



# WRITTEN QUESTIONS FORM

## 3<sup>rd</sup> Session, 65<sup>th</sup> General Assembly

### Legislative Assembly of PEI

*Emd*  
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Question number: 55	Question date: April 6, 2018
Question asked by: Peter Bevan-Baker, Leader of the Third Party	
Question asked of (department): Workforce and Advanced Learning	
Question answered by (Minister): Hon. Sonny Gallant	Date answer received by Clerk's Office: OCT 10 2018

**QUESTION:** Please table all documentation related to the decision to exempt athletes in the Exemption Regulations to the *Employment Standards Act*, including who was lobbying for the exemption, who was consulted, jurisdictional scans on similar exemptions, and what evidence was offered to support both the advisability and legality of making these changes in regulation?

#### ANSWER:

PEI has passed a regulation clarifying that, should athletes satisfy the test for an employment relationship, they are exempted from some aspects of the *Employment Standards Act*, such as minimum wage, hours of work, and notice of termination. This change was published in the Royal Gazette and on the Orders in Council webpage in October 2017.

The *Employment Standards Act* already exempts other groups of people doing certain types of work from certain parts of the *Act*, such as commissioned salespersons.

PEI is one of six provinces that have taken steps to exempt athletes from some or all of the protections of employment legislation. British Columbia, Manitoba, New Brunswick, Nova Scotia, and Saskatchewan all have some form of exemptions for athletes related to employment legislation.

Part of the rationale for exempting athletes is that CHL athletes, including those playing for the Islanders, do not fit the traditional arrangement for employment relationships that are covered by the *Employment Standards Act*. They receive training, physiotherapy, as well as academic support in the form of free tutors and university courses. For each year played with the team, players earn a \$6,000 scholarship toward one year of post-secondary tuition. After playing four years, a player will have \$24,000 to apply to post-secondary. In addition to the above schooling benefits, the team pays for all housing, food, travel, equipment and athletic development costs.

Athlete-employees still have protection under the *Employment Standards Act* with respect to rest periods, leaves (such as maternity, parental and adoption, family, critically ill child, crime-related disappearance or death of child, sick, compassionate care, bereavement, reservists, court), protection from sexual harassment and continuity of employment.

Government spoke with the Charlottetown Islanders and, also heard from some of their affected athletes in developing these regulations, but government is certainly willing to discuss any further concerns about these regulations with any affected Island athletes.