



NATIONAL HOCKEY LEAGUE  
**PLAYERS' ASSOCIATION**

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April 22, 2015

Senate Standing Committee on Legal and Constitutional Affairs  
c/o Shaila Anwar  
Committee Clerk  
The Senate of Canada  
Ottawa, ON K1A 0A4

**Re: Bill C-377 and its Impact on the National Hockey League Players' Association**

Mr. Chairman and Members of the Committee:

We write with regard to Bill C-377, a Private Member's Bill currently before the Senate Standing Committee on Legal and Constitutional Affairs for its consideration. Thank you for accepting these remarks in writing.

The National Hockey League Players' Association (NHLPA) is a labour organization whose membership consists of the approximately 750 professional hockey players employed at any one time by clubs in the National Hockey League. While our offices are in Toronto (the only major league sports union located in Canada), the majority of our members work outside the country and nearly half of our members are not Canadian.

The NHLPA does not, as a matter of policy, participate in partisan political activity; such is left to the individual choice of our members. We do comment on legislation when it has a direct bearing on our operations and the interests of our members. This appears to be such a case.<sup>[1]</sup>

As is the case with all collective bargaining agents in Canada, the NHLPA is constituted to act on behalf of its member players for the purposes of negotiating, administering, and enforcing collective agreements with employers, and our efforts are primarily directed to such purposes. The NHLPA would, therefore be a "labour organization" within the meaning of Subsection 149.01 (1) of the proposed legislation, and would be subject to the disclosure and publication obligations set out in its Subsection 149.01 (3) were it to become law in its present form.

However, in addition to these traditional "labour relations activities", due to the very nature of the NHLPA it has been engaged for many years in the participation in and development of various kinds of international hockey competitions, as well as licensing and marketing, in

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<sup>[1]</sup> We recognize the serious substantive and constitutional issues arising out of this legislation which have been raised. While these issues are of significant concern to us, we do not add to that debate in this submission.

furtherance of our constitutional mandate to advance and safeguard the interests of our members and the game of hockey. In fact, it is safe to say that the NHLPA has been in the forefront of the effort to enhance and develop international hockey for decades. To that end, for example, the NHLPA enters into agreements with many organizations in connection with such events, including, in addition to the NHL, various international hockey organizations, as well as promoters and sponsors of such events and the game of hockey. The NHLPA also administers a licensing program on behalf of our members under which third parties are granted the right to use players' names and/or images in products such as video games, player trading cards, and NHL team jerseys and apparel. In the ordinary course the parties with whom we work have a reasonable expectation that the terms of such agreements will not be made public, and requiring disclosure could well make it more difficult for us to conduct those negotiations, reach and administer those agreements.

In the absence of any overriding public policy consideration supporting such disclosure of otherwise proprietary and confidential information, we respectfully submit that this is an unintended consequence of the legislation that should be remedied. We do not believe that the proposed legislation, as currently drafted, provides any meaningful exception to the disclosure and publication requirements with respect to our activities in this regard.<sup>[2]</sup>

We therefore urge the Committee to consider an amendment to the proposed legislation that would take into account the circumstances of our organization's operations in Canada as we have described.

We sincerely thank the Committee for its attention to this matter and to its consideration of our submissions. We would be pleased to answer any questions regarding this matter.

Yours truly,

**NATIONAL HOCKEY LEAGUE  
PLAYERS' ASSOCIATION**

A handwritten signature in blue ink that reads "Donald M. Fehr". The signature is fluid and cursive, with the first name "Donald" and last name "Fehr" clearly legible.

Donald M. Fehr  
Executive Director

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<sup>[2]</sup> In particular, the operation of Subparagraph 3 (b) of the proposed legislation would require, among other things, an itemized statement describing "all transactions and disbursements, the cumulative value of which is greater than \$5,000 in respect of a particular payer or payee", including the names, of the payees and payers, as well a description of its purpose.