



Transitioning Towards a Universal Code of Conduct in Sport

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Recent public attention to allegations of harassment and abuse in the sport system prompted ministerial announcements and the mobilization of the entire sport community in Canada to put safety at the forefront of priorities. As many actors are engaged in the implementation of better measures to eliminate harassment, abuse, and discrimination to protect all participants in Canadian sport, a number of sport organizations have pushed for the creation and adoption of a universal code of conduct which would apply to all Canadian sport organizations.

The ultimate goal is to work towards the adoption of a single overarching set of definitions, rules and standards for the entire Canadian sport system, so that there is alignment at all levels of sport in every region of Canada. A universal code of conduct would not only articulate a standard of conduct to which participants must adhere, but it would necessarily have to provide for sanctions and enforcement mechanisms regarding violations of the code to ensure that it is effective and plays a practical role in creating a safe environment for athletes and all others involved in Canadian sport.

A properly designed and worded universal code of conduct will provide protection to not only sport participants, but also those officers and Board members responsible for oversight and management of the organization. Sport organizations would be wise to give thought to the values and wording to be included in any code of conduct. The process involved in fostering a harassment-free environment can be a challenging task. This article aims to provide insights to organizations in the process of developing ideas with respect to a universal code of conduct.

1. Think about its Scope, to Whom it will Apply

The Canadian sport system, diverse not only by the number of sports and the multiple levels of participation, but also by the governmental jurisdictions, would greatly benefit



from bringing all relevant stakeholders together to the table in an effort to find agreement on common standards and principles to be applied nationwide.

A universal code of conduct ought to clearly define what constitutes harassment, abuse, and/or discrimination, and clarify the distinction between those terms. To make sense to a broad spectrum of the sport community, it must also recognize the specificity and reality of each sport at various levels of practice and, if providing examples of conduct that could constitute harassment, abuse and/or discrimination, such list cannot be exhaustive.

2. It's about Respectful Relationships

A universal code of conduct is expected to cover a wide range of scenarios and relationships, including certainly but not limited to allegations of abuse and harassment arising from athlete-coach relationships. It is therefore necessary for sport organizations to come to a consensus on what it means to have respectful human interactions between all stakeholders and identify behaviours that ought to be prohibited.

It is also insufficient to make the code only address behavior of those who harass, abuse or discriminate. To increase the deterrent effect of such code, it must also address consequences for those who are aware of incidents but fail to report them, those whose decisions or negligence have placed participants in vulnerable situations, and those whose conduct is a form of retaliation against victims or witnesses who come forward.

3. Understand Legal Implications

A universal code of conduct should meet any statutory requirements with respect to human rights legislation. Sport organizations may want to have a discussion with experts and professionals to ensure that what they are advocating for inclusion within a universal code of conduct meets or exceeds relevant statutory requirements. Once the universal code is implemented, sport organizations still have the responsibility to ensure that they meet all relevant provincial and federal statutory requirements - if at any point there are any gaps between the universal code and the law, it is up to the organizations to fill in the gap.



4. Designate Decision-makers and Think about Potential Procedural Issues

When a comprehensive universal code of conduct is adopted, each organization ought to designate independent persons who are experts or have received extensive training with respect to anti-harassment, anti-abuse and anti-discrimination, and who can make decisions with respect to the application of the code.

Furthermore, a universal code of conduct ought to establish the steps to be followed by a complainant or a witness wishing to report an alleged violation of the code. Organizations should ensure that they put themselves in a position to comply with the procedural provisions within the universal code of conduct, by designing a proper response mechanism that is equally respectful of the rights of the complainant, of the witnesses and of the accused.

5. Clearly Set out any Investigation Processes

Sport organizations are expected to promote a safe environment for all their members, which includes, as employers, to promote a discrimination-free and harassment-free workplace. They are required by law to investigate incidents of workplace discrimination and harassment in an objective, sensitive, and timely manner, even in respect of events that take place outside the workplace. It is important that complaints are entrusted to an independent third party to investigate and address any harassment and abuse allegations. However, few sport organizations already have proper investigation processes in place. That is why the Honourable Kirsty Duncan has made such a requirement a part of federal funding agreements.

6. Confidentiality is Paramount

It is difficult for athletes (and any other complainants) to come forward with a complaint of harassment, abuse or discrimination. Information about complaints and incidents must be kept confidential to the extent possible, unless some form of disclosure or reporting is required by law. On the other hand, while it is imperative to foster an atmosphere in which



individuals feel safe to bring forward any complaints, a universal code of conduct should support complaints filed in good faith; a false accusation of harassment, knowingly or in a malicious manner, can be devastating for the wrongly accused respondent. Gossiping about an incident seriously undermines the privacy of all parties involved and should not be tolerated. Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved.

7. Proactively Educate Members about the Universal Code of Conduct

When the universal code of conduct is implemented, sport organizations will have to communicate with all relevant members and stakeholders to discuss how the code applies to them. Organizations may want to seek out advice at an early stage to develop an appropriate strategy with respect to educating their athletes, coaches, and all other members, not only about the new rules in effect but also about how each of them can contribute to creating a safer environment.

8. Keep Current with Eventual Developments

A monitoring plan should also be put in place to keep the code up-to-date with eventual legislative changes, including labour and employment laws, as well as further government announcements. As amendments are mandated, one must keep in mind that educational content delivered to the members of the sport community must remain consistent with any iteration of the code.

Conclusion

Sport organizations should strive to provide a safe, accessible, and welcoming environment, free of harassment, abuse, and discrimination, to all of their athletes, coaches, officials, volunteers and employees. Organizations need to ensure that all relevant stakeholders are aware of their rights and responsibilities under any new universal code of conduct. While the above-noted insights do not constitute a comprehensive checklist, hopefully they will serve as a guiding tool to sport organizations who are committed to developing and implementing a well thought-out universal code of conduct.