



Notes from OAS Club Call, 18 March 2020

Guests: Steve Indig, Sport Law & Strategy Group (SLSG); Nancy Au, Gallagher Insurance (formerly Pearson Dunn); Jackie Buckingham, CEO, CAS; TC Vardalos, Ministry of Heritage, Sport, Tourism and Culture Industries.

Employment matters – Steve Indig

OAS requested that Steve provide clubs with a “cheat sheet” on available federal and provincial government financial support for sport organizations, which is attached. We have also requested a series of templates to assist clubs with their various employee and contractor-related considerations, which will be communicated this week:

- Letter of termination
- Letter of temporary lay-off
- Agreement to modify current Employment Agreement
- Letter to contractors relating to termination

Steve’s answers to online questions

1. How much notice of non-scheduling of work is required for part-time hourly staff?
 - None, the requirement was repealed recently, but notice must be provided before the commencement of the shift and should be provided as soon as possible.
2. What is the change to EI rules for part-time hourly staff and especially those who may not have enough insurable hours to qualify?
 - I am not aware of any changes to EI rules in this regard. There is the proposed new Emergency Support Benefit delivered through the CRA to provide up to \$5.0 billion in support to workers who are not eligible for EI and who are facing unemployment. There are no details on this yet as it still needs to get Royal Assent (Tuesday, March 24, 2020).
3. Can clubs give coaches records of employment (ROE) and how to do this?
 - Employers, including clubs, must provide an employee a Record of Employment within 7 days of termination or temporary layoff. The form can be completed online at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/ei-roe.html>
 - The ROE is likely necessary to ascertain EI benefits. Most clubs would select A – shortage of work as the reason.

Notes from call

Paying staff – for how long?

Other sports – considerations include the organization's ability to pay and the individual's ability to maintain their employment (*i.e.*, work from home)

- Financial stability
- Length of time this will be a concern
- Ethical considerations

CAS looking at application of federal programming and will advise PTSOs; OAS is also looking at provincial programs

- ESA still applies – there may be some amendments from federal and provincial governments
- Pay attention to what is going on and what notices are coming out
- Look at budget, ability to stay afloat, can you afford to pay staff (with or without refunds)?
- Legislation does allow for temporary layoffs of employees for up to 13 weeks if necessary – those individuals would be able to access some sort of employment insurance if eligible
- Clubs should provide notice of non-scheduling of work to those coaches paid by the hour
- For contractors, clubs will have to look at this case by case. Contract has been frustrated so organizations will either (1) terminate contract; or (2) agree mutually to pause the contract. Contractor may also terminate the contract because they are unable to provide services

Refunds

The consensus seemed to be that because we don't know when or if the season will resume, clubs can't make any decisions on refunds at this time

- Ethical values
- Some clubs may have a refund policy – if you do, follow your policy
- It is likely clubs will have to provide a refund for services not received
- On the other side, clubs should not have to pay for facilities they are not using

OAS would like to know if pools are refusing to refund rental fees while facilities are closed. The Ministry has requested this information and may be prepared to intervene

Insurance – Nancy Au

No event cancellation insurance. Event cancellation insurance is a specific coverage that groups have to purchase for each event. It covers unknown events, so is not available for events that are planned for May or June

Call airlines, hotels, car rental companies etc. to get a refund for any deposits paid relating to travel to competitions – hopefully everyone will be accommodating but Steve noted SLSG can provide support if they are not

No coverage of salaries within insurance policy for employees who can't work due to cancellation of programming. There is also no coverage providing replacement of foregone revenue due to cancelled events

There may be business interruption coverage within the policy, but it does not extend to this type of situation (i.e., business interruption coverage generally responds to physical damage to a building – lightening, tornado, fire, etc.)

Clubs will have to rely on federal or provincial governments for this type of support

Online Meeting Resources

Are there any on line meeting resources or tools clubs can use to facilitate club meetings electronically/ virtually?

Zoom – <https://zoom.us/>

Goto Meeting – <https://www.gotomeeting.com/en-ca>

Web-Ex – <https://www.webex.com/>

OAS is prepared to make available its GoToMeeting to clubs for use to facilitate electronic meetings on request. Please contact Sue at smwall@ontarioartisticswimming.ca

Online Workouts or Land Drill Sessions

Will club and coaches be covered by insurance if they use Skype or Zoom and hold a dryland practice?

OAS has worked with our insurance provider and has developed a sanction for online workouts or land drill sessions. This activity is pre-sanctioned between now and the date public facilities open in the community. A sanction request application by the club is NOT required (see attached).

Competitions

National Qualifier is CANCELLED

Hilton Open Invitational is CANCELLED

Masters Open & Novice Championships is CANCELLED

Burlington Invitational is CANCELLED

The process is currently underway to refund registration fees in full for all OAS events that have been cancelled. Registration fees for those events that were not held at Leslie Taylor will also be refunded in full.

Toronto has been asked to provide a list of expenses that were incurred in hosting Leslie Taylor, which will be reviewed and considered for reimbursement – this discussion is currently underway

Competitions after first week of May

OAS will wait until the week of April 6 to decide about events after May 1

OAS will consider whether all ON clubs are in a position to train for meets before deciding whether meets after May 1 will be held

Jackie Buckingham noted CAS has set April 15 as the date for next round of decision-making including on whether National Championships will be held

Extending the season

OAS would like the clubs to submit information on what pool time is available in their community to hold practices after late May – a request will be circulated over the coming week

Merging ON Championships and Trilliums

Several participants indicated they would forego spacing, figures or certain routine events in order to give the athletes a chance to get in front of judges and to give them something to look forward to. Generally, it was felt that bringing the whole artistic swimming community together would be well received and assist with athlete retention. OAS should consider adding Novice and Masters' athletes to this event if it is held

Burlington is open to hosting the Invitational later in the season – will make the decision early April

It was noted that we need to consider what schools are doing as part of any decision to extend the season. There may also be guidelines for large events, keeping total numbers to under 250, for example, that need to be considered