Brief to the Committee for the Status of Women submitted by Rob Koehler, Global Athlete 14 December 2022:

EU STUDY ON ATHLETE REPRESENTATION – This provides an overview of a progressive approach to athlete rights.







Comments to Canadian Sport Policy 2023-2033 DRAFT NOVEMBER 2022

(THE DRAFT POLICY CAN BE PROVIDED UPON REQUEST)

GENERAL COMMENTS:

- 1. A ten year policy arguably is not a great standard for a policy.
 - a. If a ten year policy is the route it must be examined every year with the ability to amend.
 - b. The current geopolitical conditions should encourage a dynamic plan, not a stagnant one. 10 years is too long
- 2. Informing the Policy how was it developed?
 - a. What research was used?
 - b. Who was interviewed?
 - c. Who contributed to the policy?
- 3. Overall this is pretty basic and offers no real change.

CONTENT:

- 1. Very focused on the sport structures and people running sport.
- 2. Lack an athlete centered approach. All people should be in sport to serve the athletes not the other way around. The policy is an outdate approach to sport.
- 3. The policy is not ground-breaking and feels more the same.
- 4. Lacks a visionary approach to a new type of sport.
- 5. Very top down focused.
- 6. No consideration for athletes at the elite level. Same formula. No mention of:
 - a. Independent athlete representation.
 - b. Increased compensation for elite athletes including athlete rights as employees, pensions and life after sport. Yet there is plenty of mention of appropriately compensating administrators.
- 7. Leave out that athletes are indispensable to sport. But clearly places focus on coaches, instructors, teachers, sport officials, referees, volunteers and administrators.
- 8. Canada does not have the mechanisms to manage safe sport in Canada. Too many conflicts of interest.
- 9. The federal government must set standards and not rely on provincial governments for standard setting. Provinces can deliver sport but under the same framed national wide conditions.
- 10. Consideration for a tax for hosting international events that is distributed to Canadian athlete fund.
- 11. Little to no mention of law changes for athletes safety, reporting requirements, enabler silence (legal requirement to report abuse no more innocent bystanders)
- 12. Little to no mention of oversight of sport (no more self reporting), accountability, return on investments. Sport autonomy needs to be addressed. Sport cannot self regulate.
- 13. Lack a focus on child rights:
 - a. Maximum allowed training times, travel conditions etc.
- 14. No mentioned of an independent touchpoint to guide athletes that come forward with complaints. Everything now is inside the sport system. It hasn't worked in the past so why would it work now?

SUMMARY:

This policy is more the status quo, nothing in this is ground-breaking.

It would be highly beneficial for Canada to embark on a judicial inquiry to truly understand the current landscape of Canadian sport to develop a brighter future. Involvement of Canadian athletes and Canadian sport will inform a policy as well, by nature of consultation, build buy in and support.

There is also research recently conducted involving over 25,000 athletes addressing a new approach to sport.

Canada Requires a Royal Commission into Abuse in Sport

Given the power wielded by various sport actors in Canada, there is an immediate need for a Royal Commission to understand how existing sport structures have created a systemic culture of child and athlete abuse. A Commission, which carries the full weight of Parliament, is necessary to ensure acceptance of both the methodology and subsequent recommendations made. This process would allow lawmakers to:

- gather survivor testimony to understand the scope of abuse;
- examine the role of Sport Canada in protecting and rewarding coaches/administrators at the expense of athlete safety;
- scrutinize current funding, governance, oversight, and disciplinary structures;
- develop recommendations, including legal and policy changes, such as the potential creation of a national sporting discipline registry.

This is a human rights crisis playing out in sport. Thousands of athletes who have suffered harm at the hands of the current sport system have already come forward. Canada has learned that Royal Commissions, such as the Truth and Reconciliation Commission and the Dubin Inquiry, are necessary mechanisms to study past and present failings to build a better future. The resulting empirical evidence will provide a basis for the development of a robust system to protect Canadian children, youth and elite athletes.

Office of the Sport Integrity Commissioner: Not Equipped to Investigate Systemic Abuse

Background

- January 2021 Canadian government releases public tender to develop a Safe Sport mechanism
- July 2021 Sport Dispute Resolution Centre of Canada (SDRCC) is successful "independent" candidate
 - SDRCC is funded by Sport Canada and board members are appointed by the Sport Minister
- June 2022 Office of the Sport Integrity Commissioner (OSIC) is established as a division of SDRCC
- OSIC has two primary and parallel functions:
 - o to adjudicate individual complaints of abuse (the "Complaint Process")
 - o to conduct environmental assessments of specific sport contexts (the "Assessment Process").

The Sport Minister has given a deadline of April 2023 for all National Sport Organizations (NSOs) to become Program Signatories.

OSIC Limitations

OSIC is not equipped to conduct an inquiry that carries the power or independence of a Royal Commission.

1. No subpoena powers

OSIC currently has no ability to compel any NSO, PSO, or club to engage in the Assessment Process, including no powers to subpoena documents or testimony, even from sport organizations that have signed onto OSIC as a Program Signatory.

2. No enforcement or accountability mechanisms

OSIC currently has no ability to enforce any recommendations made to NSOs or PSOs through the Assessment Process, including no power to issue sanctions against coaches or administrators identified as perpetrators/enablers of abuse.

3. Lack of Independence and Conflicts of Interest

OSIC is deeply embedded within the sport system and rife with potential conflicts of interest. OSIC is funded by Sport Canada, an entity that has come under fire for failing in its mandate to ensure sport is delivered safely in Canada. OSIC contracts investigators who fulfil multiple conflicting roles in sport, such as individuals who have provided legal advice to NSOs/PSOs who can now conduct abuse investigations into those same organizations for OSIC.

Athlete survivors do not trust that OSIC and its contractors are sufficiently independent to conduct investigations.

4. Harmful Confidentiality Policies

Survivors engaging with OSIC will be under an effective gag order and silenced. OSIC's policies currently provide that survivors participating in its processes "must keep confidential all information received from another party, sport organization, witness or the OSIC", with limited exceptions for disclosure (i) directed by OSIC, (ii) required by law or the courts, (iii) to legal professionals for the purposes of obtaining legal advice, (iv) to qualified counsellors for the purposes of obtaining counselling services or (v) to trusted persons in private conversations for the purpose of seeking emotional support.

In its policy, OSIC has stated: "As a general practice, persons involved in a Complaint as parties, sport organizations or potential witnesses should not discuss or disclose the Complaint, allegations, investigation, or details thereof with anyone (including on social media or publicly), except as directed by OSIC.... As otherwise required by law, or as noted in the exceptions". Breach of confidentiality policies may result in discipline from OSIC.

These confidentiality provisions extend far beyond any restrictions placed on a survivor in the civil or criminal system and are similar to harmful confidentiality policies currently used by NSOs and PSOs. These policies appear positioned to protect the perpetrators and sport organizations subject to complaints rather than survivors.

5. Limited Jurisdiction, Scope, and Budget

Concerns with OSIC's jurisdiction and scope include:

- OSIC only has jurisdiction to adjudicate complaints once an NSO (i) becomes a Program Signatory and (ii) has adopted the Universal Code of Conduct to Prevent Maltreatment in Sport (UCCMS).
 - To date, not every NSO has adopted the UCCMS, upon which the entirety of OSIC is based.
 - As noted, the Sport Minister has set a deadline of April 2023 for each NSO to become a Program Signatory but it is unclear what the consequences will be if an NSO fails to do so.
- OSIC's jurisdiction in the Complaints Process is limited to National Team athletes unless an NSO's policies specifically provide otherwise.
- o OSIC's jurisdiction in the Assessment Process is highly unclear.

Furthermore, OSIC's budget is extremely limited. It will be unable to devote the necessary resources towards investigating one sport's current and historical abuses in-depth, let alone the dozens of sports in which survivors have come forward to decry toxic and abusive cultures.

6. Re-Traumatizing Duplication of Survivor Testimony

The Assessment Process has no ability to hold individual perpetrators accountable. Therefore, if an individual survivor wishes to see their abuser sanctioned, they are required to engage the Complaint Process. Currently, there is no clear ability for OSIC to use testimony provided by survivors in the Assessment Process as testimony in any Complaint Process. As a result, survivors may be required to engage in both processes separately and re-tell their stories in multiple processes.

Sport Cannot Self-Regulate

Testimony from athletes has clearly shown that the sport system has been permitted to self-regulate, which has perpetuated harmful and toxic practices. In this regard, we are advised as follows:

- Sporting organizations have protected coaches and administrators at the expense of athlete safety.
- So called "independent investigations" initiated and paid for by sport organizations have been used to cover up abuse and limit negative exposure (e.g. Hockey Canada, Gymnastics Canada, Soccer Canada)
- The sport community is rife with conflicts of interest due to individuals holding multiple positions of influence.
- Sport Canada has not required NSOs to meet basic safeguarding targets as a condition of funding (Sport Canada new funding framework PowerPoint, April 2021).
- There is further evidence that Sport Canada was aware of rampant abuse in several Canadian sports and failed to intervene or investigate (Hockey Canada, Gymnastics Canada)
- Sport Canada now funds the Office of the Sport Integrity Commissioner, despite its failings above.

OSIC and the SDRCC are prime examples of the sport system continuing to regulate issues that should be governed by outside authorities and experts. Allowing OSIC to investigate the toxic culture of Canadian sport will only serve to continue the cycle of the sport system protecting itself above athletes. The only way to clean up sport in Canada is to remove oversight from sport organizations. Abuse is not a sport issue; it is a human rights issue happening in sport.

[Sent by Email] CONFIDENTIAL

Mr. Anthony Housefather MP, Canadian Heritage Committee

December 1st, 2022

Dearest Anthony,

I wanted to take a moment to write and put on record and to limit my exposure as a survivor and my struggle with PTSD, around my personal sporting record. I felt this is would the easiest and best method to respond, and again on parliamentary record with the recent announcement made by the committee seeking the records of (6) National Sports Federations [NSF] records dated from 2018.

This announcement made by the committee yesterday publicly is a good start and puts directly the 'focus' on the 'autonomy of sport', which allows sport to self-govern itself outside civil law of Canada and any given nation who is a signatory to either the Olympic or FIFA movements worldwide.

The specifics to this, as the committee has targeted federations as the root cause too the impact to athletes, is just not so. The federations in Canada have zero powers and or jurisdiction to pursue any injustices in Canada at any level, as their directions and instructions come from their private international federation mainly in Switzerland, and or IOC or FIFA who are each independent private entities.

As personal my past experience has shown and case law shows on record, national federations and Sport Canada, when called by the IOC as an example the IOC says "Jump!", and the response from Canadian Government is "How high?". I was not until tell 2008 when I spoke to then IOC president Jacques Rogge on my own in Lausanne [by the way, knew who I was and wanted to speak with me an other members of the IOC], Canada had no connection to the IOC at this level explained to me by then VP Canadian Olympic Committee [COC] Michael Chambers and Canada was two years away from hosting the 2010 Vancouver Olympic Games. The Canadian Government had no executive association to the leadership of either the IOC or FIFA.

The public perception by Sport Canada and the COC is untrue. Canada is tiny in the greater schemes of things in terms of the Olympic and football movements, holding no powers let alone vital votes for members of International Federations [IFs], IOC or FIFA remain in their positions. The power focus of world sport has pivoted away from the United States and European Union to Northern Africa and oil rich nations of the Middle East, of who collaboratively funds international events through rogue State governments with unlimited finances and necessary voting powers to keep members in positions to manipulate sport as a tool to drive events and extend their networks into second and third world countries for corporate brands and interest – upholding their distribution channels.

The Olympic brand, as an example is everything and why they focus so much on protecting it; and though my own journey with them, and most recently reconciliation related to the trauma and harm to me, though I have agreed for now to keep private as we go through this, as it is the first one they have ever done with anyone let alone a country, familiar to you Anthony as a lawyer the term; "Statement Against Interest", as we saw with Hockey Canada recently with Lance Armstrong which I was involved with years ago, everyone is making money and the 'autonomy' protects its until something goes really rile and or rogue – it takes a lot for the system to "give up a pup", the "cash cow". It takes a lot to kick out a pup from the den for a kill to protect the herd, as you have recently learned and experienced with Hockey Canada.

But the system goes back to where it was, and the "dark power" continues their ways, either nationally, regionally and through their international channels through the "movements" are sustained for now, and the access door to the power closes again, giving a glimpse in that moment, of deep, extensive corporate and government(s) systemic corruption.

Again, the 'autonomy' is designed to protect this and "must be upheld at all cost". There are person(s) in place in countries, including Canada who has position paid 'government actors and civil servants' to play these specific roles under the radar of the public [upholding the autonomy and signatory relationship to

the IOC and FIFA], moreover general sporting nation system, where most people, keeping it local where Canadians actively participate.

As I have discussed with the IOC and their interests in me separate of the 'gender issues' that reengaged us November 2019 in

Lausanne, as I had just completed the pivot for the Commonwealth Games Federation (CGF) in London UK, to the Commonwealth Sport Movement (CSM), recognizing the multi-games sporting events were no longer sustainable, and the Commonwealth Games were on a verge of collapse – as most nations no longer within the 72 nation touch points of their network could support the 19th century games model in the 21st century. I was able to address these issues through the rebranding, whereas for them to focus on their unique network position with a focus on 'diversity' as the CSM encompasses 2 billion people, 1/3rd of the world's population and greatest accumulative diversity. Enabling the CGF to restructure themselves and their public offering beyond the games – their value is their network, not the physical games event.

The IOC, like the CGF though with a greater network touch point of 206 nations, 1st world developed nations no longer want stadiums and outdated 20th century infrastructure. Any games sites are all about 'gentrification' and connecting sport for greater social development, of which the IOC and FIFA in the past hosting agreements have fallen on the sword over-and-over again historically.

The IOC is focused on rebranding itself, and as I noted in the meeting in the private meeting in Lausanne I mentioned to leadership "like the CGF learned, the Olympic Games are no longer sustainable an have not been for some time, and you can no longer count on Russia, China and other rogue nations to fund the games – the greatest value to the IOC is not the games but the movement. The movement is your greatest asset". Hence now (3) years later, you are seeing in the IOC marketing separate of the 180 degree gender pivot, the development of Athletes 365 and 2000+5, with the focus on health, wellbeing, environmental sustainability etc - that is all me and my personal efforts to prevent trauma and harm to anyone else that the IOC has caused worldwide, historically.

... why they moved too a place of reconciliation with me of their wrong doings due to this effort and this was a commitment I made to myself and to them when I walked into Olympic House on November 1st 2019, as a survivor and to keep my sanity was to ensure "the harm started and stopped at me", and I have never waivered from that commitment.

The 'autonomy of sport' is key to all of this, and upholding this business this model at all costs. The athlete impact, is a result of this, or better said a 'by-product' of this. Canada a signed signatory to the both global movements' is connected directly to this model, and lines of corruption. I have been in discussions with Sport New Zealand and the Government of New Zealand just this past week, as this is not unique to Canada.

It is nations through 'Willful Blindness' aligned and based their sports industry on the Olympic and FIFA movements, never considering what they were signing onto and forfeiting the federal governments 'State Responsibility' to protect athlete(s) over decades, not just weeks and most recent years – but accumulative over decades.

This is a failure of the Government of Canada, Heritage Canada, Sport Canada and Canadian Olympic Committee, period.

The problem is the Government of Canada is to deep into it and has been for decades, and became more apparent under the Harper conservative government in the mid-2000's, and to seek any historical record, reconciliation and remedy for athletes, lives in the 1000's has been made virtually impossible. Using my case as an example and never repeated since, and to be the only case ever outside the 'autonomy' bringing all (3) levels of world sports into civil and human rights court system outside the CAS, which they would not only lose but to keep from the public.

The IOC would manipulate policy in effort known liability over a decade that impacted me to which I was overpowered and raped; but the Government of Canada [Sport Canada, Canadian Olympic Committee, Canadian Centre of Ethics in Sport [CCES] and Cycling Canada [Agencies of the Government of Canada Actor(s)] from 2008 when the IOC

admitted it, as an effort to protect to the IOC, IOC interests and as I noted earlier 'Statement Against Interest' at the cost of my life, health, wellbeing and career.

I again recalled this with the IOC leadership while in Lausanne, "You stole my health, my career, my Olympic dreams and my ability to make a professional living in the (2) decade period".

The World Anti-Doping Agency [WADA] designed to protect IOC interests with their sponsors and brand impact to create a barrier from 'assumed doping', as they are well aware of doping and need the doping to for the 'spectacular events' to drive spectator and broadcast interest, never designed not protect athletes, safe sport, and fairness nor limit anti-doping – that marketing came years later to drive government funding to WADA in the millions under the signatory relationship and contracts to the 'Movements', imbedding the Court of Arbitration in Sport [CAS], or as we know locally in Canada, a non-binding mediation system through the SDRCC and now OSIC, which are neither a binding court of law for infractions in sport.

Important: Sport Canada (SC) did not tender for justices at OSIC, which is not standard government practices' that I have worked on in past, the government has a clause to seek and tender expertise as I know in by business, I have signed such documents as a standard of practice. SC handpicked a 'junior contract lawyer' from the Canadian Olympic Committee specifically, to 'keep within the family' to manage the autonomy and prevent public awareness away from the 'Olympic brand'.

As we well know, civil and human rights law is a very specific area of legal practice. It is not a practice of law you just pickup or self-designate yourself. The IOC has done this often on historical record on several fronts, and even in medical with persons(s) with a one year medical university practice and no degree, to be in the IOC medical commission, in effort to keep in the 'family' then to be actually a full fledged garnered practitioner.

Professor Arne Ljungqvist [Sweden] is the greatest example of this, which he held the position of IOC Medical Chair, WADA Medical Chair and VP of the World Athletics Medical Commission all at the same time. Separate of the obvious conflicts of interest Ljungqvist was not even a licensed medical doctor, but a research oncologist – this continued for decades.

So when the gender issues started to go awry in mid-2005 and onward between IOC and me as, Ljungqvist held incredible power across world sport and Olympic Movement, through my own journey personal journey as a diverse athlete something was really wrong. The IOC, WADA, Union Cycling Internationale (UCI) and eventually Sport Canada, Canadian Olympic Committee and CCES would be in a place of protectionism. The threats and the oppression from all of them over a 12-year period, all on legal record was incredible put onto me – at times, as it felt like the 'MOB' were fears for my life.

Sport Canada, Canadian Olympic Committee and the CCES would collude, and utilizing the 'autonomy' in effort to silence me and to protect the IOC from what I knew.

It is done on purpose, to oversee and manipulate the system as the IOC and International Federations see fit, propelled through the 'autonomy' and contracting every athlete no matter their chosen sport at any level, to sign their 'athlete contract', unaware they are signing away their civil rights to an autonomous system and only question it when they find themselves in trouble – left as their only option to remedy.

Why I mention this, as I needed to decouple myself from the 'autonomy' of which CAS lawyers explained to me how and why I needed to do this. I had found the 'Achillies heel', and that would change everything, and I made myself an equal to their assumed power. The IOC would complain in articles [CBC |BBC] after they were served August 2015 successfully to appear in Toronto;

'this is a sports issue, and that this belongs at the CAS. If Ms. Worley is successful, would impact our Swiss sovereignty and the future of the Olympic Movement'

The IOC would blame me the survivor, of which the CAS as well disagreed with them and sought for me to seek a path forward to potential remedy. The IOC was out of the autonomy, they had lost control and we were now equals. They were in a system they did not know, and could not manipulate as they do at the CAS. The IOC had to answer to the courts to which hey knew they could not do without tampering with policy, of the one they were trying withhold and use on athletes, within the 'autonomy'.

They would remove 'sex reassignment' as a prerequisite sport, as they knew the horrific consequences to the human physiology but do not want the world to know, let alone they had never done the research to support it ever.

Sport Canada, Canadian Olympic Committee, Heritage Canada, Justice Canada, CCES and Cycling Canada would conspire.

The irony, and the level of arrogance when eventually in the Ontario Human Rights Tribunal, [30 feet of lawyers, (5 legal teams representing all levels of world sport) the WADA lawyer would stand up and say:

"We assumed Ms. Worley would eventually give up", was his response to chief just Pickel.

After successfully suing WADA, WADA would seek legislation from the Quebec legislator [private business entity] to prevent from being sued in the future, of which the Quebec government would grant them this legislative autonomy, like their colleagues in Switzerland, recognizing their vulnerability being situated in Montreal – the founder Canadian IOC Member Richard Pound.

You know there is a problem when Sport Canada is suppressing CBC coverage when the IOC was in Canada in the Superior Court, and there are (2) federal CSIS agents sitting in each proceeding – need I say anything more?

Their goal was to oppress and play the long game, utilizing the autonomy to hide behind and abuse to athletes in Canada and across the globe.

I recalled this with the IOC leadership while in Lausanne, "You stole my health, my career, my Olympic dreams and my ability to make a professional living in the (2) decade period and the 'black listing' that has impacted me personally and professionally".

The Government of Canada has known about this legal case record(s) in this country. In my personal autobiography published by Penguin Random House in 2019, it is all there, now in the Olympic Library in Lausanne for Olympic record – it is the autonomy that allows for the lack of 'jurist prudence and remedy' for athletes' 'seek remedy and the right to a public life'.

As I visited the IOC in the Fall of 2019 for one day, meeting after the IOC trying to convince me to help them, which took a accumulative effort by many, as I had to humanize the very people and organization that brought me so much harm

Three years later, I would pivot the policy 180 degrees and the Olympic Movement and role in sport, and continued reconciliation on these matters on historical record, of which I hope to bring to closure shortly.

Anthony why I share this overview with you, as I began this letter though I am supportive of the committee's oversight and work and why I take this time to write. I am greatly concerned with what I know and quite clear on this targeting of 6 more national sports federations and looking into their books and meeting minutes as far back as 2018, may appear as a great step based on the Hockey Canada outcome on the surface.

I would disagree, as a next step and a waste of the parliamentary committees time, but I do agree with the challenging of the 'autonomy', which is right on target.

As we know, and I hope I have brought clarity, these national federations are shells of much bigger problem and orchestrations, as they don't get their instructions from Canada but from Europe.

I believe, and I would recommend to the committee that the focus pivot to what I call the 'dark power', which is Sport Canada,

Heritage Canada, Canadian Olympic Committee, World Anti-Doping Agency and government actors Canadian Centre of Ethics in Sport, McLaren Global Sport Solutions, Sport Law, University of Toronto and Stikeman Elliot LLP–

and person(s) within these private business associated to Sport Canada and the Olympic Movement who have longtime associations and interests.

The athletes are the outcome of the autonomy and lacking oversight and 'Willful Blindness' that has brought incredible harm across too young people and communities across Canada, and nations associated to the Olympic and FIFA movements.

As I mentioned to the IOC in our initial meeting in Lausanne;

"The worst thing that happened was Canada ever integrating the Olympic Movement as the foundation of our sports system";

They never challenged my thought, and we are now seeing in real-time why?

As other nations are contacting me, Canada needs to access its association to sport, the role of sport and the role of the Olympic Movement at the foundation and design of our sporting system, as other countries are starting to do.

These are safeguarding issues, and the Government of Canada has failed its 'State Responsibility', and the protection of Canadians over decades to protect our nations signatory relationship with a private business(s) entity in Switzerland and Zurich.

Canada has an opportunity before us, and to change sport worldwide as we know it, and changing the game for other countries struggling like Canada with this historical record.

I hope this document will remain in the confidence of which it is sent.

Best Wishes,

/Kristen Worley

CC'

Mr. Rob Koehler - CEO Global Athletes

Respected Colleagues Journalists:

Ms. Kerry Gillespie - TorStar

Ms Lori Ewing - Canada Press

Ms. Tracey Holmes - ABC Australia

Mr. Andy Brown - Sport Integrity Initiative (UK)