participate. Do you have any concerns if we participate? Do you want to be on the call?

From: Johnson, Chris M LBR:EX
Sent: Monday, March 21, 2016 6:15 AM
To: Tanner, Michael A LBR:EX; Blakely, John H LBR:EX
Subject: Fwd: conference call meeting
Since I was not involved in any way with this, doesn't make sense for me to participate. Forwarding to the experts should you wish to do so.
Chris

Chris Johnson
Executive Director
Employment Standards Branch

Begin forwarded message:

> **From:** "Williams, Geoff" <GeoffWilliams@gov.nl.ca>
> **Date:** March 21, 2016 at 4:58:53 AM PDT
> **To:** "Andrew Speight " <andrew.speight@gnb.ca>, "Chris Johnson " <chris.johnson@gov.bc.ca>, "Clements, Ken" <kclements@gov.nl.ca>, "Greg Tuer " <greg.tuer@gov.sk.ca>, "Humyra (Mira) Sabir" <humyra.sabir@gov.ab.ca>, "Janelle James " <janelle_james@gov.nt.ca>, "Judith Buchanan " <judith.buchanan@labour-travail.gc.ca>, "Lynn Hartley " <lynn.hartley@novascotia.ca>, "Maude Galarneau " <maude.galarneau@cnesst.gouv>, Nathalie Nadon <nathalie.nadon@labour-travail.gc.ca>, "Robert Yeo " <rgyeo@gov.pe.ca>, "Shane Hickey " <shane.hickey@gov.yk.ca>, Stephen Mcdonald <stephen.mcdonald@ontario.ca>, "Stephen Shaddock " <sshaddock@gov.nu.ca>, Yvonne Spyropoulos <yvonne.spyropoulos@gov.mb.ca>
> **Subject: conference call meeting**
>
> Good Morning from the East Coast. I am relatively new to the group as having been appointed in October 2015; however, I am anxious to get to know and work with each of you. Recently, we have

been approached s.13,s.16
s.13,s.16

Please advise of your availability to attend a conference call meeting on Wednesday or Thursday (March 23 or 24) for approximately 1 hour.
Thank-you for your consideration.
Geoff

Geoff Williams
Chief Executive Officer
Labour Relations Agency
3rd Floor, Beothuk Building
20 Crosbie Place
St. John's, NL A1b 4J6
729-2715 (P)
729-1759 (F)

Webb, Jennifer LBR:EX

From: Blakely, John H LBR:EX
Sent: Wednesday, March 25, 2015 5:32 PM
To: Tanner, Michael A LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: Letter to B.C. Labour Minister from the WHL

s.13

Thanks

From: Tanner, Michael A LBR:EX
Sent: Wednesday, March 25, 2015 12:47 PM
To: Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: Letter to B.C. Labour Minister from the WHL

Thanks John. Here is some initial thinking:

s.13

s.13

From: Blakely, John H LBR:EX
Sent: Wednesday, March 25, 2015 9:53 AM
To: Tanner, Michael A LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: FW: Letter to B.C. Labour Minister from the WHL

s.13

Thanks,

From: Hughes, Trevor LBR:EX
Sent: Wednesday, March 25, 2015 9:12 AM
To: Blakely, John H LBR:EX
Subject: Fw: Letter to B.C. Labour Minister from the WHL

From: Yvonne Bergmann <bergmanny@whl.ca>
Sent: Wednesday, March 25, 2015 12:05 PM
To: Bruce Hamilton - Kelowna Rockets; Bond.MLA, Shirley LASS:EX; Hughes, Trevor LBR:EX; Gardner, Chris PREM:EX
Cc: Ron Robison
Subject: Letter to B.C. Labour Minister from the WHL

Please see attached correspondence from the Western Hockey League.

If you have any problem opening this file, please contact Yvonne Bergmann.

Thank you.
Yvonne

Yvonne Bergmann
Vice-President, Business
Western Hockey League
Father David Bauer Arena
2424 University Drive NW
Calgary, AB, T2N 3Y9

Direct: 403.693.3034
Cell: 403.462.2812
Fax: 403.693.3031
www.whl.ca Email: bergmanny@whl.ca

March 25, 2015

The Honourable Shirley Bond
Minister of Jobs, Tourism and Skills Training
and Minister of Labour
Government of British Columbia
PO Box 9071
STN. PROV GOV
Victoria, BC V8W 9E2

Dear Minister Bond,

I am writing on behalf of the Western Hockey League's (WHL) six (6) British Columbia based teams - the Prince George Cougars, Vancouver Giants, Victoria Royals, Kelowna Rockets, Kamloops Blazers and Kootenay Ice - to provide you with an update on the challenges we continue to face regarding the employment status of our WHL amateur hockey players.

It has been our position, since the League was established nearly 50 years ago, that WHL players are amateur athletes. All WHL players are registered as amateur hockey players with Hockey Canada, the national governing body for amateur hockey in Canada. The WHL is also a registered member and major supporter of B.C. Hockey's grassroots provincial programs. Like all who are registered in such programs, WHL players participate for the love of the game and to develop the skills necessary to play at the next level.

As is the case with many other amateur sports organizations, WHL teams reimburse players for all of their expenses associated with playing in the WHL including travel, equipment, meals, accommodations, medical and insurance costs. In addition, while some WHL players will go on to play professionally, all players are eligible to receive an academic scholarship to a post-secondary institution of their choice upon graduation from the WHL.

As you may be aware, Class Action lawsuits have been filed recently against the WHL and the other major junior hockey leagues in Ontario and Quebec. The claims take the position that our players should be classified as employees, not amateur athletes, and therefore are entitled to a minimum wage, overtime and other standard employment benefits. We do not agree with this position. Furthermore, there is no indication at this time that our current players or their parents are not satisfied with the benefits they receive for playing in the WHL.

Should our players be classified as employees, this would not only make it extremely difficult for WHL franchises to continue operating but, more importantly, would have a detrimental impact on amateur hockey and amateur sports as a whole. It simply does not make sense to apply the traditional concept of employment to amateur sports. Given the serious implications this would have for all of amateur sport in the Province it is extremely important this matter be addressed

WESTERN HOCKEY LEAGUE
Father David Bauer Arena – 2424 University Drive NW
Calgary AB T2N 3Y9
Telephone: 403-693-3030 Fax: 403-693-3031
www.whl.ca

immediately to ensure young athletes continue to have the opportunity to pursue the athletic endeavor of their choice.

We would appreciate your assistance in clarifying the present legal uncertainty by expressly excluding amateur athletes from the definition of "employee" within the B.C. Employment Standards legislation. This would require Cabinet to approve a regulation which would define amateur athletes (such as "any athlete registered with and engaged in a sports activity through a registered Canadian amateur sport association") to be exempt from provincial employment standards legislation.

As you are probably aware, Saskatchewan has already adopted a regulation to exclude athletes and Alberta has indicated they are in the process of moving forward with an amendment as part of a series of broader changes to their Employment Standards Code. We also anticipate the State of Washington will soon be passing new legislation to exempt WHL amateur hockey players from their employment standards legislation.

In making this request we are doing so to not only preserve our WHL franchises in B.C., who all provide extensive economic and social benefits to the communities they represent, but also to obtain the clarification needed to protect amateur hockey and the entire amateur sport system in the province.

We thank you in advance for your immediate attention to this important matter. Should you require further information, please feel free to contact me or any of our WHL based B.C. franchises.

Sincerely,

Ron Robison
Commissioner
Western Hockey League

cc: Premier of British Columbia, The Honourable Christy Clark
Mr. Chris Gardner, Principal Secretary to the Premier
Mr. Trevor Hughes, Assistant Deputy Minister, B.C. Industrial Relations and Labour
Mr. Bruce Hamilton, WHL Chairman of the Board, Kelowna Rockets

Tanner, Michael A LBR:EX

From:	Tanner, Michael A LBR:EX
Sent:	Thursday, April 7, 2016 10:52 AM
To:	Tanner, Michael A LBR:EX
Subject:	FW: Conference Call March 24 2016 Re: Canadian Hockey League (CHL) and Labour Standards Act

s.13,s.16

From: White, Anne M. [mailto:AnneMWhite@gov.nl.ca]
Sent: Tuesday, March 22, 2016 12:26 PM
To: 'vivian.nguyen@ontario.ca'; 'greg.tuer@gov.sk.ca'; 'Andrew.Speight@gnb.ca'; Tanner, Michael A LBR:EX; Clements, Ken
Cc: Williams, Geoff
Subject: FW: Conference Call March 24 2016 Re: Canadian Hockey League (CHL) and Labour Standards Act

Good afternoon,

Please see below for complete dial-in details for the conference call requested by Geoff Williams, CEO, Labour Relations Agency, NL.

The conference call information is as follows:

Date: March 24, 2016
Time: 2:30 PM (Newfoundland Time)
Toll-free dial-in number: s.15
Conference ID: s.15

For technical difficulties press *0 to request Operator assistance.
To hear the complete list of Star-Touch features press **

If you have any questions or concerns, please feel free to contact me at any time via email annemWhite@gov.nl.ca or by telephone 709-729-2715.

Thank you,
Anne

Anne M. White
Corporate Administrative Officer & Secretary to the
CEO Labour Relations Agency
3rd Floor, Beothuck Building
20 Crosbie Place
St. John's, NL A1B 4J6
Tel: 709-729-2715

From: White, Anne M.
Sent: Tuesday, March 22, 2016 12:26 PM
To: 'vivian.nguyen@ontario.ca'; 'greg.tuer@gov.sk.ca'; 'Andrew.Speight@gnb.ca'; 'Michael.Tanner@gov.bc.ca'
Subject: Teleconference - March 24 2016 - Requested by Geoff Williams, CEO, LRA

Please see below for date and time of the teleconference that was request by Geoff Williams, CEO, Labour Relations Agency, Newfoundland and Labrador.

Date: March 24, 2016
Time: 2:30 NDT

An email will be sent later today with details of dial-in number (s) and conference ID number.

If you have any questions or concerns, please contact me at anneMWhite@gov.nl.ca or (709) 729-2715.

Thank you,
Anne

Anne M. White
Corporate Administrative Officer & Secretary to the
CEO Labour Relations Agency
3rd Floor, Beothuck Building
20 Crosbie Place
St. John's, NL A1B 4J6
Tel: 709-729-2715

Webb, Jennifer LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Friday, April 10, 2015 11:24 AM
To: Blakely, John H LBR:EX; Tanner, Michael A LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: RE: WHL request

That is exactly what I was thinking – but I'll admit I was only expecting to have the issue raised for discussion next Fri about a proposed workplan. But if you (Jennifer!) are able to do a BN by then, that could be helpful.
s.13

Please proceed but don't burn any houses down to get the BN done. It's a bonus.
T.

From: Blakely, John H LBR:EX
Sent: Friday, April 10, 2015 11:19 AM
To: Tanner, Michael A LBR:EX
Cc: Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject: RE: WHL request

Trevor,

Just to confirm that your suggestion to Michael makes sense, and that we should place this on the agenda for our next bilateral with Athana. For the bilateral, would you like us to prepare a draft decision note for the Minister on this request? In situations like this, we typically prepare a decision note for the Minister seeking her direction on whether or we should work on issues like this or not.

At this point, the decision note would likely set out some preliminary analysis of the request and of the issues that we will need to work through as part of our more detailed analysis. The note would also seek out the Minister's direction on what she would like us to do with respect to consultations with stakeholders. I think we could have this ready in time for our next bilateral with Athana if that would help focus our discussion with her.

By the way, some of the issues we would likely flag for further research, analysis and consideration would be: s.13
s.13

Thoughts?

Thanks

From: Tanner, Michael A LBR:EX
Sent: Wednesday, April 8, 2015 5:28 PM
To: Blakely, John H LBR:EX

Cc: Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject: WHL request

John – Trevor and I spoke on his way out tonight about the WHL request and he suggested that I send you a note requesting that you arrange to have this placed on the agenda for your next bilateral with Athana to discuss next steps and direction on dealing with their request.

Webb, Jennifer LBR:EX

From:	Hughes, Trevor LBR:EX
Sent:	Tuesday, May 3, 2016 10:26 AM
To:	Blakely, John H LBR:EX
Cc:	LBR, Labour Division LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX
Subject:	RE: WHL Follow-up
Follow Up Flag:	Follow up
Flag Status:	Flagged

s.13,s.14

T.

From: Blakely, John H LBR:EX
Sent: Tuesday, May 3, 2016 6:12 AM
To: Hughes, Trevor LBR:EX
Cc: LBR, Labour Division LBR:EX; Tanner, Michael A LBR:EX; Webb, Jennifer LBR:EX; Blakely, John H LBR:EX
Subject: Fw: WHL Follow-up

Trevor, here is a BN that we prepared for you (initially) on the WHL OIC and potential next steps. Perhaps this is something we can discuss after Estimates? Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tanner, Michael A LBR:EX <Michael.Tanner@gov.bc.ca>
Sent: Monday, May 2, 2016 2:22 PM
To: Blakely, John H LBR:EX
Cc: Webb, Jennifer LBR:EX
Subject: FW: WHL Follow-up

John – here is BN on the WHL evaluation study for your review. We have drafted it in the first instance for Trevor.

From: Webb, Jennifer LBR:EX
Sent: Monday, May 2, 2016 2:14 PM
To: Tanner, Michael A LBR:EX
Subject: FW: WHL Follow-up

Here you go...thank you.

From: Tanner, Michael A LBR:EX
Sent: Monday, May 2, 2016 2:03 PM
To: Webb, Jennifer LBR:EX
Subject: FW: WHL Follow-up

Thanks Jennifer – just one typo correction and two small wording issues for consideration...and then this should be ready for John.

From: Webb, Jennifer LBR:EX
Sent: Monday, May 2, 2016 12:51 PM
To: Tanner, Michael A LBR:EX
Subject: FW: WHL Follow-up

Hi, Michael: revised draft. Thank you.

From: Blakely, John H LBR:EX
Sent: Tuesday, March 15, 2016 12:47 PM
To: Tanner, Michael A LBR:EX; Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject: Fw: B.C. Labour Ministry Information

Fyi, and perhaps we can discuss this and next steps next week, when I'm back. Fyi, I got back to Gavin thanking him for this.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gavin Hume <GHume@harrisco.com>
Sent: Tuesday, March 15, 2016 12:52 PM
To: Blakely, John H LBR:EX
Subject: B.C. Labour Ministry Information

John
See the attached Scholarship Study prepared by the WHL and the two reports referenced in the study. Let me know if that deals with the issue we have been discussing.
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
C/ 604 328 0477
GHume@harrisco.com

HARRIS

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Workplace Law & Advocacy

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR
INFORMATION NOTE

Cliff #: 112874

Date: May 2, 2016

PREPARED FOR: Trevor Hughes, ADM

ISSUE: Evaluation of employment prospects for WHL players -- work to date and considerations for next steps.

BACKGROUND:

On February 16, 2016, the Employment Standards Regulation (Regulation) was amended to add an exclusion from the *Employment Standards Act* (Act) for a player on a major junior ice hockey team, which in BC captures teams playing in the Western Hockey League (WHL). Players in the WHL range in age from 16 to 20. The exclusion is only available if the player is entitled to receive a scholarship for post-secondary education. Entitlement to the scholarship is thus provided as an alternative standard to the general employment standards in the Act.

The Regulation sets out the minimum standards for the scholarship, requiring that for each of the first five hockey seasons that a player completes, the player must be eligible for at least one year of the eligible costs to attend the post-secondary education program of the player's choice in Canada (eligible costs are the lower of the tuition, student fees, and required textbooks to attend as a full-time student the program chosen by the player, or a comparable program offered by a publicly funded post-secondary educational institution in BC).

The WHL scholarship program currently meets or exceeds this minimum standard: it covers a player's tuition fees, compulsory student fees, and required textbooks to attend a designated post-secondary institution in Canada or the US of the player's choice. According to the "WHL Standard Player Agreement", eligibility for the scholarship is revoked if a player signs a professional hockey contract in the National Hockey League or top-level European club. Players are permitted to play one season of minor professional hockey (for example, with the American Hockey League) prior to the scholarship being activated. Once activated, players must remain full-time students and must not be forced to withdraw due to failure to maintain passing grades.

DISCUSSION:

s.13,s.14

Page 287

Withheld pursuant to/removed as

s.14;s.13

s.13,s.14

NEXT STEPS:

The Labour Policy and Legislation Branch is available to discuss with the ADM the Review and next steps.

Prepared by: Jennifer Webb, Senior Policy Advisor, Labour Policy and Legislation Branch
Telephone: 250 387-5551

Reviewed by			
Dir: Michael Tanner	ED: John Blakely	ADM: Trevor Hughes	DM:

Tanner, Michael A LBR:EX

From: Beaulieu, Nicole (PETL/EPFT) <Nicole.Beaulieu@gnb.ca>
Sent: Friday, June 17, 2016 3:40 AM
To: Tanner, Michael A LBR:EX
Subject: RE: Amateur athletes

Thank you for the response Michael.
It is much appreciated. No questions at this time but we may down the road.
Nicole

From: Tanner, Michael A LBR:EX [mailto:Michael.Tanner@gov.bc.ca]
Sent: Thursday, June 16, 2016 1:31 PM
To: Beaulieu, Nicole (PETL/EPFT)
Subject: FW: Amateur athletes
Hi Nicole – I am replying on behalf of British Columbia. It appears you are familiar with the recent employment standards regulation that BC enacted in this area. Please let me know if you have any specific questions for us, or do you have what you require?
Michael
Michael Tanner
Director
Labour Policy and Legislation Division
Ministry of Jobs, Tourism and Skills Training and Ministry Responsible for Labour
[British Columbia]
Phone: (250) 356-7264
Fax: (250) 356-5186
E-mail: Michael.Tanner@gov.bc.ca

From: Blakely, John H LBR:EX
Sent: Thursday, June 16, 2016 6:39 AM
To: Tanner, Michael A LBR:EX
Subject: Fw: Amateur athletes
Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Beaulieu, Nicole (PETL/EPFT) <Nicole.Beaulieu@gnb.ca>
Sent: Thursday, June 16, 2016 9:24 PM
To: Alex Gilbert; Deanne Howe; 'jeff.mcculloch@gov.mb.ca'; Blakely, John H LBR:EX; 'josee.marotte@travail.gouv.qc.ca'; 'Pat.Parenteau@gov.sk.ca'; Ralph Czychun; 'RGYEO@gov.pe.ca'; Scott Lynch (scott.lynch@novascotia.ca); Stephen Shaddock; Tim Thompson
Subject: Amateur athletes
Good morning everyone,
New Brunswick is looking for information related to amendments to labour legislation which have recently been made or will be made in other jurisdictions in regards to the status of amateur athletes as employees. It is our understanding that both BC and Saskatchewan have recently amended their legislation. We wonder whether other jurisdictions are considering doing so, and if so, what approach is being considered.
Thanking you in advance,
Nicole
Nicole Beaulieu, B.A., L.L.B.
Senior Legislative Advisor/Conseillère legislative principale
Evaluation, Planning and Legislative Services Unit Strategic Services Branch/Unité de l'évaluation, de la planification et des services législatifs
Post-Secondary Education, Training and Labour/Éducation postsecondaire, Formation et travail

PO Box 6000, Fredericton NB E3B 5H1/C.P. 6000, Fredericton (N.-B.) E3B 5H1
Telephone/Téléphone: 506 444-5494
Fax/Télécopieur: 506 453-3780
Email/ Courriel: Nicole.beaulieu@gnb.ca

www.nbjobs.ca / www.emploisnb.ca

Tanner, Michael A LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, July 4, 2016 5:48 PM
To: Tanner, Michael A LBR:EX; Blakely, John H LBR:EX; Webb, Jennifer LBR:EX; Ayers, Jake LBR:EX
Subject: Nova Scotia and Amateur Athletes

s.16

.FYI and interest.

T.

LABOUR/ADVANCED EDUCATION--Athletes to be Exempt from Some Provisions of Labour Standards Code

Page 292

Withheld pursuant to/removed as

Copyright

Tanner, Michael A LBR:EX

From:	Webb, Jennifer LBR:EX
Sent:	Friday, July 8, 2016 10:45 AM
To:	Tanner, Michael A LBR:EX; Blakely, John H LBR:EX; Hughes, Trevor LBR:EX
Subject:	Exemptions from Employment Standards for Amateur Athletes - Jul 8 2016
Attachments:	Exemptions from Employment Standards for Amateur Athletes - Jul 8 2016.docx

Flatman, John CSCD:EX

From:	Hughes, Trevor LBR:EX
Sent:	Friday, July 8, 2016 10:55 AM
To:	Baskerville, Shannon JTST:EX; Verge, Kent JTST:EX
Cc:	Smollett, Debbie JTST:EX
Subject:	WHL
Attachments:	Exemptions from Employment Standards for Amateur Athletes - Jul 8 2016.docx
Importance:	High

See attached table as per your request.
T.

Exemptions from Employment Standards for Amateur Athletes and/or Major Junior Ice Hockey Players:

Jurisdiction	*Nature of Exemption*	*Effective Date*
British Columbia	Excludes major junior ice hockey player if the player receives in each of first 5 hockey seasons a scholarship in an amount equal to or greater than the cost of a year of a post-secondary educational program in Canada.	February 15, 2016.
Alberta	None	N/A
Saskatchewan	"Athletes while engaged in their athletic endeavour" are exempted from all employment standards requirements.	April 2014
Manitoba	None	N/A
Ontario	None	N/A
Quebec	None	N/A
New Brunswick	None	N/A
Prince Edward Island	None	N/A
Nova Scotia	Athletes who meet definition of employee exempted from vacation and holiday pay, minimum wage, defined hours of work, protections around termination of employment.	July 4, 2016.
Newfoundland and Labrador	None	N/A
Washington State	"Employee" does not include an individual who is at least sixteen years old but under twenty-one years old, in his or her capacity as a player for a junior ice hockey team that is a member of a regional, national, or international league.	July 24, 2015

Tanner, Michael A LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Friday, July 15, 2016 10:17 AM
To: Ayers, Jake LBR:EX; Blakely, John H LBR:EX; Webb, Jennifer LBR:EX; Tanner, Michael A LBR:EX
Subject: RE: TSN article on major junior hockey

Thanks for sending this along. An interesting read. Let's see if he updates it once he sorts out Sask and BC actions.

-----Original Message-----
From: Ayers, Jake LBR:EX
Sent: Thursday, July 14, 2016 4:52 PM
To: Hughes, Trevor LBR:EX; Blakely, John H LBR:EX; Webb, Jennifer LBR:EX; Tanner, Michael A LBR:EX
Subject: RE: TSN article on major junior hockey

Again for your interest.

This is the link to David Doorey's piece on the Nova Scotia exclusion. You will recall that Doorey was quoted in the TSN article.

[For what it's worth, I think the analysis is missing the point that a government might reasonably decide that certain individuals, despite meeting the definition of employee, should not have to be treated as such - e.g., certain types of internships or educational work programs or people playing community level sports. Hence the need for exclusions. In other words, it may not always be a simple matter of granting an exclusion in order to give a benefit to an employer.]

http://lawofwork.ca/?p=8697

-----Original Message-----
From: Hughes, Trevor LBR:EX
Sent: Tuesday, July 12, 2016 6:54 AM
To: Blakely, John H LBR:EX; Kristofferson, Kristie L GCPE:EX; Webb, Jennifer LBR:EX; Tanner, Michael A LBR:EX; Ayers, Jake LBR:EX; Johnson, Sheldon GCPE:EX
Subject: TSN article on major junior hockey

http://www.tsn.ca/nova-scotia-becomes-third-province-to-change-labour-code-to-accommodate-chl-teams-1.525136

Webb, Jennifer LBR:EX

From: Tanner, Michael A LBR:EX
Sent: Wednesday, July 27, 2016 2:59 PM
To: Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX; Blakely, John H LBR:EX
Subject: FW: Quick question...
Attachments: 18_2016.pdf

For your records...

From: Tanner, Michael A LBR:EX
Sent: Wednesday, July 27, 2016 2:59 PM
To: 'kclements@gov.nl.ca'
Cc: Johnson, Chris M LBR:EX
Subject: FW: Quick question...

Hi Ken. Chris Johnson has forwarded your question to me for response. I am the Director of Labour Policy and Legislation and our office was involved in the development of British Columbia's employment standards regulation affecting players in the Western Hockey League (or WHL, part of the CHL). I am pleased to provide you with the background on the regulation, reflecting BC's messaging on the rationale.

I have attached the Order-in-Council that enacted this amendment, which came into force on February 16, 2016. As you will note, this employment standards exclusion is narrow and specific with respect to "a player on a major junior hockey team" (i.e., WHL players). Unlike Saskatchewan and Nova Scotia, BC has not enacted a broader exclusion for "athletes".

From time to time, stakeholders ask government for exclusions from the Employment Standards Act for certain groups and this was one of those cases. Government was approached by the WHL about making this change and considered the request as it would any other similar request. The WHL plays an important role in B.C., both to the players and their communities. The regulation provides certainty to the WHL and its teams and players, and underscores B.C.'s support for amateur hockey and its economic contributions to the province.

BC took into account that the WHL has a system of substantive programs for major junior ice hockey players, including player development and post-secondary scholarships. The new regulation establishes a legal requirement for the WHL to continue to offer post-secondary scholarships. Specifically, a player is excluded if they are entitled to receive a scholarship that covers the cost of their yearly post-secondary educational program in Canada for each of their first five hockey seasons.

BC also considered the fact that Saskatchewan and Washington State had granted exclusions that covered their WHL teams. [Nova Scotia has since added its exclusion for athletes.]

s.13

I hope this is of assistance, and please let me know if you have any further questions.

Michael Tanner
Director
Labour Policy and Legislation Division
Ministry of Jobs, Tourism and Skills Training and Ministry Responsible for Labour

[British Columbia]
Phone: (250) 356-7264
Fax: (250) 356-5186
E-mail: Michael.Tanner@gov.bc.ca

From: Johnson, Chris M LBR:EX
Sent: Wednesday, July 27, 2016 9:55 AM
To: Tanner, Michael A LBR:EX
Cc: Hughes, Trevor LBR:EX
Subject: FW: Quick question...

Hi Michael:

I don't know the answer to Ken's question below ... are you able to respond? Ken is my counterpart in Newfoundland.

Thanks,
Chris

From: Clements, Ken [mailto:kclements@gov.nl.ca]
Sent: Wednesday, July 27, 2016 9:49 AM
To: Johnson, Chris M LBR:EX; 'Tuer, Greg LRWS'
Subject: Quick question...

Hi...trust things are well.

The amendments made in your respective jurisdictions to exclude athletes...was there any other rationale for making the changes other than the request(s) from the CHL?

Ken

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 075 , *Approved and Ordered* February 15, 2016

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Employment Standards Regulation, B.C. Reg. 396/95, is amended as set out in the attached Schedule.

DEPOSITED

February 16, 2016

B.C. REG. 18/2016

Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour

Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Employment Standards Act*, R.S.B.C. 1996, c. 113, s. 127

Other: OIC 1155/95

February 9, 2016 RESUB2 R/1089/2015/17

SCHEDULE

1 *The Employment Standards Regulation, B.C. Reg. 396/95, is amended by adding the following section:*

Ice hockey players

37.16 (1) The Act does not apply to a player on a major junior ice hockey team if the player is entitled, in respect of each of the first 5 hockey seasons the player completes, to receive a scholarship from the team, or the league of which that team is a member, in an amount equal to or greater than the eligible cost of an academic year of a post-secondary educational program in Canada of the player's choice.

(2) In this section, **"eligible cost"**, in relation to an academic year of an educational program, means the lesser of the following:

(a) the cost of tuition fees, compulsory student fees and required textbooks for a full time student to attend an academic year of the educational program;

(b) the cost of tuition fees, compulsory student fees and required textbooks for a full time student to attend an academic year of a comparable educational program offered by a publicly funded post-secondary educational institution in British Columbia.

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR
INFORMATION NOTE

Cliff #: 108846

Date: April 16, 2015

PREPARED FOR: Athana Mentzelopoulos, Deputy Minister

ISSUE: Request for employment standards exclusion for "amateur athletes".

BACKGROUND:

The Western Hockey League (WHL) is a major junior ice hockey league based in Western Canada and the Northwestern United States, and is one of three leagues that constitute the Canadian Hockey League (CHL). The WHL has teams located in four provinces (Manitoba, Saskatchewan, Alberta and British Columbia) and two states (Washington and Oregon). Six teams are based in British Columbia (Prince George, Vancouver, Victoria, Kelowna, Kamloops and Cranbrook).

In a letter dated March 15, 2015, Ron Robison, the Commissioner of the WHL, wrote the Minister requesting an exclusion for amateur athletes from the *Employment Standards Act* (ESA). Such an exclusion would exempt amateur athletes from minimum employment standards requirements, including minimum wage, hours of work, overtime and statutory holiday provisions, vacation pay, and entitlements on termination.

It is the WHL's position that its players, who range in age from 16 to 20, are amateur athletes, not employees. As such, players receive a modest monthly stipend, and are reimbursed for all expenses associated with playing in the WHL, including travel, equipment, meals, accommodations, medical, and insurance costs. In addition, players are eligible to receive a one-year academic scholarship to a post-secondary institution of their choice for every year they play. According to the WHL, neither current players nor their parents are dissatisfied with these benefits.

s.13

Class action lawsuits have been filed recently against the WHL, as well as other major junior hockey leagues in Ontario and Quebec. The claims take the position that players should be classified as employees (and, therefore, entitled to minimum employment standards requirements), not amateur athletes. The lawsuit against the WHL was filed in October 2014, and came shortly after another class action suit was brought against the CHL. That suit alleges the league owes players $187 million in unpaid wages.

The WHL submits that, should its players be classified as employees, it would not only make it extremely difficult for WHL franchises -- especially small market teams -- to continue operating, but would also have a detrimental impact on amateur hockey and amateur sports as a whole across the country.

Several other jurisdictions with teams in the WHL have recently considered this issue. In April 2014, Saskatchewan exempted "athletes while engaged in their athletic endeavour" from its employment standards legislation, s.13,s.16
s.13,s.16

Ministry staff are not aware of the ministry having received or considered a similar request in the past.

This Information Note sets out some of the legal and other considerations arising from the WHL's request. It also details the initial work that the Labour Division proposes to undertake prior to bringing this issue forward to the Minister for direction on whether to proceed with a formal review of the request.

DISCUSSION:

s.13,s.14

Page 303

Withheld pursuant to/removed as

s.14;s.13

s.13,s.14

RECOMMENDED NEXT STEPS:

s.13,s.14

ATTACHMENTS:

Appendix 1: WHL's letter of March 25, 2015 to the Minister.

Prepared by: Jennifer Webb, Senior Policy Advisor, Labour Policy and Legislation Branch
Telephone: 250 387-5551

Reviewed by			
Dir: Michael Tanner	ED: John Blakely	ADM: Trevor Hughes	DM:

Tanner, Michael A LBR:EX

From: Clements, Ken <kclements@gov.nl.ca>
Sent: Thursday, July 28, 2016 4:14 AM
To: Tanner, Michael A LBR:EX
Cc: Johnson, Chris M LBR:EX
Subject: RE: Quick question...

Thank you so much...very much appreciated.

All the best and have a great day.

From: Tanner, Michael A LBR:EX [mailto:Michael.Tanner@gov.bc.ca]
Sent: Wednesday, July 27, 2016 7:29 PM
To: Clements, Ken
Cc: Johnson, Chris M LBR:EX
Subject: FW: Quick question...

Hi Ken. Chris Johnson has forwarded your question to me for response. I am the Director of Labour Policy and Legislation and our office was involved in the development of British Columbia's employment standards regulation affecting players in the Western Hockey League (or WHL, part of the CHL). I am pleased to provide you with the background on the regulation, reflecting BC's messaging on the rationale.

I have attached the Order-in-Council that enacted this amendment, which came into force on February 16, 2016. As you will note, this employment standards exclusion is narrow and specific with respect to "a player on a major junior hockey team" (i.e., WHL players). Unlike Saskatchewan and Nova Scotia, BC has not enacted a broader exclusion for "athletes".

From time to time, stakeholders ask government for exclusions from the Employment Standards Act for certain groups and this was one of those cases. Government was approached by the WHL about making this change and considered the request as it would any other similar request. The WHL plays an important role in B.C., both to the players and their communities. The regulation provides certainty to the WHL and its teams and players, and underscores B.C.'s support for amateur hockey and its economic contributions to the province.

BC took into account that the WHL has a system of substantive programs for major junior ice hockey players, including player development and post-secondary scholarships. The new regulation establishes a legal requirement for the WHL to continue to offer post-secondary scholarships. Specifically, a player is excluded if they are entitled to receive a scholarship that covers the cost of their yearly post-secondary educational program in Canada for each of their first five hockey seasons.

BC also considered the fact that Saskatchewan and Washington State had granted exclusions that covered their WHL teams. [Nova Scotia has since added its exclusion for athletes.]

s.13

I hope this is of assistance, and please let me know if you have any further questions.

Michael Tanner
Director
Labour Policy and Legislation Division
Ministry of Jobs, Tourism and Skills Training and Ministry Responsible for Labour
[British Columbia]
Phone: (250) 356-7264
Fax: (250) 356-5186
E-mail: Michael.Tanner@gov.bc.ca

From: Johnson, Chris M LBR:EX
Sent: Wednesday, July 27, 2016 9:55 AM
To: Tanner, Michael A LBR:EX
Cc: Hughes, Trevor LBR:EX
Subject: FW: Quick question...

Hi Michael:

I don't know the answer to Ken's question below ... are you able to respond? Ken is my counterpart in Newfoundland.

Thanks,
Chris

From: Clements, Ken [mailto:kclements@gov.nl.ca]
Sent: Wednesday, July 27, 2016 9:49 AM
To: Johnson, Chris M LBR:EX; 'Tuer, Greg LRWS'
Subject: Quick question...

Hi...trust things are well.

The amendments made in your respective jurisdictions to exclude athletes...was there any other rationale for making the changes other than the request(s) from the CHL?

Ken

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

Page 307 to/à Page 308

Withheld pursuant to/removed as

s.14;s.13

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR
INFORMATION NOTE

Cliff #: 112874

Date: July 26, 2016

PREPARED FOR: Trevor Hughes, ADM

ISSUE: Evaluation of employment prospects for WHL players -- work to date and considerations for next steps.

BACKGROUND:

On February 16, 2016, the Employment Standards Regulation (Regulation) was amended to add an exclusion from the *Employment Standards Act* (Act) for a player on a major junior ice hockey team, which in BC captures teams playing in the Western Hockey League (WHL). Players in the WHL range in age from 16 to 20. The exclusion is only available if the player is entitled to receive a scholarship for post-secondary education. Entitlement to the scholarship is thus provided as an alternative standard to the general employment standards in the Act.

The Regulation sets out the minimum standards for the scholarship, requiring that for each of the first five hockey seasons that a player completes, the player must be eligible for at least one year of the eligible costs to attend the post-secondary education program of the player's choice in Canada (eligible costs are the lower of the tuition, student fees, and required textbooks to attend as a full-time student the program chosen by the player, or a comparable program offered by a publicly funded post-secondary educational institution in BC).

The WHL scholarship program currently meets or exceeds this minimum standard: it covers a player's tuition fees, compulsory student fees, and required textbooks to attend a designated post-secondary institution in Canada or the US of the player's choice. According to the "WHL Standard Player Agreement", eligibility for the scholarship is revoked if a player signs a professional hockey contract in the National Hockey League or top-level European club. Players are permitted to play one season of minor professional hockey (for example, with the American Hockey League) prior to the scholarship being activated. Once activated, a player must remain a full-time student and must not be forced to withdraw from the post-secondary institution due to a failure to maintain passing grades.

DISCUSSION:

s.13,s.14

Page 310

Withheld pursuant to/removed as

s.14;s.13

s.13,s.14

Subsequent to BC amending its Regulation, Nova Scotia exempted all athletes who meet the definition of "employee" from certain provisions of its *Labour Standards Code*, including minimum wage, vacation and holiday pay, and defined hours of work. Effective July 4, 2016, Nova Scotia became the third province in Canada (after BC and Saskatchewan), along with Washington State, to have made changes to employment standards legislation that impacts major junior hockey players (with BC the only jurisdiction to provide a scholarship alternate standard). The media coverage that followed Nova Scotia's announcement was often critical of the exemption; many stories referenced the current legal actions in four provinces (Quebec, Manitoba, Alberta, and Ontario) that are based on the failure of the Canadian Hockey League/WHL and Quebec teams to comply with basic employment standards. The claims, which all involve class actions, take the position that players should be classified as employees, not amateur athletes.

NEXT STEPS:

s.13,s.14

Attachment: 5 Year Review of the WHL Scholarship Program

Prepared by: Jennifer Webb, Senior Policy Advisor, Labour Policy and Legislation Branch
Telephone: 250 387-5551

Reviewed by			
Dir: Michael Tanner	ED: John Blakely	ADM: Trevor Hughes	DM:

Page 312 to/à Page 316

Withheld pursuant to/removed as

s.12;s.13

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR
INFORMATION NOTE

Cliff #: 111915

Date: February 9, 2016

PREPARED FOR: Honourable Shirley Bond, Minister

ISSUE: Proposed Order in Council to amend the Employment Standards Regulation (Regulation) to exclude from the *Employment Standards Act* (Act) a player on a major junior ice hockey team if the player is entitled to receive a post-secondary scholarship.

BACKGROUND:

The Act provides that Cabinet may, by regulation, exclude classes of persons from all or part of the Act. Exclusion from the Act means that the normal rules for employment standards do not apply.

s.13,s.14,s.16

s.13,s.14,s.16

DISCUSSION:

s.13,s.14,s.16

Page 319

Withheld pursuant to/removed as

s.14;s.16;s.13

CONCLUSION:

This OIC is required to exclude from the Act players on major junior ice hockey teams who are entitled to receive post-secondary scholarships.

Prepared by: Jennifer Webb, Senior Policy Advisor, Labour Policy and Legislation
Telephone: (250) 387-5551

Reviewed by:				
Dir: MT	ED: JB	ADM: TH	DM:	MIN:

Page 321 to/à Page 342

Withheld pursuant to/removed as

s.12;s.14;s.13

Page 343 to/à Page 344

Withheld pursuant to/removed as

s.14;s.13

BRITISH COLUMBIA

Cabinet Submission – Request for Decision

Minister: Honourable Shirley Bond

Ministry: Jobs, Tourism and Skills Training and Minister Responsible for Labour

Date: 09/29/2015 Ministry Document #: JTSTL # 11-15

Title: Employment Standards Regulation – Western Hockey League

Issue:

The Western Hockey League (WHL) has requested that Government exclude amateur athletes from all provisions of the *Employment Standards Act* (Act).

Request:

That the Priorities and Planning Committee endorse the Ministry's recommendation to develop for Cabinet's decision an amendment to the Employment Standards Regulation (Regulation) that would exclude players in the WHL from the requirements of the Act.

s.12,s.13,s.14

Background / Context:

The Act sets out the minimum employment standards that apply in most workplaces in BC. The purposes of the Act include promotion of the fair treatment of employees and employers, and provision of a framework to ensure that employees in BC receive at least basic standards of compensation and conditions of employment.

BRITISH COLUMBIA

The Act provides that Cabinet may, by regulation, exclude classes of persons from all or parts of the Act (such as the hours of work and overtime provisions), as well as set alternate standards as appropriate. Generally, Cabinet has exercised this authority where there is a good public policy reason for the exclusion and it does not undermine the purposes of the Act. Workers in a variety of industries, including oil and gas, agriculture, silviculture, trucking, and taxis are currently excluded from select parts of the Act. Certain professional occupations where individuals are licensed by statute or are self-governing by statute – such as physicians and lawyers – are excluded from all of the Act, as are sitters, students and others participants in certain work study or workplace training programs, and newspaper carriers who are still in school.

The WHL is a major junior ice hockey league based in Western Canada and the Northwestern United States. Teams are located in four provinces (BC, Alberta, Saskatchewan, and Manitoba) and two states (Washington and Oregon). Six teams are based in BC (Prince George, Vancouver, Victoria, Kelowna, Kamloops and Cranbrook).

s.12,s.13,s.14

Page 347

Withheld pursuant to/removed as

s.12;s.14;s.13

BRITISH COLUMBIA

s.12,s.13,s.14

Options:

Option 1 (Recommended): Develop an amendment to the Regulation for Cabinet's consideration that would exclude players in the WHL from the requirements of the Act.

s.12,s.13,s.14

Page 349

Withheld pursuant to/removed as

s.12;s.14;s.13

BRITISH COLUMBIA

Fiscal Impacts:

There are no fiscal implications for Government for the proposed amendment. To date, ESB has had no involvement with this sector (i.e., no complaints or investigations). As such, excluding the WHL players from the Act will have no impact on ESB operations or budget. Both Treasury Board Staff and the Ministry CFO agree with this assessment.

Policy:

Approval of the proposed amendment would signal the province's continued support for major junior ice hockey in BC and a recognition of its economic contribution to the province. s.12,s.13,s.14

s.12,s.13,s.14

Legislation:

s.12,s.13,s.14

Stakeholder and Citizens:

s.12,s.13,s.14

Contact: Athana Mentzelopoulos
Deputy Minister
(250) 952-0102

Honourable Shirley Bond

BRITISH COLUMBIA

Date Signed

Tanner, Michael A LBR:EX

From: Webb, Jennifer LBR:EX
Sent: Thursday, October 20, 2016 8:03 AM
To: Tanner, Michael A LBR:EX
Subject: FW: New Employment Standards Regulation 37.16 for ice hockey players

Here you go...

From: Webb, Jennifer LBR:EX
Sent: Thursday, February 18, 2016 11:20 AM
To: Hagen, Jennifer LBR:EX
Subject: RE: New Employment Standards Regulation 37.16 for ice hockey players

Good morning, Jennifer: apologies for the delay.

Regulation 37.16 was brought in to provide an exclusion from the *Employment Standards Act* for players on a major junior ice hockey team, which in BC captures teams playing in the Western Hockey League (WHL). However, the exclusion is only available if the player is entitled to receive a scholarship for post-secondary education that meets the minimum standards set out in regulation 37.16. Entitlement to the scholarship is thus provided as an alternative standard to the general employment standards in the Act.

As way of background, players in the WHL are generally between the ages of 16 and 20 (a limited number of 15 year olds may also play in the WHL), and thus generally play for a maximum of five hockey seasons. The players are provided a stipend, reimbursement for expenses, and educational supports while they are playing on the team, and they are eligible for a post-secondary scholarship that generally meets or exceeds the standard established in Regulation 37.16. The regulation will provide certainty for the players and the teams that the general employment standards do not apply to the players, but includes the legal requirement that the players must be entitled to receive a post-secondary scholarship (which, in providing a year's full-time tuition, compulsory student fees, and required books for each of the first five hockey season completed, is of relatively significant value) in order for the general exclusion to apply. Regulation 37.16 recognizes the unique system that major junior ice hockey provides for developing its players, both in terms of their skills as athletes and their post-hockey opportunities in the labour market.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you.

From: Hagen, Jennifer LBR:EX
Sent: Wednesday, February 17, 2016 10:23 AM
To: Webb, Jennifer LBR:EX
Subject: FW: New Employment Standards Regulation 37.16 for ice hockey players

Hi Jennifer:

Can you give me a bit of an understanding on why this was perceived to be necessary and what it is trying to address? I want a line to write into the IGM under our policy interpretation but I also want to understand why this regulation came into existence.

Jennifer Hagen
Program Advisor
(250) 371-3738

From: Johnson, Chris M LBR:EX
Sent: Tuesday, February 16, 2016 3:18 PM
To: Hagen, Jennifer LBR:EX
Cc: Joyce, Robert W LBR:EX; Clark, Amanda A LBR:EX; Webb, Chantal LBR:EX; Walsh, Mary LBR:EX; Thompson, Michael F LBR:EX; Siegmann, Tyler LBR:EX; Roberts, Megan LBR:EX; Zabel, Melanie LBR:EX; D'Souza, Kevin LBR:EX
Subject: Fw: New Employment Standards Regulation 37.16 for ice hockey players

Hi Jen:

Could you please craft an email and send this to all staff?

Thanks,
Chris

Chris Johnson
Executive Director
Employment Standards Branch

From: Tanner, Michael A LBR:EX
Sent: Tuesday, February 16, 2016 14:50
To: Johnson, Chris M LBR:EX; Mullin, Brent G LRB:EX; Gordon, Marcella EST:EX
Cc: Blakely, John H LBR:EX; Hughes, Trevor LBR:EX; Webb, Jennifer LBR:EX
Subject: New Employment Standards Regulation 37.16 for ice hockey players

Hi Chris, Brent and Marcella.
Please find attached an Order in Council that was deposited today (and thus comes into force today) amending the Employment Standards Regulation to add a new section 37.16. Section 37.16 provides an exemption for a player on a major junior ice hockey team if the player is entitled to receive a post-secondary scholarship as set out in section 37.16. If you have any questions, please feel free to connect with John, Jennifer or me. Also feel free to share the OIC with your staff and members. Thanks.
Michael

BRITISH COLUMBIA

Ref: 108608

Mr. Ron Robison
Commissioner
Western Hockey League
Father David Bauer Arena – 2424 University Drive NW
Calgary AB T2N 3Y9

Dear Mr. Robison: Ron:

Re: Amateur Athletes and the *Employment Standards Act*

Thank you for your letter of March 25, 2015, to the Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour, requesting that amateur athletes be expressly excluded from the definition of "employee" in the *Employment Standards Act*. The minister has asked that I respond to you on her behalf.

In the near future, staff will be reviewing your request with the minister for her direction. We will be in touch with you further once we have received that direction.

As we work through our process, please be assured that our office will contact you if we have any questions or require further information.

Again, thank you for writing.

Sincerely,

Trevor Hughes
Assistant Deputy Minister

Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

Office of the Assistant Deputy Minister
Industrial Relations and Labour Programs

Mailing Address:
PO Box 9594 Stn Prov Govt
Victoria BC V8W 9K4

Location:
2nd Flr, 634 Humboldt St.
Phone: 250 356-1346
Fax: 250 356-5186

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR

INFORMATION NOTE

Cliff #: 108944

Date: April 23, 2015

PREPARED FOR: Honourable Shirley Bond, Minister

ISSUE: Request for employment standards exclusion for "amateur athletes".

BACKGROUND:

The Western Hockey League (WHL) is a major junior ice hockey league based in Western Canada and the Northwestern United States, and is one of three leagues that constitute the Canadian Hockey League (CHL). The WHL has teams located in four provinces (Manitoba, Saskatchewan, Alberta and British Columbia) and two states (Washington and Oregon). Six teams are based in British Columbia (Prince George, Vancouver, Victoria, Kelowna, Kamloops and Cranbrook).

In a letter dated March 15, 2015, Ron Robison, the Commissioner of the WHL, wrote the Minister requesting an exclusion for amateur athletes from the *Employment Standards Act* (ESA). Such an exclusion would exempt amateur athletes from minimum employment standards requirements, including minimum wage, hours of work, overtime and statutory holiday provisions, vacation pay, and entitlements on termination.

It is the WHL's position that its players, who range in age from 16 to 20, are amateur athletes, not employees. As such, players receive a modest monthly stipend, and are reimbursed for all expenses associated with playing in the WHL, including travel, equipment, meals, accommodations, medical, and insurance costs. In addition, players are eligible to receive a one-year academic scholarship to a post-secondary institution of their choice for every year they play. According to the WHL, neither current players nor their parents are dissatisfied with these benefits.

s.13,s.16

Class action lawsuits have been filed recently against the WHL, as well as other major junior hockey leagues in Ontario and Quebec. The claims take the position that players should be classified as employees (and, therefore, entitled to minimum employment standards requirements), not amateur athletes. A class action lawsuit has also been brought against the CHL, alleging that players are owed $187 million in unpaid wages.

The WHL submits that, should its players be classified as employees, it would not only make it extremely difficult for WHL franchises -- especially small market teams -- to continue operating, but would also have a detrimental impact on amateur hockey and amateur sports as a whole across the country.

Several other jurisdictions with teams in the WHL have recently considered this issue. In April 2014, Saskatchewan exempted “athletes while engaged in their athletic endeavour” from its employment standards legislation, s.13,s.16

s.13,s.16

Ministry staff are not aware of the ministry having received or considered a similar request in the past.

This Information Note sets out some of the legal and other considerations arising from the WHL’s request. It also details the work that the Labour Division will undertake prior to bringing this issue forward to the Minister for a decision on whether to proceed with a formal review of the request.

DISCUSSION:

s.13,s.14

Page 357

Withheld pursuant to/removed as

s.14;s.13

s.13,s.14

NEXT STEPS:

s.13,s.14

ATTACHMENTS:

Appendix 1: WHL's letter of March 25, 2015 to the Minister.

Prepared by: Jennifer Webb, Senior Policy Advisor, Labour Policy and Legislation Branch
Telephone: (250) 387-5551

Reviewed by			
Dir: Michael Tanner	ED: John Blakely	ADM: Trevor Hughes	DM:

Bond, Shirley B JTST:EX

From: Letnick, Norm AGRI:EX
Sent: Friday, August 14, 2015 3:28 PM
To: Bond, Shirley B JTST:EX
Subject: Whl employee standards

Hi Shirley,

Please help if you can. Thanks!

Norm Letnick, MLA
Minister of Agriculture

Begin forwarded message:

> **From:** Bruce Hamilton <bruceh@kelownarockets.com>
> **Date:** August 5, 2015 at 3:18:48 PM PDT
> **To:** Norm Letnick <nletnick@gmail.com>
> **Subject: Re:**
>
> Ok. Thanks. I may have Ron Robison our Commissioner contact you via email or telephone. I just want you to understand what will likely be brought in front you. This is an issue that could have a terrible impact in all WHL Team Cities in British Columbia. Ron Toigo from Vancouver has kept Shirley and The Premier up to date. I just want you informed before this item gets to you.
> Regards
> Bruce
>
> Sent from my BlackBerry 10 smartphone on the TELUS network.
>
> ---
>
> **From:** Norm Letnick
> **Sent:** Wednesday, August 5, 2015 3:13 PM
> **To:** Bruce Hamilton
> **Cc:** Steve Thomson; Katja Maurmann
> **Subject:** Re:
>
> Sorry Bruce, I'm in Prince George those days.
>
> Norm Letnick, MLA
> Minister of Agriculture
>
> On Aug 5, 2015, at 3:12 PM, Bruce Hamilton <bruceh@kelownarockets.com> wrote:
>
> > Norm and Steve
> > I'm wondering if you would have 30 mins to meet with myself and the Commissioner of the Western Hockey League August 11th or 12th. We want to follow up with you on an issue that Shirley Bond has been kept up to date on. We

are just wanting make sure you are informed of an item that may come before you.

Warmest Regards
Bruce Hamilton
Chairman of The Board
Western Hockey League

Sent from my BlackBerry 10 smartphone on the TELUS network.

Flatman, John CSCD:EX

From:	Hourston, Sveah JTST:EX
Sent:	Tuesday, February 9, 2016 2:11 PM
To:	Verge, Kent JTST:EX; Hodson, Blake SDSI:EX; Karod, Suneil JTST:EX; La Forge, Jessica JTST:EX; Brosz, Corinne M ENV:EX
Cc:	Olson, Lianna FIN:EX; Kwan, Shirley JTST:EX; Hourston, Sveah JTST:EX
Subject:	RUSH MSB Approval: WHL
Attachments:	TAB 5 - Order in Council Distribution Form.docx; TAB 6 - Regulatory Criteria Checklist.pdf; TAB 3 - Order in Council.pdf; TAB 4 - Order in Council Cabinet Summary Information Sheet.docx
Importance:	High

Please see attached for MSB rush approval, for Cabinet tomorrow. Her signature is required on page one of the Regulatory Criteria Checklist and page two of the Order in Council. Please have those two documents scanned back to me ASAP and I will submit.
Thanks!
Sveah

Sveah Hourston
Manager, Business Operations
Office of the Deputy Minister
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour
Phone: (250) 356-0187
Email: Sveah.Hourston@gov.bc.ca

Page 362 to/à Page 365

Withheld pursuant to/removed as

s.12;s.14;s.13

Flatman, John CSCD:EX

From:	Olson, Lianna FIN:EX
Sent:	Tuesday, January 26, 2016 1:12 PM
To:	Miniaci, Mario EDUC:EX; Hodson, Blake SDSI:EX; Karod, Suneil JTST:EX; Brosz, Corinne M ENV:EX
Cc:	La Forge, Jessica JTST:EX; Olson, Lianna FIN:EX; Hourston, Sveah JTST:EX; Chauvin, Lindsay JTST:EX
Subject:	URGENT: documents for tomorrow
Attachments:	TAB 7 - Q&As.docx; TAB 1 - FINAL - WHL Speaking Notes for the Minister.docx
Importance:	High

Hi,
Please find attached documents for tomorrow's cabinet discussion on WHL.

thanks,

Lianna Olson
Director, Executive Operations and Planning

Office of the Deputy Minister
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour
and responsible for Intergovernmental Relations Secretariat
and BRDO
Tel: 250 952-0104
Fax: 250 356-1195
lianna.olson@gov.bc.ca

Flatman, John CSCD:EX

From: Brosz, Corinne M ENV:EX
Sent: Tuesday, February 9, 2016 2:58 PM
To: Chauvin, Lindsay JTST:EX; Hourston, Sveah JTST:EX; Kwan, Shirley JTST:EX; Olson, Lianna FIN:EX
Subject: Signed WHL Order in Council
Attachments: Scan_20160209.pdf

Order in Council: WHL
Signed by MSB

Corinne Brosz
Administrative Assistant to the **Honourable Shirley Bond**
Minister of Jobs, Tourism and Skills Training
And Minister Responsible for Labour

Flatman, John CSCD:EX

From: Brosz, Corinne M ENV:EX
Sent: Tuesday, February 9, 2016 4:44 PM
To: Chauvin, Lindsay JTST:EX; Hourston, Sveah JTST:EX; Kwan, Shirley JTST:EX; Olson, Lianna FIN:EX
Subject: Regulatory Criteria Checklist signed WHL
Attachments: Scan_20160209.pdf

Regulatory Criteria Checklist signed WHL

Hard copy coming over via blue pouch tomorrow morning.

Page 369 to/à Page 371

Withheld pursuant to/removed as

s.12;s.14;s.13

David, Brendan LBR:EX

From: Gavin Hume <GHume@harrisco.com>
Sent: Wednesday, January 6, 2016 2:33 PM
To: Blakely, John H LBR:EX
Subject: FW: WHL Player Benefits Schedule - B.C. Labour Ministry
Attachments: WHL Player Benefits Schedule.pdf

John
As discussed, here is the summary of the benefits the players receive. Please do not hesitate to call if you have any questions.
Thanks
Gavin

Gavin Hume, Q.C. *
* Law Corporation
D/ 604 891 2228
C/ 604 328 0477
GHume@harrisco.com

HARRIS

Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Workplace Law & Advocacy

Page 373 to/à Page 374

Withheld pursuant to/removed as

Copyright