

**ENSURING FULL AND SAFE PARTICIPATION
BY CANADIAN GIRLS AND WOMEN,
FAIR ATHLETE REPRESENTATION, AND GOOD GOVERNANCE
IN CANADIAN SPORT**

**A brief to
The Standing Committee on the Status of Women
and
The Standing Committee on Canadian Heritage
House of Commons
Parliament of Canada**

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Thank you for this opportunity to submit a brief on the challenges facing Canadian sport--the widespread maltreatment and abuse of athletes and other participants, including referees; the woeful lack of participation by women, and girls (and persons with disabilities, visible minorities, and the poor); and the lack of accountability and transparency in governance, including the lack of athlete representation in decision-making. We have addressed this brief to both of your Committees because we understand that you are combining your efforts to address these issues.

We applaud your Committees for bringing these urgent challenges to Parliamentary examination and public discussion. Such scrutiny is long overdue. While the above challenges have been well-studied in Canada and internationally by academic researchers, government advisory bodies and athlete advocates—see the attached studies and reports—they have fallen well below the radar of public opinion until recently. We hope that the broader spotlight you will shine helps to bring about greater public awareness and long needed changes.

We write as researchers, decision-makers and policy advisors who have been seized by these challenges for many years. Three recent articles are attached for your information.

1. The failure to frame Canadian sport within human rights

In our view, the current crises stem from the failure by governments and sports bodies to create policies and programs, fund, and monitor and evaluate sports within the established frameworks of human rights. Canada has signed a number of international agreements that require member states to bring a rights-based perspective to sport, physical education and physical activity, and to provide protections to designated populations, including children and women. For example, the International Convention on the Rights of the Child, states that

Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them (Article 19), and

Children have the right to relax, play and to join in a wide range of leisure activities (31)

Children should be protected from any activities that could harm their development (36)

The UNESCO Charter on Physical Education, Physical Activity and Sport declares that

The practice of physical education, physical activity and sport is a fundamental right for all (Article 1), and

Teaching, coaching and administration of physical education, physical activity and sport must be performed by qualified personnel (Article 7)

The Kazan Action Plan (15 July 2017) by UNESCO's Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, MINEPS VI, issued a strong call to 'Enforce gender equality/empower girls and women'; 'Safeguard athletes, spectators, workers and other groups involved'; and 'Foster good governance of sports organizations'. The Canadian government contributed to the deliberations and approved the recommendations. It's disheartening that these progressive international initiatives have not been brought into the discussions in Canada.

An important task for all of us in Canadian sport is to (i) track Canada's sport-related obligations under these international agreements; (ii) refer to them explicitly in future public discussions and proposals for reform; and (iii) develop a system for monitoring Canadian compliance. Several UN agencies and various non-governmental bodies have begun the process of tracking compliance in other areas of public policy. Canadian Heritage (under Minister Guilbeault) initiated the development of model indicators to measure Sport Canada's contributions to the realization of the United Nations Sustainable Development Goals. But to the best of our knowledge, none of this important work has been introduced into the public policy process. It should be.

We therefore recommend that your Standing Committees invite the Ministers of Canadian Heritage, Sport, and Women and Gender Equality and Youth to report on the extent to which Canada realizes its international human rights obligations in sport under the various international agreements. We recommend that you make such a report public, and an annual requirement.

2. Safe sport

We are encouraged by the steps taken at the national level during the last few years, the outcome of the persistent lobbying of athletes, researchers, and some in the sports sector, and the initiatives of federal sports ministers. The Universal Code of Conduct to Prevent and Address Maltreatment in Sports (UCCMS), agreed to in 2020, has established a comprehensive, research-based statement of abusive practices that need to be eradicated from all levels of Canadian sport. The Office of the Sport Integrity Commissioner (OSIC), established last year, promises an independent authority to investigate allegations of abuse, counsel and support survivors, discipline perpetrators and steer cultural change.

Yet we are a long way from realizing the hoped-for protections of these two initiatives. The UCCMS is not widely understood. In many cases its very existence and purpose is still entirely unknown by professionals in the sport world. Nor does it spell out the desirable leadership and coaching practices that would reduce the incidence of maltreatment. A broad program of communication, education, and training at all levels of Canadian sport is urgently needed to make it effective. Your Committees could help by recommending that all sports organizations at all levels in Canada—not just National Sports Organizations (NSOs)—adopt and enforce the UCCMS.

The OSIC needs time to get up and running, and to win the confidence of the pan-Canadian sport community. Broad communication of initial steps, incorporation of athletes' input, and the provision of immediate counselling for survivors are urgently needed. OSIC should also create standards of practice and a system of registration for the growing number of private consultants who offer their services to athletes in need. As the Status of Women Committee heard, some are completely untrained and merely seek to exploit the current gap in service for profit.

We strongly believe that OSIC should be supported in its early going. It is instructive that it took four years of consultation and legal work before the Sport Dispute Resolution Centre of Canada 'opened for business' in the early 2000s. Recognizing that OSIC is accessible only to national level athletes – a very small percentage of sport participants across the country – immediate steps should be taken to develop complaint processes for provincial and community level sport participants and those in educational institutions. As a starting point, the Committees would advance safe sport by enabling all sports participants—not just those in the NSOs—to access OSIC.

Some of your witnesses have called for the appointment of a judicial inquiry to investigate maltreatment in Canadian sport. While we empathize with the pain of the survivors who have testified, we believe there are other avenues available for redress. Given the wealth of relevant research available on Canadian athletes' experiences, including the nature, prevalence, and

effects of maltreatment, we do not believe a judicial inquiry is necessary to recommend solutions.

Research evidence and interventions implemented in other countries suggest effective strategies for eradicating maltreatment in sports. In the first place, regulations are needed for child athletes, who can be engaged in as many hours of intensive training and competition as full-time and professional athletes. The protection of legislation governing children in similar settings, such as the entertainment industry, was recommended most recently at the 5th Global Conference on the Elimination of Child Labour; (see the attached White Paper on Child Labour in Sports adopted by the Conference.) The Parliamentary Committees should so recommend.

Secondly, we need to recognize that the high-performance mantra of Canadian sport during the last four decades and the associated financial incentives to achieve medals placed upon sports bodies, coaches and athletes by Sport Canada, Own the Podium, and their provincial/territorial counterparts, have created cultural enablers for maltreatment. More than 30 years ago in his Commission of Inquiry on the Use of Drugs and other Banned Practices Intended to Increase Athletic Performance, Mr. Justice Dubin pointed out that win at all costs attitudes, early specialization and the widely accepted controlling and bullying form of coaching have created a Darwinian system, open to abuse. Yet Mr. Dubin's insights and recommendations were largely ignored. Canada can no longer afford to do so. We encourage your Committees to recommend that the financial structures of Canadian sport be completely revised, to incentivize safe and healthy, rights-based high-performance sports, with appropriate monitoring and evaluation.

Thirdly, throughout the exposures, task force meetings, proposals, and debates about safe sport during the last three decades, the thoughtful, evidence-based advocacy of athletes and retired athletes at all levels of Canadian sports has been a constant. Yet athletes and their elected representatives have for the most part been marginalized from the major decisions that affect their lives. It should be a principle of safe sport in Canada that there are 'no decisions about us without us.' As we recommend below, athletes must enjoy significant voice and vote.

3. Full participation

While the abuse of athletes has become a front-page story, the woeful decline in all sports participation, especially among women and girls, and the increasing financial and institutional barriers to participation, have been largely ignored. But the crisis in physical inactivity is just as severe as the crisis in safe sports.

Despite the claim that the success of outstanding athletes inspires broadly based participation, actual data show the reverse--a strong relationship between the focus on, and funding for medals and the decline in participation. For the last 30 years, the more medals Canadian athletes have won, fewer Canadians have participated in organized sport; the greater the federal funding for high performance sport, the fewer the Canadians who have actually participated.

While the Physical Activity and Sport Act and the Canadian Sport Policies 1.0 and 2.0 give equal weight to participation and excellence, in practice, the focus and resources have been almost exclusively placed on 'excellence'.

While participation by girls and women have returned to pre-COVID levels, girls and women from disadvantaged groups remain significantly inactive. Girls' and women's sport remains primarily a middle-class practice. The ongoing immiseration of opportunities in schools and municipalities and the culture of 'pay for play' at a time of increasing inequalities contribute significantly to this sorry shortcoming.

The personal health and wellness benefits and the positive community impacts of participation in sport are well documented. The benefits should not be reserved for those who can afford to pay for them. They are basic human rights. There are models of state encouragement of participation in countries such as Norway and Finland on which Canada could draw. It should not be forgotten that despite COVID, the most serious health crisis in the world today is Non-Communicable Diseases, which physical activity and sport help combat.

Few of the attached 2018 recommendations of the FPT Work Group on Women and Sport and the 2019 Red Deer Declaration to enhance intersectional gender equity and participation by women and girls have yet to be implemented. They should be vigorously implemented.

To ensure that the objectives of the Physical Activity and Sport Act, namely

- *(a) to promote physical activity as a fundamental element of health and well-being;*
- *(b) to encourage all Canadians to improve their health by integrating physical activity into their daily lives; and*
- *(c) to assist in reducing barriers faced by all Canadians that prevent them from being active*

are given more than rhetorical support, we recommend that the federal government realign the funding of Canadian sport to realize the equal weight given to participation and excellence set out in the Physical Activity and Sport Act and Canadian Sport Policies 1.0 and 2.0. We also recommend that 1% of the national and provincial health budgets be set aside for 'sport for all'.

4. Good governance in Canadian sport

During the last few months, the Heritage Committee and former Supreme Court Justice Thomas Cromwell have exposed the shocking secrecy, duplicity, and failure to take corrective action of Hockey Canada in a list of alleged sexual violence cases involving Canadian hockey players. At its meeting of November 30, the Heritage Committee called for the board minutes of national sports organizations in bobsleigh and skeleton, gymnastics, rugby, skating, soccer, and swimming, alleging further coverups. Clearly, Canadian sport also faces a major crisis in sports governance.

If there is to be a national inquiry, it would be more productive to investigate (i) the woeful lack of transparency and accountability in Canadian sports governance; (ii) the lack of adequate athlete representation; (iii) the disconnect between the activities at the national level and those at the provincial/territorial and municipal levels; and (iv) the contributions of public bodies such as

municipalities, colleges, and universities. Such an inquiry should also investigate (v) the relationship between Sport Canada and the NSOs. In recent years, as we have documented repeatedly, Sport Canada has systematically failed to enforce compliance with its various policy requirements, from safe sport to gender equity to the translation of documents into both French and English.

Elsewhere in the world, governments and sports bodies have made major efforts to reform the governance of sport. Commonwealth Sports Ministers, the European Sports Commission, the International Olympic Committee, and national governments such as Australia have all issued statements of good sports governance and begun to monitor sports bodies for compliance. In 2011, the Danish NGO Play the Game issued *The Cologne Consensus*, a widely supported call for eight principles for better sport governance and now issues a regular report card for compliance for the international federations. Yet until the Canadian Olympic Committee issued a voluntary ‘Good Governance Code’ in 2021, little of the international conversation found its way into Canada. Mr. Justice Cromwell has also made recommendations for better governance in his Interim Report to Hockey Canada. These are valuable suggestions, but they need to be made more comprehensive and mandated for all Canadian sport.

We therefore recommend that the Heritage Committee initiate the creation of an enforceable Canadian code of good sports governance, along the lines of the Cologne Consensus and international best practice, using a consultative process similar to that which led to the creation of the UCCMS.

We also recommend that elected athlete representatives comprise 50% of all decision-making bodies at the national and provincial/territorial levels of Canadian sport, and that their participation in those decision-making bodies be protected from retaliation. Athletes are the basis of the system, with as great a personal investment in sport as that of any other estate. Many of the national level athletes are accomplished spokespersons, and when called upon to represent the ethics of Canada and Canadian sport, they do so with intelligence, courage, and conviction.

Summary of recommendations:

- 1. The Standing Committees on the Status on Women and Canadian Heritage require the Ministers of Canadian Heritage, Sport, and Women and Gender Equality and Youth to report annually and publicly on the extent to which Canada realizes the international human rights obligations in sport that Canada has agreed to in various international agreements.**
- 2. Sports organizations at all levels in Canada adopt and enforce the Universal Code of Conduct to Prevent and Address Maltreatment in Sports.**
- 3. The Office of the Sport Integrity Commissioner support participants at all levels of Canadian sports.**
- 4. Canada establish legal protections for children in sports, along the lines recommended at the 5th Global Conference on the Elimination of Child Labour.**

- 5. The financial structures of Canadian sport be completely revised, to ensure safe and healthy high-performance sports, with appropriate rewards, monitoring and evaluation.**
- 6. The financial structures of Canadian sport be completely realigned to realize the equal weight given to participation and excellence set out in the Physical Activity and Sport Act and Canadian Sport Policies 1.0 and 2.0.**
- 7. The recommendations of the 2018 FPT Work Group on Women and Girls in Sport and the 2019 Red Deer Declaration be implemented immediately.**
- 8. 1% of the national and provincial health budgets be devoted to 'sport for all'.**
- 9. The Heritage and Status of Women Committees initiate the creation of an enforceable Canadian code of good sports governance, along the lines of the Cologne Consensus and international best practice, using a consultative process similar to that which led to the creation of the UCCMS.**
- 10. Elected athletes comprise 50% of the national and provincial/territorial sports bodies. Their participation in those decision-making bodies must be protected from retaliation.**

Thank you for your consideration.

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