



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **SAFE SPORT IN CANADA**

**Report of the Standing Committee on Canadian Heritage**

**Hon. Hedy Fry, Chair**

**JUNE 2024**  
**44th PARLIAMENT, 1st SESSION**

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**Hon. Hedy Fry  
Chair**

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## **NOTICE TO READER**

### **Reports from committees presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

To assist the reader:

A list of abbreviations used in this report is available on page xiii

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# **THE STANDING COMMITTEE ON CANADIAN HERITAGE**

has the honour to present its

## **TWELFTH REPORT**

Pursuant to its mandate under Standing Order 108(2), the committee has studied safe sport in Canada and has agreed to report the following:



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## LIST OF ACRONYMS

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CCES	Canadian Centre for Ethics in Sport
CHPC	House of Commons Standing Committee on Canadian Heritage
CHL	Canadian Hockey League
COC	Canadian Olympic Committee
CSB	Canadian Soccer Business
CSP	Canadian Sport Policy
DSO	Director of Sanctions and Outcomes.
FEWO	House of Commons Standing Committee on the Status of Women
FIFA	International Federation of Association Football
IOC	International Olympic Committee
ITP	Independent Third Party
MSO	Multisport Service Organizations
NEF	National Equity Fund
NSO	National Sport Organizations
OHL	Ontario Hockey League
OSIC	Office of the Sport Integrity Commissioner
OTP	Own the Podium
QMJHL	Quebec Major Junior Hockey League (now Quebec Maritimes Junior Hockey League)
RCAAA	Registered Canadian Amateur Athletic Association
SDRCC	Sport Dispute Resolution Centre of Canada

SIRC	Sport Information Resource Centre
SSP	Sport Support Program
UCCMS	Universal Code of Conduct to Prevent and Address Maltreatment in Sport
WHL	Western Hockey League



# LIST OF RECOMMENDATIONS

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*As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.*

## **Recommendation 1**

**That all organizations in Canada receiving federal money require a vulnerable sector police check for all volunteers, coaches and employees in contact with athletes and that an audit mechanism be set up to prove that such checks have been carried out..... 134**

## **Recommendation 2**

**That the government of Canada amend the *Physical Activity and Sport Act*, and that all aspects related to physical activity be the responsibility of Health Canada, with the aim of greater accessibility to sports and the promotion of healthy lifestyle habits. .... 134**

## **Recommendation 3**

**That the House of Commons ask the Office of the Auditor General to:**

- Conduct a comprehensive audit of the programs of Canadian Heritage pertaining to sports;**
- Grant a mandate for a special examination of the responsibilities it finances and delegates to “Own the Podium”, the Canadian Centre for Ethics in Sport, the Sport Information Resource Centre, the SDRCC, and the OSIC..... 134**

#### Recommendation 4

That the Government of Canada mandate NSOs to adopt increased financial transparency by comprehensively disclosing all funds at their disposal along with a description of their usage. This measure aims to promote responsible financial management within sports organizations, thereby enhancing trust among the public, partners (sponsors), and all stakeholders. Complete fund disclosure will also contribute to ensuring equitable resource distribution, fostering greater fairness within the Canadian sports community.

A. By adding an item to clearly indicate the amounts received in different types of funds:

- **Government Grants**: Federal, provincial, or municipal governments may provide grants to sports organizations to support specific programs, sports infrastructure, or talent development.
- **Sponsorship and Partnership Funds**: Sports organizations can establish partnerships with businesses and sponsors that provide funds in exchange for visibility or other promotional benefits.
- **Donations and Fundraising**: Sports organizations can solicit donations from the public, members, or local businesses. Fundraising events may also be organized for specific events or projects.
- **Membership Fees and Registration Fees**: Sports organizations may collect membership fees from their members or registration fees to participate in competitions or sports events.
- **Development Funds**: Some sports organizations may have access to development funds aimed at supporting training, coach education, and athlete development.
- **Capital Funds**: These funds are often used for the construction, renovation, or maintenance of sports infrastructure such as stadiums, arenas, or training facilities.

- **Equity Funds:** Sports organizations can raise funds by issuing shares or stocks, allowing investors to own a part of the organization.
  - **Public-Private Partnership Funds:** Some sports infrastructure projects can be funded through public-private partnerships, where the private sector invests in the project in collaboration with the public sector.
- B. By adding an item to clearly inform members of funds used for legal services and advice.
- C. By transparently disclosing elements of the payroll and salaries of top executives.
- D. By adding to their websites the list of all contractors who have carried out third-party independent mandates, a declaration of the absence of conflicts of interest, the granted amount, and the hourly rate. .... 134

**Recommendation 5**

That the Government of Canada mandate NSOs to publish on their website a complete copy of the members’ master insurance policy so that members can better understand the coverage provided for their sports activities. .... 136

**Recommendation 6**

That Sport Canada require organizations receiving funds from the federal government, particularly those administering programs on behalf of Sport Canada such as “Own the Podium,” “Safe Sport” or any other program like the Canadian Centre for Ethics in Sport, the Coaching Association of Canada or the Sport Information Resource Centre, to proactively disclose contracts over \$5,000, travel expenses, conference fees, travel and hospitality expenses, and salaries of their executives. This would enhance the level of transparency and accountability. .... 136

**Recommendation 7**

**That the Office of the Auditor General of Canada conduct a special audit of Sport Canada’s 2019 directive, which requires national sports organizations to integrate for-profit private firms as independent third parties in the complaint processes involving athletes and their sports organizations, and the audit should consider the following:**

- **The belief that “sport is unable to govern itself.”**
- **The poorly recognized and documented role of third parties in these processes.**
- **These actors wield influential roles in assessing an athlete’s environment or deciding on an athlete’s complaint.**
- **No independent and credible organization monitors the quality of their work, either through peer review or any other means to calibrate decisions.**
- **Given the legal standard of “balance of probabilities,” investigators assume a quasi-judicial role, while prevention should prevail, and a level similar to that of a social worker or police officer would be more appropriate.**
- **The Committee deems the situation very concerning and requires an overall assessment, making public the agreed-upon parameters between sports organizations and their independent third parties.**
- **The Auditor General’s office should prioritize the examination of the complaint handling mechanism assigned to independent third parties by NSOs, compared to the mechanism established by the OSIC to handle complaints from participants included in agreements between the OSIC and sports organizations.**
- **Additionally, it should assess whether these mechanisms adhere to the highest ethical standards..... 136**

**Recommendation 8**

**That the Government of Canada, in collaboration with provinces and territories, and sports organizations, include athletes in all bodies and all decision-making processes regarding safe sports in Canada. .... 137**

**Recommendation 9**

**That the Government of Canada require the board meeting minutes of all NSOs funded by the federal government to be transparent. They should be accessible to the public..... 137**

**Recommendation 10**

**That the Government of Canada collaborate with NSOs to ensure that the safety and specific needs of young athletes are met, including promoting gender equity and diversity by:**

- including more women, girls, Black, Indigenous, and racialized people in leadership and decision-making roles; and
- protecting players who disclose mental health challenges from retribution. .... 137

**Recommendation 11**

**That the Government of Canada make available increased funding for safety in sport initiatives. .... 137**

**Recommendation 12**

**That the Government of Canada work to improve harmonization with provinces and territories in relation to safe sport initiatives, including common messaging and principles..... 138**

**Recommendation 13**

**That the Government of Canada continue discussions with all levels of government across Canada to resolve jurisdictional issues and allow for a more transparent safe sport system. .... 138**

**Recommendation 14**

**That the Government of Canada work to improve international engagement around the world and work to become a leader in safe sport..... 138**

**Recommendation 15**

**That the Government of Canada establish a formal process to investigate sexual and physical abuse and maltreatment in Canada’s sport system, through a trauma-informed, survivor-focused lens. .... 138**

**Recommendation 16**

**That the Government of Canada strengthen whistleblower protection in the sports sector through the following actions:**

- **Making the use of retaliatory legal action against those who report abuse illegal by establishing anti-SLAPP (Strategic Lawsuits Against Public Participation) legislation; and**
- **Implementing initiatives that encourage reporting while ensuring the safety and confidentiality of those who come forward. .... 138**

**Recommendation 17**

**That the Government of Canada mandate the immediate establishment of a national public registry of coaches, officials and other staff who have been proven to have violated the UCCMS. This registry must:**

- **Be searchable and comprehensive;**
- **Include names, number of complaints and number of arrests and convictions; and**
- **Be easily accessible to anyone involved in the Canadian sport system. .... 138**

**Recommendation 18**

**That the Government of Canada suspend all federal funding given to NSOs who have not signed on to the Abuse-Free Sport program with the Office of the Sport Integrity Commissioner until they become signatories..... 139**

**Recommendation 19**

**That the Government of Canada mandate NSOs to adopt guidelines regarding the appropriate and transparent use of reserve funds such as Hockey Canada’s National Equity Fund and Participants’ Legacy Trust Fund. NSOs must also be made to clearly display their expenditures and use of federal funds both to Sport Canada and to the public. These expenditures must:**

- **Be made freely available online; and**
- **Indicate how much is spent on bonuses and gifts, payments made in settlement cases, and funding allocations toward each program, fund, and initiative..... 139**

**Recommendation 20**

**That the Government of Canada launch an independent public inquiry, pursuant to Part I of the Inquiries Act, to understand how existing sport structures have failed to ensure safe sports and led to abuse, discrimination, and maltreatment. The inquiry will:**

- **Gather survivor testimony to understand the scope of abuse and discrimination;**
- **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; and**
- **Develop recommendations, including legal and policy changes, such as the potential creation of a national sporting discipline registry..... 139**

**Recommendation 21**

**That the Government of Canada introduce legislation to ban the use of non-disclosure agreements for survivors who have reported maltreatment and that NSOs abide by this ban as a condition to receive funding from the federal government. The legislation will include but will not be limited to:**

- **providing transparency in hiring and firing practices if they require staff or coaches to sign Non-Disclosure Agreements (NDAs);**
- **removing any clauses within athletes' agreements that stop athletes from reporting sexual misconduct/abuse;**
- **enforcing the duty to report to allow criminal investigations to be opened;**
- **mandating NSOs to release survivors of sexual assault from NDAs so they can speak up and name perpetrators; and**
- **ensuring victims of sexual assault who received compensation are not required to sign binding NDAs. .... 140**





# SAFE SPORT IN CANADA

## INTRODUCTION

### Chronology of the Various Events and Measures Implemented in Canada Concerning Safe Sport

The issue of safe sport in Canada is not new. For decades, survivors have been denouncing the maltreatment they have faced and have been calling for a change in culture within the Canadian sport system.

Table 1 summarizes the events and initiatives over the last few decades involving safe and ethical sport.

**Table 1—Timeline of Key Safe Sport Events (1998–2024)**

Date	Measure/Initiative
December 1998	The CHPC Sub-committee on the Study of Sport in Canada tables the report <i>Sport in Canada: Everybody’s Business. Leadership, Partnership and Accountability</i> . The Sub-committee recommends that the Government of Canada build on the initiatives begun in January 1997 to eradicate harassment and abuse from Canadian sport and continue to support activities that make sport safer and more accessible to girls and women (Recommendation 28).
10 August 2001	In London, Ontario, the federal and provincial/territorial sport ministers adopt a <i>Declaration of Expectations for Fairness in Sport</i> requiring that those “who participate in sport will receive from their fellow athletes, coaches and officials, and parents/guardians and spectators, fairness and ethical treatment in a safe and welcoming sport environment, free of harassment and abuse.”
6 April 2002	The Conference of the Federal-Provincial/Territorial Ministers Responsible for Sport, Fitness and Recreation adopt the <i>Canadian Sport Policy (CSP 2002)</i> . The CSP 2002 “calls for the adoption of the Policy Framework and an action plan of the ‘Canadian Strategy on Ethical Conduct in Sport,’ to enhance ethical conduct at all levels and in all forms of sport in Canada.”
19 March 2003	The Parliament of Canada passes the <i>Physical Activity and Sport Act</i> . Section 4(1) states that “the Government of Canada’s policy regarding sport is founded on the highest ethical standards and values, including ... the treatment of all persons with fairness and respect, the full and fair participation of all persons in sport and the fair, equitable, transparent and timely resolution of disputes in sport.”



Date	Measure/Initiative
April 2004	The Sport Dispute Resolution Centre of Canada (SDRCC) is established under section 9 of the <i>Physical Activity and Sport Act</i> .
8 February 2007	The Executive Board of the International Olympic Committee adopts a consensus statement on sexual harassment and abuse in sport.
1 January 2009	The <i>Policy on Sport for Women and Girls</i> comes into effect.
27 June 2012	The <i>Canadian Sport Policy 2012</i> (CSP 2012) is adopted by the Federal-Provincial/Territorial Ministers Responsible for Sport, Fitness and Recreation. Safety is one of the seven values of CSP 2012.
September 2017	CHPC issues the report <i>Women and Girls in Sport</i> . The committee recommends “that the Government of Canada build on the initiatives to eradicate harassment and abuse from Canadian sport and continue to support activities that make sport safer and more accessible.” (Recommendation 16)
15 January 2018	The Government of Canada responds to CHPC’s seventh report on <i>Women and Girls in Sport</i> . The federal government “is committed to build on initiatives to eradicate harassment and abuse from Canadian sport and to continue to support activities that make sport safer and more accessible.”
27 February 2018	The 2018 federal budget includes measures to achieve gender parity at all levels of sport by 2035.
24 April 2018	The Honourable Kirsty Duncan, Minister of Science and Minister of Sport and Persons with Disabilities, announces a working group on gender equity in sport. Part of the group’s mandate is to address gender-based violence in sport, including sexual harassment.
19 June 2018	Minister Kirsty Duncan announces stronger measures to eliminate harassment, abuse and discrimination in sport. National sport organizations (NSOs) must: <ul style="list-style-type: none"><li>• disclose incidents of harassment, abuse or discrimination to the minister;</li><li>• make provisions in their budgets for access to an independent third party to address harassment and abuse cases;</li><li>• provide mandatory training on harassment and abuse to their members; and</li><li>• adopt a formal policy to address harassment and abuse.</li></ul> As well, a federal-provincial/territorial working group on safety, integrity and ethics in sport is created to recommend solutions to address harassment and abuse in sport.
14 February 2019	The federal, provincial and territorial governments adopt the <i>Red Deer Declaration – For the Prevention of Harassment, Abuse and Discrimination in Sport</i> .

Date	Measure/Initiative
7 March 2019	Minister Kirsty Duncan announces financial support for researchers at the University of Toronto to conduct a study to measure athlete experience with all forms of maltreatment in Canada.
13 March 2019	Minister Kirsty Duncan announces funding to the SDRCC to implement two initiatives: <ul style="list-style-type: none"> <li>• A third-party investigation unit to provide services to federally funded NSOs, multisport service organizations, and Canadian sport centres and institutes to investigate harassment, abuse and discrimination complaints.</li> <li>• A toll-free national confidential helpline to deal with harassment, abuse and discrimination in sport.</li> </ul>
30 April 2019	AthletesCAN, in partnership with the University of Toronto, releases a report on the prevalence of maltreatment among athletes.
16 December 2019	Release of the first version of the <i>Universal Code of Conduct to Prevent and Address Maltreatment in Sport</i> (UCCMS).
July 2020	The Canadian Hockey League (CHL) appoints an independent review panel to review the league's current policies and practices relating to hazing, abuse, harassment and bullying.
March 2021	Former members of Canada Artistic Swimming (CAS) allege psychological abuse, neglect, sexual and racial harassment by the organization's coaches and staff.
July 2021	The SDRCC is selected by the federal government to implement a new independent safe sport mechanism.
16 December 2021	The Honourable Pascale St-Onge is appointed Minister of Sport and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec.
22 December 2021	The SDRCC releases its final report following national consultations on the independent safe sport mechanism.
14 January 2022	The CHL releases a report by an Independent Review Panel on the abuse of young hockey players. The authors had submitted their report to the CHL in December 2020.
23 March 2022	An independent review of Rugby Canada's high-performance programs raises concerns about the organization's high-performance environment and culture.
March 2022	Current and former gymnasts call for an investigation into alleged toxic and abusive practices against athletes in the sport.
5 April 2022	Appointment of Sarah-Ève Pelletier as Sport Integrity Commissioner.
4 May 2022	Boxing Canada announces the appointment of an independent expert to conduct a high-performance culture review of the High Performance Program.



Date	Measure/Initiative
26 May 2022	Hockey Canada issues a statement regarding allegations of sexual assault involving members of the 2017–2018 National Junior Hockey Team. The statement specifies that a settlement was reached with the alleged victim.
31 May 2022	Release of version 6.0 of the <i>Universal Code of Conduct to Prevent and Address Maltreatment in Sport</i> (UCCMS).
12 June 2022	The Honourable Pascale St-Onge, Minister of Sport, announces action on safe sport, such as: <ul style="list-style-type: none"><li>• creating an athlete advisory committee to allow Sport Canada to obtain advice and guidance from the sport community;</li><li>• strengthening the accountability, reporting and governance of sport organizations through the introduction of new Sport Funding and Accountability Framework eligibility requirements; and</li><li>• creating the Office of the Sport Integrity Commissioner (OSIC).</li></ul>
20 June 2022	Hockey Canada’s first appearance before CHPC regarding its involvement in a case involving allegations of sexual assault committed in June 2018.
20 June 2022	The OSIC begins operations.
22 June 2022	Minister Pascale St-Onge announces a freeze on funding to Hockey Canada.
June and July 2022	Various private companies and sponsors withdraw funding from Hockey Canada.
14 July 2022	Hockey Canada releases an open letter to Canadians in which it sets out what action it intends to take to address “the toxic behaviour” that exists in the sport.
22 July 2022	Hockey Canada issues a news release concerning allegations of sexual assault in 2003 involving members of the 2002–2003 National Junior Team.
25 July 2022	Hockey Canada releases an Action Plan to shatter the code of silence and eliminate toxic behaviour in and around the world of hockey in Canada.
26 July 2022	Representatives of the law firm Henein Hutchison L.L.P., Minister of Sport Pascale St-Onge and officials from the Department of Canadian Heritage appear before CHPC.
27 July 2022	The following witnesses appear before CHPC: <ul style="list-style-type: none"><li>• Hockey Canada officials (second appearance); and</li><li>• Representatives of Hockey Canada, the CHL, the Ligue de Hockey Junior Majeur du Québec, the Ontario Hockey League and the Western Hockey League, as well as Barry F. Lorenzetti, Founder, President and CEO of BFL Canada.</li></ul>
28 July 2022	An independent review finds that Canada Soccer mishandled sexual assault complaints between 1988 and 2008.

Date	Measure/Initiative
4 August 2022	Hockey Canada announces the appointment of former Supreme Court Justice the Honourable Thomas Cromwell to lead an independent review of the organization's governance structures and systems.
6 August 2022	<ul style="list-style-type: none"> <li>• Meeting in Niagara (Ontario) of federal, provincial and territorial ministers responsible for sport, physical activity and recreation who call for a culture change in sport. They issue a call to action to leaders across all levels of the sport sector to address systemic issues and demonstrate accountability by providing an environment free of all forms of maltreatment and abuse. In addition, the ministers recognize the importance of creating an independent third-party mechanism to report incidents of abuse, violence and sexual assault.</li> <li>• Resignation of the Chair of the Board of Hockey Canada Michael Brind'Amour.</li> </ul>
4 October 2022	Two members of the Hockey Canada Board of Directors appear before CHPC.
8 October 2022	Andrea Skinner, Director and Interim Chair of the Hockey Canada Board of Directors, resigns.
28 October 2022	The Board of Directors of Water Polo Canada launches an independent internal investigation into allegations of mistreatment of female water polo athletes between 2004 and 2016.
4 November 2022	Hockey Canada releases the final report of the Honourable Thomas Cromwell's independent review of the organization's governance.
13 December 2022	The Honourable Thomas Cromwell appears before CHPC regarding his report on the review of Hockey Canada's governance.
17 December 2022	Hockey Canada members select a new Board of Directors.
28 March 2023	Budget 2023 provides \$13.8 million over three years to the Department of Canadian Heritage to enhance accountability and support efforts to build a safe and accountable sport system.
18 February 2023	Meeting in Charlottetown (Prince Edward Island) of federal, provincial and territorial ministers responsible for sport, physical activity and recreation, who reaffirm that safe sport remains a priority on their agenda.



Date	Measure/Initiative
11 May 2023	<p>Minister Pascale St-Onge announces measures to improve the governance of sport organizations funded by her department, enhance safe sport practices and amplify the role of athletes in decision making. Among the key measures are:</p> <ul style="list-style-type: none"><li>• requiring NSOs to adopt the Canadian Sport Governance Code;</li><li>• creating a compliance unit within Sport Canada to work with experts on developing clear indicators on governance and safe sport;</li><li>• prohibiting NSOs from signing non-disclosure agreements with athletes who have experienced or witnessed maltreatment;</li><li>• providing funding to AthletesCAN to support athlete governance training in order to give them a greater voice in the sport system;</li><li>• providing \$1 million to the Sport Support Program to improve awareness and prevention of maltreatment in the sport system;</li><li>• providing \$250,000 to the Coaching Association of Canada to improve coach training and ensure better control of coach certification;</li><li>• creating a public registry of individuals sanctioned under the UCCMS;</li><li>• reviewing the SDRCC Board of Directors appointment process; and</li><li>• requiring NSOs to be a Program Signatory to the Abuse-Free Sport program if they wish to receive funding from the Government of Canada.</li></ul>
14 June 2023	<p>The Standing Committee on the Status of Women (FEWO) releases the report <i>Time to Listen to Survivors: Taking Action Towards Creating a Safe Sport Environment for All Athletes in Canada</i>. Most of the 24 recommendations deal with the safe practice of sport in Canada.</p>
10 July 2023	<p>An independent investigation of a harassment and discrimination complaint submitted by athlete members of Bobsleigh Canada Skeleton finds that the allegations are unfounded.</p>
26 July 2023	<p>The Honourable Carla Qualtrough is appointed Minister of Sport and Physical Activity.</p>
16 October 2023	<p>The Government of Canada responds to the seventh report of FEWO, <i>Time to Listen to Survivors: Taking Action Towards Creating A Safe Sport Environment for All Athletes in Canada</i>.</p>
11 December 2023	<p>Minister Carla Qualtrough announces various safe sport measures:</p> <ul style="list-style-type: none"><li>• creation of the Future of Sport in Canada Commission;</li><li>• transition of the OSIC and the Abuse-Free Sport Program out of the SDRCC to ensure greater independence;</li><li>• elevation of the Sport Canada Athlete Advisory Committee to a Ministerial Athlete Advisory Committee;</li><li>• strengthening of accountability measures for NSOs and multisport organizations with the introduction of a new risk-based compliance framework; and</li><li>• development of a sport integrity framework that consolidates all sport integrity policy and makes it easily accessible to all sport stakeholders.</li></ul>

Date	Measure/Initiative
19 December 2023	The Abuse-Free Sport Program is launched, and Canada’s first Sport Integrity Commissioner, Sarah-Ève Pelletier, resigns.
30 January 2024	Five members of the 2017–2018 National Junior Hockey team are charged by the London Police Service in relation to the allegations of sexual assault in 2018: Dillon Dube, Cal Foote, Alex Formenton, Carter Hart and Michael McLeod.

Source: Table prepared by the Library of Parliament.

Recent calls by athletes, particularly the 2021 allegations made by former members of Canada Artistic Swimming’s women’s national senior team, were heard by the Parliament of Canada.<sup>1</sup>

On 28 April 2021, the House of Commons passed a motion recognizing “the responsibility of the government to do everything in its power to protect our high performance athletes from situations of abuse and harassment” and asking the Standing Committee on Canadian Heritage (the Committee) to study the handling of complaints in sport.<sup>2</sup>

## Original Context of the Study

What primarily triggered the current study was the revelation on 26 May 2022 by journalist Rick Westhead that Hockey Canada had reached an out-of-court settlement with a woman who alleged that she had been sexually assaulted by members of the 2017–18 National Junior Hockey Team.<sup>3</sup> This assault is alleged to have occurred in June 2018 in London, Ontario, at a Hockey Canada Foundation Gala. The amount awarded to the alleged victim by Hockey Canada as part of the out-of-court settlement was not disclosed.

Further to this revelation, the House of Commons adopted the following motion on 2 June 2022 by unanimous consent:

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- 1 On 9 March 2021, a class action lawsuit was filed against Artistic Swimming Canada by current and former athletes involved in the organization, alleging physical and psychological abuse.
  - 2 House of Commons, *Journals*, 28 April 2021.
  - 3 Rick Westhead, “[Hockey Canada, CHL settle lawsuit over alleged sexual assault involving World Junior players](#),” *TSN*, 26 May 2022; and Hockey Canada, [Canadian Roster set for 2018 IIHF World Junior Championship](#), 16 December 2017.



That the House call Hockey Canada before the Standing Committee on Canadian Heritage to shed light on its involvement in a case of alleged sexual assaults committed in 2018.<sup>4</sup>

Then on 13 June 2022, the Committee adopted the following motion:

That, pursuant to Standing Order 108(2) and the motion adopted by the House of Commons on Thursday, June 2, 2022, the committee schedule a three-hour meeting on Monday, June 20, 2022, to study the serious allegations of sexual assault concerning Hockey Canada; (a) that the Minister of Sport be invited to appear for one hour on Monday, June 20, 2022; (b) that Tom Renney, Chief Executive Officer of Hockey Canada, Scott Smith, President & Chief Operating Officer of Hockey Canada, David Andrews, Chair of the Hockey Canada Foundation, and Glen McCurdie, former Director of Risk Management, be ordered to appear before the committee for no less than two hours at a public televised meeting on Monday, June 20, 2022; and (c) that in respect of each of the individuals named in part (b) of this motion who does not agree, within 48 hours of the adoption of this motion, to appear for at least two hours, a summons be issued for his appearance before the committee on Monday, June 20, 2022.<sup>5</sup>

During summer and fall 2022, six meetings were held on this issue; the evidence is explored in greater detail in another section of this report.

## Expansion of the Study's Terms of Reference

Meetings held in summer 2022 with Hockey Canada led to renewed public calls for a more in-depth study of safe sport in Canada. In response, the Committee adopted a new motion on 20 September 2022:

That the committee's study of Hockey Canada's involvement in alleged sexual assaults committed in 2018 be expanded to include all matters related to the administration of Hockey Canada and other national

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4 House of Commons, *Journals*, 2 June 2022.

5 House of Commons Standing Committee on Canadian Heritage (CHPC), *Minutes of Proceedings*, 13 June 2022.



sporting federations; and that the title of the study be amended to “Safe Sport in Canada.”<sup>6</sup>

This report is based on this expanded study. In total, between 20 June 2022 and 19 June 2023, the Committee heard from 105 witnesses during 24 meetings, and it received 14 briefs.

Over the course of this study, the Committee heard from a broad range of witnesses, including current (and former) athletes, sports experts, NSOs and academics. These various stakeholders in the Canadian sport system provided a broad picture of the situation.

In addition to thanking all those who took part in the study, the Committee would also like to acknowledge the courage of the many individuals who testified about the harassment and maltreatment they had suffered. Indeed, sharing their experiences with the Committee may have forced them to relive traumatic events. Without the determination of the survivors leading the charge to reform the culture within the Canadian sport system, the Committee would not have been able to conduct this study.

The report is divided into several parts. It begins by outlining the Canadian sport system and identifying the federal government’s role within it. The report then focuses on the evidence surrounding the Hockey Canada situation, heard during Committee meetings between 20 June and 13 December 2022. Afterwards, it examines the evidence heard during the expanded phase of the study: it presents the recurring findings reported by witnesses and the key issues raised, including the call for a public inquiry into safe sport in Canada. The final part of the report looks to the future by presenting the changes already made or announced to the sport system since the start of the study, along with the Committee’s findings based on the evidence heard.

### **Study by the House of Commons Standing Committee on the Status of Women**

At the same time that the Committee conducted its study, the House of Commons Standing Committee on the Status of Women (FEWO) undertook a study on the situation for women and girls in sport in Canada. Between 21 October 2022 and 13 February 2023, that committee heard from 43 witnesses and received 19 briefs, resulting in the tabling in the House of Commons on 14 June 2023 of the report [Time to Listen to](#)

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6 CHPC, [Minutes of Proceedings](#), 20 September 2022.



## [Survivors: Taking Action Towards Creating a Safe Sport Environment for all Athletes in Canada.](#)

FEWO's report includes 24 recommendations focused on four key areas:

- fostering a culture of safety in Canadian sports;
- eradicating maltreatment in Canadian sports and supporting athletes;
- holding sports organizations accountable for creating safe sport environments; and
- improving the mechanisms for reporting maltreatment in sports in Canada.<sup>7</sup>

While some of the evidence heard overlaps between the two studies, the two reports are not identical: FEWO's report highlights the issue of maltreatment in Canadian sport, particularly toward women and girls, while this report focuses on a broader examination of the governance of national sport organizations. As such, the two reports should be seen as complementary.

The Committee wishes to commend FEWO for their outstanding work. It strongly encourages all stakeholders in the Canadian sport system, as well as Canadians in general, to read the content and recommendations in both reports.

## **Harassment and Abuse in High-Performance Sport in Canada**

In order to assess the prevalence of experiences of maltreatment, a [survey](#) of over 1,000 current and retired Canadian National Team athletes was conducted in 2019. This was the first study of its kind in over 20 years. The most frequently experienced form of maltreatment reported by athletes was psychological harm (e.g., shouting, name-calling, humiliation), followed by neglect (e.g., unequal treatment, forced training despite injury, etc.).<sup>8</sup>

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7 House of Commons Standing Committee on the Status of Women (FEWO), [Time to Listen to Survivors: Taking Action Towards Creating a Safe Sport Environment for all Athletes in Canada](#), June 2023, p. 10.

8 Gretchen Kerr, Erin Willson and Ashley Stirling, [Prevalence of Maltreatment Among Current and Former National Team Athletes](#), 30 April 2019.

For all forms of maltreatment, a significantly higher proportion of women reported at least one form of maltreatment compared to men.<sup>9</sup>

While some research shows that young athletes with a disability are more likely to be victims of harassment and abuse, the results of the 2019 Canadian National Team athlete survey show no statistically significant differences in the prevalence of maltreatment among para-athletes and able-bodied athletes. However, twice as many para-athletes as able-bodied athletes reported experiencing situations where their basic needs were not met (20% compared to 9%).<sup>10</sup>

## OVERVIEW OF THE CANADIAN SPORT SYSTEM

### Role of Federal, Provincial and Territorial Governments

Sport is not an area of jurisdiction explicitly mentioned in the *Constitution Act, 1867*. Each level of government enacts legislation in this area under its jurisdiction.

Under section 92 of the *Constitution Act, 1867*, the provinces have exclusive jurisdiction to legislate about matters related to health, municipal institutions and general matters of a local or private nature. In addition, section 93 gives the provinces jurisdiction over education.<sup>11</sup>

In 1978, at a tripartite meeting of ministers responsible for sport, physical activity and recreation, the Minister of State recognized the primacy of the provinces and territories in the field of recreation.<sup>12</sup> The principles outlining the roles of the federal, provincial, and territorial governments in the field of recreation, as well as the mechanisms for cooperation between governments, were then codified in the National Recreation Statement in 1987.

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9 Ibid., p. 13.

10 Gretchen Kerr, Erin Willson and Ashley Stirling, *Maltreatment in Canada: A Focus on Para-Athletes*, 2019, pp. 5–7.

11 John Barnes, *Sports and the Law in Canada* (Third Edition), Butterworths, 1997, p. 10.

12 National Recreation Statement, Québec, September 1987, p. 6.



The federal government can complement provincial sport initiatives by providing grants under its spending power.<sup>13</sup> Moreover, whenever an issue is deemed to have an international aspect, the federal government can, in practice, assert “its interest.”<sup>14</sup>

Section 4(2) of the [Department of Canadian Heritage Act](#) gives the Minister of Canadian Heritage responsibility over “the encouragement, promotion and development of sport.” As well, the [Physical Activity and Sport Act](#) grants the Minister of Canadian Heritage and the Minister of Health joint authority to take certain measures to encourage, promote and develop physical activity and sport in Canada. The principles set out in section 4(1) provide that:

The Government of Canada’s policy regarding sport is founded on the highest ethical standards and values, including ... the treatment of all persons with fairness and respect, the full and fair participation of all persons in sport and the fair, equitable, transparent and timely resolution of disputes in sport.

Intergovernmental co-operation is the key driver behind federal, provincial and territorial initiatives surrounding sport, recreation and physical activity.<sup>15</sup> Since 1986, this collaboration has occurred through the [Federal-Provincial/Territorial Sport Committee](#). Over time, the various governments have worked together to adopt declarations and framework documents signifying their commitment to improving the sport system, some of which are described below.

Approved in June 2012 by the federal, provincial and territorial ministers responsible for sport, physical activity and recreation, the [Canadian Sport Policy 2012](#) (CSP 2012) states that the federal government “supports high performance athlete, coach and sport system development at the national level through support to national sport organizations.”<sup>16</sup> This followed from the first Canadian Sport Policy adopted in 2002.

CSP 2012 places a great deal of importance on safety and ethics in both participatory and competitive sport. With regard to competitive sport, CSP 2012 states that Canadian athletes must have the opportunity to measure their performance against others “in a

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13      *Ibid.*, p. 11.

14      *Ibid.*, pp. 10 and 11.

15      The federal, provincial and territorial governments’ respective shared roles and responsibilities are set out in the 1987 National Recreation Statement.

16      Sport Information Resource Centre (SIRC), [Canadian Sport Policy 2012](#), p. 17.

safe and ethical manner.”<sup>17</sup> It also states that all participants in competitive sport must adhere to “a code of ethics and code of conduct.”<sup>18</sup>

In February 2019, the federal, provincial and territorial governments adopted the [Red Deer Declaration – For the Prevention of Harassment, Abuse and Discrimination in Sport](#). They recognized that sport “must be free from harassment, abuse, unethical behaviour, and discrimination, regardless of sex, gender identity or expression, ethnicity, religion, language, age, sexual orientation, ability, or any other basis.”<sup>19</sup>

It must be noted that the province of Québec did not sign this declaration, indicating that while it shared these objectives, it has “its own programs, action plans, objectives and targets” in this area. It “intends to remain solely responsible for defining the prevention and awareness measures and tools that are used and disseminated over its territory.”<sup>20</sup>

During a meeting in August 2022, the ministers responsible for sport, physical activity and recreation agreed that providing a safe sport environment was “a collective responsibility.”<sup>21</sup> They agreed “to work towards establishing an independent third-party mechanism in their jurisdiction, including processes for the reporting and resolution of maltreatment allegations for sport organizations funded by a federal, provincial or territorial government in 2023.”<sup>22</sup> Quebec abstained from this statement for the same reasons as above.<sup>23</sup>

At their latest meeting, held in February 2023, the ministers responsible for sport, physical activity and recreation discussed the renewal of the CSP 2012 and “agreed in

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17 Ibid., p. 11.

18 Ibid.

19 Canadian Intergovernmental Conference Secretariat, Conference of Federal, Provincial and Territorial Ministers Responsible for Sport, Physical Activity & Recreation, [Red Deer Declaration – For the Prevention of Harassment, Abuse and Discrimination in Sport](#).

20 Canadian Intergovernmental Conference Secretariat, Conference of Federal, Provincial and Territorial Ministers Responsible for Sport, Physical Activity & Recreation, [Sport, Physical Activity and Recreation Ministers Collaborate to Make Sport Safe and Inclusive](#), 15 February 2019.

21 Canadian Intergovernmental Conference Secretariat, 2022 Conference of Federal, Provincial and Territorial Ministers Responsible for Sport, Physical Activity & Recreation, [Ministers responsible for sport, physical activity and recreation will build a safe and welcoming sport environment](#), 6 August 2022.

22 Ibid.

23 Ibid.



principle on the direction outlined in the Canadian Sport Policy foundation document.”<sup>24</sup> The new policy, which was set to be adopted in 2023, would be in effect until 2033. At the time of writing this report, the new policy has not yet been published.

## Role of Other Federal Actors

In addition to the direct role played by the various levels of government, the federal government has also introduced a variety of initiatives through various agencies to ensure safe sport. The following section presents some of these agencies, whose work was discussed during the Committee’s study.

### Sport Canada

Sport Canada is the Department of Canadian Heritage branch responsible for administering sport programs.

The [National Sport Organization](#) component of the [Sport Support Program](#) (SSP) administered by Sport Canada is the mechanism for funding NSOs. To be eligible for Sport Canada funding, all national sport organizations “must adopt the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* (UCCMS) and become a Program Signatory to the [Abuse-Free Sport](#) program, including the services of the Office of the Sport Integrity Commissioner (OSIC).”<sup>25</sup> The [Abuse-Free Sport](#) program gives access to safe sport training, mental health services and legal assistance. Access to the Abuse-Free Sport Helpline is also offered.

In addition, funding agreements with Sport Canada have provisions requiring national sport organizations to foster safe workplace environments. Organizations must:

- disclose to the Minister of Sport and Physical Activity any incident of harassment, abuse or discrimination that could compromise the project or programming;
- make provisions for access to an independent third party to address harassment and abuse cases;

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24 Canadian Intergovernmental Conference Secretariat, 2023 Conference of Federal, Provincial and Territorial Ministers Responsible for Sport, Physical Activity & Recreation, [Ministers responsible for sport, physical activity and recreation collaborate to make a safe, inclusive sport environment and to support physical activity](#), 18 February 2023.

25 Canadian Heritage, [Safety in sport](#).

- provide mandatory training on harassment and abuse to their members; and
- have a formal policy to address harassment and abuse.<sup>26</sup>

At the time of writing, all 62 NSOs are [signatories](#) to the Abuse-Free sport program.

The [Canadian Sport Governance Code](#), last updated and adopted in 2021, sets out the rules governing NSOs.<sup>27</sup> These rules concern the workings and composition of boards of directors, including financial and transparency rules.

Over the last 20 years, Sport Canada has implemented a series of sports-related policies, notably:

- [Sport Canada's Policy on Aboriginal Peoples' Participation in Sport](#) (2005)
- [Policy on Sport for Persons with a Disability](#) (2006)
- [Actively Engaged: A Policy on Sport for Women and Girls](#) (2009)
- [Canadian Policy Against Doping in Sport](#) (2011)
- [2019 Canadian High Performance Sport Strategy](#) (2019)

At this time, two safe sport training programs meet Sport Canada standards:

- [Safe Sport Training](#) helps individuals directly involved with athletes identify and prevent situations of maltreatment. Specifically, the training gives participants an understanding of UCCMS principles.
- The [Respect in Sport Activity Leaders Program](#) helps sport leaders, coaches, officials and participants 14 and older recognize, understand and respond to issues of bullying, abuse, harassment and discrimination.

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26 Canadian Heritage, [Minister Duncan Announces Stronger Measures to Eliminate Harassment, Abuse and Discrimination in Sport](#), 19 June 2018.

27 Exemptions are possible at this time. As announced by the Minister of Sport in May 2023, adherence to the Canadian Sport Governance Code will be mandatory as of 2025 in order to be eligible for Sport Canada funding.



A December 2020 survey of 58 NSOs revealed that over 75% have had staff, coaches and athletes “complete training on harassment, abuse and discrimination, while progress in training volunteers is much slower.”<sup>28</sup>

## Sport Dispute Resolution Centre of Canada

Created in 2002, the mission of the [Sport Dispute Resolution Centre of Canada](#) (SDRCC) is to “provide to the sport community (a) a national alternative dispute resolution service for sport disputes; and (b) expertise and assistance regarding alternative dispute resolution.”<sup>29</sup> At the time of the study, the SDRCC was also responsible for administering the [Abuse-Free Sport](#) program, whose role is to work with NSOs on the handling of alleged violations of the UCCMS.<sup>30</sup> The UCCMS includes

- common principles and a commitment to advance a respectful sport culture;
- standard definitions of various forms of maltreatment, including grooming, neglect, and physical, sexual, and psychological abuse;
- a list of other prohibited behaviour such as retaliation, failure to report maltreatment, intentionally filing false allegations, misuse of power, etc.; and
- a framework for determining appropriate sanctions against such prohibited behaviour.<sup>31</sup>

The UCCMS is clear on the fact that adult participants have the legal duty to report “potential abuse of a person under the age of protection in their province or territory of residence, in accordance with applicable provincial and territorial legislation.”<sup>32</sup> Failure to report a prohibited behaviour under the UCCMS concerning another adult constitutes a violation of the code of conduct.

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28 Government of Canada, [Grouped Evaluation of Sport Canada Programs 2015–16 to 2019–20](#), 25 October 2021, p. 47.

29 [Physical Activity and Sport Act](#), S.C. 2003, c. 2, s. 10(1).

30 This is now a responsibility of the Office of the Sport Integrity Commissioner.

31 Office of the Sport Integrity Commissioner (OSIC), [The UCCMS](#).

32 Sport Dispute Resolution Centre of Canada (SDRCC), [Universal Code of Conduct to Prevent and Address Maltreatment in Sport](#), 2022, p. 15.



Sport organizations that have adopted the UCCMS can engage the SDRCC's services to implement their own safe sport program. Services include Abuse-Free Sport complaint management, an independent investigation process, dispute resolution and guidance on maltreatment.<sup>33</sup> Signatories to the Abuse-Free Sport program include not only NSOs, but also multisport service organizations and other sports organizations.<sup>34</sup>

The [Canadian Sport Helpline](#) is an anonymous, confidential and independent service that provides counselling, psychology and sport services to witnesses and potential victims of harassment, abuse or discrimination in sport to allow them to share their concerns. This is the first point of contact with the [Abuse-Free Sport](#) program to help potential victims find out whether their complaint is admissible. Mental health resources and legal aid are also available.

### Office of the Sport Integrity Commissioner

The [Office of the Sport Integrity Commissioner](#) (OSIC) is a separate division of the SDRCC responsible for administering the UCCMS. It was established after the SDRCC was mandated by the federal government on 6 July 2021 to establish an independent safe sport mechanism to implement the UCCMS at the national level. On 5 April 2022, the SDRCC announced that Sarah-Ève Pelletier, former national team artistic swimmer, had been hired as Canada's first Sport Integrity Commissioner.<sup>35</sup> The OSIC began operations on 20 June 2022.<sup>36</sup>

The OSIC is active in two different processes: the [complaint management process](#) and [Sport Environment Assessments](#). Each individual complaint undergoes an initial review and preliminary assessment. The OSIC then determines the next steps. Sport Environment Assessments are used to address systemic issues related to the UCCMS, such as by looking at the situation within a specific organization.

Although the OSIC does not have the power to sanction, it can recommend that the [Director of Sanctions and Outcomes](#) impose one when necessary. According to publicly available data, during its first year of operations (20 June 2022 to 30 June 2023), the OSIC received 193 complaints, including 66 which were deemed admissible and nine still

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33 OSIC, [Executive Summary of the Signatory Agreement](#).

34 OSIC, [Program Signatories](#).

35 Of note, Ms. Pelletier stepped down from her role in early 2024. Pending the appointment of a new Commissioner, André Lepage is the interim Commissioner.

36 OSIC, [Office of the Sport Integrity Commissioner to launch first phase of operations on June 20 2022](#), 17 May 2022.



awaiting determination.<sup>37</sup> The reasons a complaint can be deemed inadmissible to the OSIC include:

- the organization listed was not a Signatory of Abuse-Free Sport;
- the organization listed was a Signatory, but the Respondent was not a Participant under the authority of a Signatory;
- the matter was unrelated to the UCCMS; or
- the Complaint contained inadequate information to proceed and there was no method of contacting the Reporter to obtain the necessary information.<sup>38</sup>

### Complaint Process

The OSIC can deal only with complaints concerning an alleged violation of the UCCMS (maltreatment and discrimination) by a participant who is covered by it and is under the authority of an Abuse-Free Sport program signatory.<sup>39</sup>

Nearly all signatories have authority only over participants at the national level, the exception being Volleyball Canada which also has authority over participants involved at the provincial/territorial and club levels.

Each complaint received goes through an initial review and preliminary assessment. If the complaint is accepted, the OSIC will determine next steps in accordance with the [\*OSIC Guidelines Regarding Initial Review & Preliminary Assessment of Complaints\*](#) and the [\*OSIC Guidelines Regarding Investigation of Complaints\*](#). OSIC documents do not set out time frames for the various stages of the complaint process.

If the complaint is deemed inadmissible, the OSIC indicates that it “aims to accompany the person who came forward in identifying alternative services that may be available to them”<sup>40</sup> and can, with the person’s consent, transfer the complaint to the competent

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37 Abuse-Free Sport, [\*Year One Report – June 2022 – June 2023\*](#), p. 7.

38 Ibid.

39 OSIC, [\*Program Signatories\*](#).

40 Abuse-Free Sport, [\*Year One Report – June 2022 – June 2023\*](#), p. 7.

organization, which will then have to determine if it is admissible according to their criteria.

### *Sanctions and Provisional Measures*

Any form of maltreatment prohibited by the UCCMS is considered a violation of the code of conduct, and sanctions may be imposed on the perpetrators. Based on the independent investigator's report, the Sport Integrity Commissioner may make recommendations, which can include sanctions. These recommendations are presented to the [Director of Sanctions and Outcomes](#) (DSO) who is independent of the OSIC and has the authority to impose sanctions on Abuse-Free Sport signatory participants. At this time, there are no guidelines available regarding sanctions.

Sanctions may include verbal or written apologies or warnings, education, probation, suspension, eligibility restrictions, permanent ineligibility and other discretionary sanctions.<sup>41</sup> The UCCMS provides a list of relevant factors to consider when determining appropriate sanctions, including "the nature and duration of the Respondent's relationship with the affected individuals, including whether there is a Power Imbalance or position of trust," the Respondent's prior history and the ages of the persons involved.<sup>42</sup> At the time of writing, there are no guidelines concerning sanctions.

The DSO may also impose provisional measures<sup>43</sup> if such a recommendation is made by the OSIC. The OSIC may determine that provisional measures are warranted at any stage in the complaint process. [Considerations](#) to be given when contemplating imposing provisional measures must include

- the seriousness of the allegations and the facts and circumstances;
- the safety and well-being of participants and the sport community;
- potential risks and harms from action and inaction; and

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41 SDRCC, [Universal Code of Conduct to Prevent and Address Maltreatment in Sport](#), 31 May 2022, para. 7.2.

42 Ibid., para. 7.4.

43 Provisional measures are defined as "any temporary remedy warranted under special circumstances to preserve parties' rights, both substantive and procedural, pending the final resolution of an alleged violation of the UCCMS. Provisional Measure(s) are not Sanctions (as defined in the UCCMS) and may take many forms as described in these Guidelines." See: OSIC, [OSIC Guidelines Regarding Provisional Measures](#).



- the best interest of the sport and those who participate in it, including the views of the persons directly impacted.<sup>44</sup>

According to the [OSIC Guidelines Regarding Provisional Measures](#), provisional measures may include temporary suspension, a change of duties or workplace, and limits on contact, lodging, travel, communications, activities and authority.

## International involvement in Canadian Sport

Over the course of the study, some witnesses discussed at length the concept of autonomy of sport, or sport autonomy. This refers to the fifth fundamental principle in the preamble to the *Olympic Charter*:

Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall apply political neutrality. They have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.<sup>45</sup>

The International Olympic Committee (IOC) expects National Olympic Committees and International Sports Federations to protect the autonomy of sport. Rule 27 of the *Olympic Charter* states that National Olympic Committees:

must preserve their autonomy and resist all pressures of any kind, including but not limited to political, legal, religious or economic pressures which may prevent them from complying with the Olympic Charter.<sup>46</sup>

For reference, the United Nations General Assembly<sup>47</sup> (2014) and the heads of state and government of the Group of Seven<sup>48</sup> (2023) have recognized the autonomy of sport.

Witnesses shared concerns about the concept's negative impact on athlete safety. Whitney Bragagnolo, Ph.D. candidate and sport governance and anti-corruption consultant, said that the sport autonomy that Canadian sport organizations are calling

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44 OSIC, [OSIC Guidelines Regarding Provisional Measures](#), 2022, p. 3.

45 International Olympic Committee (IOC), [Olympic Charter](#), Principle 5, p. 8.

46 Ibid., Chapter 4, Rule 27.

47 IOC, [Historic milestone: United Nations recognises autonomy of sport](#), 3 November 2014.

48 IOC, [IOC welcomes G7 Leaders' support for the autonomy of sport](#), 22 May 2023.

for shields them from moral, social and judicial scrutiny.<sup>49</sup> For Scholars Against Abuse in Canadian Sport, autonomy of sport marginalizes athletes with diverse intersectional identities “through non-compliance with human rights legislation.”<sup>50</sup>

Kristen Worley, advocate and former elite athlete, believes that the autonomy of sport allows national and international sports organizations to operate “outside the civil law and society.”<sup>51</sup> According to Ms. Worley, the Canadian sports system “is a mini model of the Olympic system internationally.”<sup>52</sup>

This autonomy means that there is no supervision or recourse to the civil or criminal courts of a given country. The Court of Arbitration for Sports was created in Switzerland for this purpose, and replicated in Canada with the creation of the SDRCC in 2005 and most recently OSIC in 2022. Outside the system of sport autonomy, Ms. Worley was able, with the help of counsel, to take her case to all four levels of sport at the same time. The defendants were the IOC, the World Anti-Doping Agency, the International Cycling Union, Cycling Canada and Cycling Ontario, and the case was heard in Ontario by both civil and human rights courts.

## Respect of athletes’ fundamental rights to ensure a safe sport environment

Human rights are lawful rights conferred on human beings. They define what human beings are entitled to, including the right to live in equality, dignity and respect, free of discrimination or harassment. In Canada, human rights are protected under the *Canadian Charter of Rights and Freedoms* and other federal, provincial and territorial legislation.

Human rights in Canada are consistent with those set out in international treaties ratified by Canada. Canada has ratified eight United Nations [international human rights treaties](#) and must submit reports to that body. They are:

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49 CHPC, *Evidence*, 1 May 2023, 1120 (Whitney Bragagnolo, Ph.D. Candidate, Sport Governance and Anti-Corruption Consultant, As an Individual).

50 Scholars Against Abuse in Canadian Sport, *Hearing Survivors: Toward a National Inquiry of Maltreatment in Sport. A brief to the Standing Committee on the Status of Women and the Standing Committee on Canadian Heritage*, 21 June 2023, p. 15.

51 CHPC, *Evidence*, 5 June 2023, 1100 (Kristen Worley, Former Elite Athlete and Advocate, As an Individual).

52 *Ibid.*, 1140.



- the *International Bill of Human Rights*, which includes the *Universal Declaration of Human Rights*;
- the *International Convention on the Elimination of All Forms of Racial Discrimination*;
- the *International Covenant on Civil and Political Rights*;
- the *International Covenant on Economic, Social and Cultural Rights*;
- the *Convention on the Elimination of All Forms of Discrimination against Women*;
- the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*;
- the *United Nations Convention on the Rights of the Child*; and
- the *United Nations Convention on the Rights of Persons with Disabilities*.

During this study, witnesses stressed the need for sports organizations to be held accountable for respecting the human rights set out in international human rights treaties.

For academics Bruce Kidd, Gretchen Kerr and Peter Donnelly, the “current crises”<sup>53</sup> affecting Canadian sport “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.”<sup>54</sup> They point out that Canada signed international agreements “that require member states to bring a rights-based perspective to sport.”<sup>55</sup> Article 19 of the *United Nations Convention on the Rights of the Child* was cited by witnesses as protecting children from all forms of violence, including in sports and recreation.

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53 Bruce Kidd, Gretchen Kerr and Peter Donnelly, *Ensuring Full and Safe Participation By Canadian Girls and Women, Fair Athlete Representation, and Good Governance In Canadian Sport*, 14 December 2022, p. 2.

54 Ibid.

55 Ibid.

Ms. Bragagnolo argued that a “lack of professional capacity”<sup>56</sup> and “a lack of independence”<sup>57</sup> hinder safe sport. She said that complaints of alleged maltreatment and violence should be handled by human rights experts:

Human rights lawyers, for example, [as] opposed to sports lawyers may be better equipped to handle abuse cases due to their specialized knowledge and training in areas such as gender-based violence, discrimination, and human rights violations.<sup>58</sup>

Other witnesses said that certain federal institutions had not done enough to protect athletes’ rights. For instance, Ms. Worley believes that the Department of Justice and Sport Canada “did no due diligence upholding the state obligation in respect of protecting and fulfilling human rights as a result of international customary human rights law....”<sup>59</sup>

Other witnesses also questioned the sports dispute resolution systems adopted by national sports organizations. These services emphasize education, mediation and arbitration for dispute resolution. In brief, three criticisms were made of this internal judicial system:

- the lack of participation of athletes bound by the legal framework;
- the violation of athletes’ rights; and
- non-compliance with human rights standards.

For Ms. Worley, this legal system, based on the autonomy of sport, is modelled on the International Olympic Committee. According to Ms. Worley, it is “a continuous system allowing the organizations to be able to work within this autonomy so that they don’t have the oversight.”<sup>60</sup> For her part, Kim Shore, co-founder of Gymnasts for Change Canada, believes that there needs to be “a complaint mechanism run outside of sports.”<sup>61</sup>

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56 CHPC, [Evidence](#), 1 May 2023, 1205 (Whitney Bragagnolo).

57 Ibid.

58 Whitney Bragagnolo, [A brief to The Standing Committee on the Status of Women and The Standing Committee on Canadian Heritage](#), 5 May 2023, p. 13.

59 CHPC, [Evidence](#), 5 June 2023, 1100 (Kristen Worley).

60 Ibid., 1140.

61 CHPC, [Evidence](#), 27 March 2023, 1140 (Kim Shore, Co-founder, Gymnasts for Change, As an Individual).



The challenge is to protect the integrity of each individual, especially in environments where they are active participants, such as sports, education and the workplace. The goal is to create safe, active and healthy environments where individuals can thrive without fear of harm or discrimination. By taking proactive measures, institutions and organizations can promote the well-being of their members, whether they are athletes, students or staff. This means implementing policies and practices that respect human rights, ensure physical and psychological safety, and encourage active participation in various aspects of life.

Incorporating diverse voices and perspectives is vital for seizing this opportunity. Creating adaptive, integrated and welcoming environments where individuals feel valued and heard enhances personal integrity and contributes to the overall betterment of society. In doing so, we can encourage individuals to reach their full potential and create communities that prioritize everyone's well-being.

## **MEETINGS ON HOCKEY CANADA**

Before the study was expanded to safe sport in Canada, the Committee conducted an in-depth study of Hockey Canada's actions following the revelation of a civil lawsuit by an alleged victim of sexual assault in 2018 after a Hockey Canada Foundation Gala. The Committee heard from the various actors involved, including Hockey Canada and its board of directors, the Canadian Hockey League (CHL), the law firm retained by Hockey Canada, and Sport Canada. The Committee also invited the Honourable Thomas Cromwell, a former Supreme Court Justice who, at Hockey Canada's request, prepared a report on the review of the organization's governance, to present his findings. The Minister of Sport, Pascale St-Onge, and Sport Canada officials also appeared before the Committee. The following section presents their testimony.

### **Testimony of Hockey Canada Officials**

On 20 June 2022, officials from Hockey Canada appeared before the Committee for the first time to present their version of events. They appeared for the second time on 27 July 2022, along with officials from the Canadian Hockey League (CHL), the Quebec Major Junior Hockey League (QMJHL), the Ontario Hockey League (OHL) and the Western Hockey League (WHL). On 15 November 2022, Pat McLaughlin, Senior Vice President of Hockey Canada, and Bob Nicholson, former president and CEO of Hockey Canada, also appeared in order to answer questions from the Committee.

It is worth noting that another case of alleged sexual assault involving Team Canada junior players occurred in 2003 during the World Junior Championship in Halifax, Nova



Scotia. This information was made public by Hockey Canada on 22 July 2022.<sup>62</sup> The organization hired “an independent investigator”<sup>63</sup> to look into the incident. Sport Canada and the Halifax Police Service were also notified. At the time of writing, the Committee is unaware of any further action having been taken by Hockey Canada or the Halifax Police Service on this file.

During their appearance, Hockey Canada refuted allegations that the organization had refused to investigate the June 2018 incident in London. According to Hockey Canada CEO Tom Renney, the organization took the following actions in the days that followed:

- 19 June: The London Police Service was notified.
- 19 June: The law firm Henein Hutchison was commissioned to conduct an independent investigation. Hockey Canada “strongly encouraged”<sup>64</sup> all 2017–2018 Junior Team Canada team players to participate in the investigation.
- Exact date not specified: An independent adjudication panel of judges was appointed to review the findings of the independent investigation and impose any disciplinary measures warranted.<sup>65</sup>
- 26 June: Sport Canada was notified of the incident.<sup>66</sup>
- Within a week to ten days after the fact: the Hockey Canada Board of Directors was notified of the incident.<sup>67</sup>
- 24 May 2022: Representatives of the Hockey Canada Foundation, which hosted the gala, were notified.<sup>68</sup>

Hockey Canada President and Chief Operating Officer Scott Smith said that as of June 2022, neither the investigation carried out by the London Police Service nor the one commissioned from the firm Henein Hutchison had been completed. Neither

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62 Hockey Canada, [Hockey Canada Statement](#), 22 July 2022.

63 CHPC, [Evidence](#), 27 July 2022, 1150 (Scott Smith, President and Chief Operating Officer, Hockey Canada).

64 *Ibid.*, 1625.

65 CHPC, [Evidence](#), 20 June 2022, 1605 (Tom Renney, Chief Executive Officer, Hockey Canada).

66 CHPC, [Evidence](#), 20 June 2022, 1620 (Scott Smith).

67 CHPC, [Evidence](#), 20 June 2022, 1615 (Tom Renney).

68 CHPC, [Evidence](#), 20 June 2022, 1640 (Dave Andrews, Chair, Hockey Canada Foundation, Hockey Canada).



investigation was able to “confirm the identity”<sup>69</sup> or culpability of the players involved. The Committee was told that the alleged victim did not wish to be identified or identify the players involved. According to Mr. Renney, it was not possible to draw a conclusion “regarding the role that any player may have played in the incident.”<sup>70</sup> Mr. Smith said that the interim report prepared by Henein Hutchison was not released as it was under privilege and so as not to interfere with “other investigations going on.”<sup>71</sup> It is worth noting that the police investigation has since resulted in charges against five players from Canada’s 2018 World Junior team: Michael McLeod, Cal Foote, Dillon Dubé, Carter Hart, and Alex Formenton. At the time of writing, the case is ongoing.<sup>72</sup>

Hockey Canada told the Committee why it chose to settle out of court with the complainant. Hockey Canada felt that it had “a moral obligation to respond to the alleged behaviour that occurred at one of our events by players who attended at our invitation.”<sup>73</sup> Hockey Canada wished to respect the alleged victim’s privacy and to avoid requiring her to participate “in a prolonged court proceeding.”<sup>74</sup> It is worth noting that the Hockey Canada Board of Directors “endorsed management proceeding with the settlement.”<sup>75</sup> This decision was made during an in camera meeting, but was not recorded in official minutes.<sup>76</sup>

Mr. Smith said that no public funds were used as part of the settlement.<sup>77</sup> Hockey Canada used the National Equity Fund (NEF) to compensate the complainant.<sup>78</sup> To provide some background, the NEF is a reserve fund used to settle claims not covered by Hockey Canada’s commercial insurance. An investigation published by the Globe and Mail in June 2022 revealed that part of the money collected via registration fees from players across Canada is used to feed this reserve fund.<sup>79</sup> A few months later in

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69 CHPC, [Evidence](#), 20 June 2022, 1625 (Scott Smith).

70 CHPC, [Evidence](#), 20 June 2022, 1605 (Tom Renney).

71 CHPC, [Evidence](#), 20 June 2022, 1615 (Scott Smith).

72 [5 ex-Canadian world junior hockey players back in court in September on sexual assault charges](#), *CBC News*, 14 May 2024.

73 CHPC, [Evidence](#), 20 June 2022, 1605 (Tom Renney).

74 *Ibid.*

75 CHPC, [Evidence](#), 20 June 2022, 1625 (Scott Smith).

76 *Ibid.*, 1135.

77 *Ibid.*, 1625.

78 *Ibid.*, 1235.

79 Grant Robertson, “[How Hockey Canada used registration fees to build a fund to cover sexual-assault claims](#)”, *The Globe and Mail*, 19 juin 2022.

October 2022, the Globe and Mail revealed that the same registration fees were also used to feed the Participants Legacy Trust Fund, a fund said by Hockey Canada to “fund uninsured liabilities, including but not limited to bodily injuries, concerning incidents that occurred between September, 1986, and August, 1995.”<sup>80</sup>

In his report on the governance of Hockey Canada, the Honourable Thomas Cromwell wrote the following about the NEF:

From 1989 to 2022, the NEF covered 21 settlements for uninsured or underinsured claims. 10 of the 21 settlements related to injuries and accidents in relation to which the claims exceeded available insurance coverage and included claims related to Ontario Human Rights Tribunal complaints. The remaining 11 claims relate to sexual misconduct matters.<sup>81</sup>

Mr. Renney said that the organization took “full responsibility for where we are today.”<sup>82</sup> He acknowledged “that issues of maltreatment, including bullying, harassment, racism, homophobia and sexual abuse”<sup>83</sup> exist in hockey.

On 27 July 2022, Mr. Smith admitted that Canadians’ trust in the organization “has been eroded.”<sup>84</sup> He acknowledged that Hockey Canada could have “done more”<sup>85</sup> and could have “done things quicker.”<sup>86</sup> Consequently, according to Mr. Smith, the organization has done the following to regain Canadians’ trust:

- The independent investigation led by Henein Hutchison was reopened. Players who refuse to co-operate “will be banned from all Hockey Canada activities and programs.”<sup>87</sup>
- High-performance players, coaches, team staff and volunteers will receive mandatory training on how to conduct themselves off the ice.

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80 Grant Robertson and Colin Freeze, [Hockey Canada used player fees to build a second fund for sexual assault claims](#), *The Globe and Mail*, 3 October 2022.

81 The Honourable Thomas Cromwell, C.C., [Final Report – Hockey Canada Governance Review](#), 31 October 2022, p. 153.

82 CHPC, [Evidence](#), 20 June 2022, 1645 (Tom Renney).

83 *Ibid.*, 1605.

84 CHPC, [Evidence](#), 27 July 2022, 1125 (Scott Smith).

85 *Ibid.*, 1145.

86 *Ibid.*

87 *Ibid.*, 1125.



- A full governance review of Hockey Canada will be conducted.
- Hockey Canada will become a signatory to the Office of the Sport Integrity Commissioner.
- An independent and confidential mechanism will be created to investigate complaints, even historical ones.<sup>88</sup>

Mr. Smith also said that all 11 recommendations made by Henein Hutchison in their interim report of September 2018 “will be fully implemented.”<sup>89</sup> The recommendations, as provided directly to the Committee by Hockey Canada, are

- 1) Revise the Code of Conduct to include:
  - a) a provision to make explicit the scope of application of the Code of Conduct;
  - b) a morality provision;
  - c) specific sexual misconduct prohibitions; and
  - d) specific and serious consequences for any breaches of the Code of Conduct.
- 2) Introduce mandatory training on:
  - a) the Code of Conduct;
  - b) alcohol abuse; and
  - c) sexual assault avoidance.
- 3) Take the following steps at similar Hockey Canada events in the future:
  - a) increase security and supervision;
  - b) prevent underage drinking;

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88     ibid.

89     ibid., 1330.

- c) limit Hockey Canada sponsored alcohol; and
- d) introduce protocols for Hockey Canada staff and coaches at such events that include enforcement of the Code of Conduct.

Mr. Smith said that he had the support of the Hockey Canada Board of Directors to implement the various measures in the [Action Plan to Improve Canada's Game](#).<sup>90</sup>

On 15 November 2022, Pat McLaughlin, Senior Vice-President, Strategy, Operations and Brand with Hockey Canada, appeared before the Committee.<sup>91</sup> Mr. McLaughlin acknowledged that Canadians expected “meaningful action”<sup>92</sup> from Hockey Canada. He admitted that the sports organization had been “too slow to act”<sup>93</sup> and that there was still a lot of education work to do. Just as Scott Smith had done in July 2022, Mr. McLaughlin was eager to point out the various measures implemented by Hockey Canada since June 2022.<sup>94</sup>

According to Mr. McLaughlin, the resignation of the board and of President and Chief Operating Officer Scott Smith in October 2022 shows that Hockey Canada was eager “to make room for leadership change.”<sup>95</sup> It must be noted that on 17 December 2022, a new board of directors took over. The selection process was led by an “Independent Nominating Committee” appointed by Andrea Skinner, interim chair of the Hockey Canada Board of Directors from August to October 2022<sup>96</sup>; nominations were then submitted to a vote of Hockey Canada members.<sup>97</sup>

Committee members questioned Hockey Canada’s hiring of Navigator in summer 2022. Navigator specializes in crisis management and public affairs campaigns. As of 15 November 2022, Navigator had been paid approximately \$1.6 million in fees.<sup>98</sup>

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90 Ibid., 1125.

91 CHPC, [Evidence](#), 15 November 2022, 1110 (Pat McLaughlin, Senior Vice-President, Strategy, Operations and Brand, Hockey Canada).

92 Ibid., 1105.

93 Ibid.

94 Ibid.

95 Ibid.

96 Joshua Clipperton, « [Hockey Canada's incoming board to be selected by committee, not a wider vote](#)”, The Canadian Press, 18 November 2022.

97 Hockey Canada, “[Hockey Canada’s Members Elect New Board of Directors](#)”, Press release, 17 December 2022.

98 CHPC, [Evidence](#), 15 November 2022, 1145 (Pat McLaughlin).



According to Mr. McLaughlin, the Hockey Canada Board of Directors made the decision to use the firm’s services in order to be more “transparent.”<sup>99</sup> Navigator was also asked to help them “work with the media.”<sup>100</sup> Hockey Canada also wanted guidance on the selection of individuals to sit on the independent panel for the implementation of the action plan.<sup>101</sup>

Bob Nicholson spoke to the Committee about his experience as president and CEO of Hockey Canada from 1998 to 2014. He called the incidents that occurred on 19 June 2018 in London and the 2003 incidents in Halifax “an outrage.”<sup>102</sup>

Mr. Nicholson told the Committee that during his term, he had three priorities:

- Improve player safety.
- Address the issue of sexual abuse.
- Restore the financial health of the organization.<sup>103</sup>

During his term, Mr. Nicholson was responsible for the NEF, the Participants Legacy Trust Fund and the Insurance Rate Stabilization Fund. These funds were established to ensure that Hockey Canada had enough funds “if something drastic happened to Hockey Canada or the various levels below us.”<sup>104</sup> Mr. Nicholson acknowledged that management of the three funds was “left to our insurance people.”<sup>105</sup> At the time he left Hockey Canada in 2014, these funds were valued according to Mr. Nicholson at between “\$40 million to \$50 million.”<sup>106</sup>

Much of the money paid out through these funds was used to compensate the victims of former coach Graham James. From 1998 to 2014, payments were made to seven victims of sexual assault.<sup>107</sup> Mr. Nicholson said that Hockey Canada’s Board of Directors

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99 Ibid.

100 Ibid.

101 Ibid.

102 CHPC, [Evidence](#), 15 November 2022, 1110 (Bob Nicholson, Chairman of Hockey, Oilers Entertainment Group).

103 Ibid.

104 Ibid., 1115.

105 Ibid.

106 Ibid.

107 Ibid., 1130.

approved these out-of-court settlements on the recommendation “from our lawyers, from our risk management, from our insurance people.”<sup>108</sup> As part of his role with Hockey Canada, Mr. Nicholson acknowledged that the board held “too many”<sup>109</sup> in camera meetings without any minutes kept.

Mr. Nicholson said that he hoped Hockey Canada has “learned from this and that they will change their ways.”<sup>110</sup> He also suggested that national sport organizations be given more funding and that this would improve “how they have to report to government.”<sup>111</sup>

### Testimony of Members of Hockey Canada’s Board of Directors

Lawyer Michael Brind’Amour was chair of Hockey Canada’s Board of Directors from November 2018 to August 2022. Mr. Brind’Amour said that during his tenure, the board focused “on inclusion, including the advancement of women’s sport, and sports safety.”<sup>112</sup> However, he acknowledged that there is “much work that should have been done earlier.”<sup>113</sup> With its new action plan in place, Mr. Brind’Amour said that Hockey Canada “is making real progress in improving the Canadian game for all participants.”<sup>114</sup>

The former board chair commented on the incident that occurred on 19 June 2018 during the Hockey Canada Foundation Gala. He strongly believes that “Hockey Canada took appropriate action by reporting this incident to the police, Sport Canada and launching an independent investigation.”<sup>115</sup>

Andrea Skinner served as interim chair of the Hockey Canada Board of Directors from August to October 2022. From the very beginning of her involvement with Hockey Canada, one of her objectives was “to make the sport more accessible, safe, inclusive

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108 Ibid., 1205.

109 Ibid., 1210.

110 Ibid., 1230.

111 Ibid.

112 CHPC, *Evidence*, 4 October 2022, 1105 (Michael Brind’Amour, Lawyer and Former Chair of Board of Directors, Hockey Canada, As an Individual).

113 Ibid.

114 Ibid.

115 Ibid.



and welcoming to existing and new participants.”<sup>116</sup> According to Ms. Skinner, toxic behaviour “exists throughout society,”<sup>117</sup> not just hockey.

Mr. Brind’Amour and Ms. Skinner explained why the board decided to approve an out-of-court settlement with the alleged victim of the incidents of June 2018. According to Mr. Brind’Amour, the board felt that it would be “inappropriate to victimize the young woman in court.”<sup>118</sup> Ms. Skinner made essentially the same point, saying that the board’s instinct “was one of compassion for the young woman.”<sup>119</sup> Ms. Skinner added that going to trial “can revictimize people in a very traumatic way.”<sup>120</sup>

Both witnesses discussed Hockey Canada’s current governance. Mr. Brind’Amour said that with its new action plan in place, the new leadership was “making real progress in improving the Canadian game for all participants.”<sup>121</sup> Ms. Skinner reiterated the board’s support for Scott Smith and the current management team. She said that in the board’s view, the organization needed “stability”<sup>122</sup> during this turbulent time. It is worth noting that changes were made to the composition of the Board of Directors and the management team in the days following the appearances by Mr. Brind’Amour and Ms. Skinner before the Committee.

During this meeting, questions were raised about the Participants Legacy Trust Fund, established in 1999. The fund is described in Hockey Canada financial documents as follows:

The Participants Legacy Trust Fund (the Legacy Trust) was established to respond to late reported claims for incidents associated with certain member branches and the CHL, and occurring prior to September 1, 1995, in the event the National Equity Fund is insufficient.<sup>123</sup>

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116 CHPC, [Evidence](#), 4 October 2022, 1110 (Andrea Skinner, Interim chair of the Board of Directors, Hockey Canada).

117 Ibid.

118 CHPC, [Evidence](#), 4 October 2022, 1105 (Michael Brind’Amour).

119 CHPC, [Evidence](#), 4 October 2022, 1110 (Andrea Skinner).

120 Ibid.

121 CHPC, [Evidence](#), 4 October 2022, 1105 (Michael Brind’Amour).

122 CHPC, [Evidence](#), 4 October 2022, 1135 (Andrea Skinner).

123 Hockey Canada, [Financial Statements For the year ended June 30, 2022](#), p. 20.



In his Hockey Canada governance review report, the Honourable Thomas Cromwell wrote that approximately \$7.1 million was transferred from the NEF to the Participants Legacy Trust Fund in 1999.<sup>124</sup>

The income generated by the Participants Legacy Trust Fund investment portfolio is distributed “to certain member branches (Hockey Canada) and the CHL, the beneficiaries of the Legacy Trust.”<sup>125</sup> Ms. Skinner told the Committee that Hockey Canada administers the Participants Legacy Trust Fund for its members but does not receive any monetary benefit from it.<sup>126</sup>

This fund was to be dissolved in 2020. It was renewed until 2039 following an application to the Alberta Court of Queen’s Bench. In his Hockey Canada governance review report, the Honourable Thomas Cromwell explains the organization’s decision not to dissolve the Legacy Trust Fund:

The Affidavit of Hockey Canada’s Chief Financial Officer, filed in support of the application, explained that the Trust was set to terminate on the division date, but only if no unpaid claims remained outstanding, and that Hockey Canada expected more claims (both related and unrelated to sexual misconduct) to arise after the original division date.<sup>127</sup>

## Testimony of the Canadian Hockey League, Quebec Major Junior Hockey League, Ontario Hockey League and Western Hockey League

Dan MacKenzie, President of the CHL, told the Committee that the CHL and Canada’s three junior hockey leagues are “concerned for the victims of the 2018 and recently reported 2003 world junior teams.”<sup>128</sup> These three leagues are cooperating “with police

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124 The Honourable Thomas Cromwell, C.C., *Final Report – Hockey Canada Governance Review*, 31 October 2022, p. 144. The Honourable Thomas Cromwell referred to the financial statements for 2000.

125 Hockey Canada, *Financial Statements For the year ended June 30, 2022*, p. 20.

126 CHPC, *Evidence*, 4 October 2022, 1135 (Andrea Skinner).

127 The Honourable Thomas Cromwell, C.C., *Final Report – Hockey Canada Governance Review*, 31 October 2022, p. 145. The Honourable Thomas Cromwell referred to the financial statements for 2000.

128 CHPC, *Evidence*, 27 July 2022, 1120 (Dan MacKenzie, President, Canadian Hockey League).



and other investigations”<sup>129</sup> following these incidents. They expect that “any player responsible will be subject to criminal accountability.”<sup>130</sup>

The CHL was notified of the incident that occurred during the Hockey Canada Foundation Gala on 19 June 2022.<sup>131</sup> Mr. MacKenzie hastened to add that “all of the players on the world junior team were subject to the jurisdiction and supervision of Hockey Canada during the world junior tournaments and the Hockey Canada awards gala.”<sup>132</sup> It is worth noting that the CHL signed the settlement negotiated by Hockey Canada with the complainant from the June 2018 incident, although the league was “not involved in any settlement discussions”<sup>133</sup> according to Mr. MacKenzie.

The commissioners of Canada’s three junior hockey leagues went over sexual misconduct cases in their respective leagues. QMJHL Commissioner Gilles Courteau said that the league had received two complaints in the past five years.<sup>134</sup> The OHL had not received any complaints of sexual misconduct in the past five years, except for “a player playing in Europe.”<sup>135</sup> The WHL “had two instances in the past five years.”<sup>136</sup>

Mr. MacKenzie said that each year the junior hockey leagues and their 60 owners review their policies and educational programs designed “for players, coaches, billet families and team staff.”<sup>137</sup> They conduct “training on consent and sexual misconduct”<sup>138</sup> in cooperation with organizations that have expertise in this area, such as regional rape crisis centres, the Canadian Mental Health Association, police services, the Canadian Red Cross, and Respect in Sport. Mr. MacKenzie told the Committee that this training is “mandatory.”<sup>139</sup>

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129 Ibid.

130 Ibid.

131 CHPC, *Evidence*, 27 July 2022, 1250 (David Branch, Commissioner, Ontario Hockey League).

132 CHPC, *Evidence*, 27 July 2022, 1120 (Dan MacKenzie).

133 Ibid.

134 CHPC, *Evidence*, 27 July 2022, 1250 (Gilles Courteau, Commissioner, Ligue de hockey junior majeur du Québec).

135 CHPC, *Evidence*, 27 July 2022, 1250 (David Branch).

136 CHPC, *Evidence*, 27 July 2022, 1250 (Ron Robison, Commissioner, Western Hockey League).

137 CHPC, *Evidence*, 27 July 2022, 1120 (Dan MacKenzie).

138 Ibid.

139 Ibid., 1320.

For example, OHL Commissioner David Branch said that in 2015 the league developed a program with the Ontario Coalition of Rape Crisis Centres to teach players about “their responsibility on how to respect and treat women.”<sup>140</sup> The Respect in Sport program, co-founded by former NHL player Sheldon Kennedy, is also provided.

The CHL received two independent reports on how to improve policies and training programs relating to off-ice conduct. The key recommendation of these reports is to establish a “truly independent system of complaints and investigation”<sup>141</sup> in order to encourage players and other witnesses to come forward and to protect them from reprisal.

### Testimony of Henein Hutchison L.L.P.

On 19 June 2018, Hockey Canada hired the law firm Henein Hutchison to conduct an independent investigation into allegations of sexual assault by members of the men’s national junior hockey team at the Hockey Canada Foundation Gala. Under the primary mandate, the law firm “was to discover the truth, to learn what happened in London at that event and to investigate the allegations that came through to Hockey Canada.”<sup>142</sup> The secondary mandate of the investigation was to “look into any potential policy issues or systemic issues”<sup>143</sup> and to report to Hockey Canada so that the organization could make the necessary changes to its code of conduct.

Danielle Robitaille, Partner with Henein Hutchison, was tasked with conducting the investigation. She said that some information could not be disclosed to the Committee as she was bound by solicitor-client privilege.<sup>144</sup>

Ms. Robitaille provided the following timeline for the independent investigation:

- On 19 June 2018, Henein Hutchison was contacted by Hockey Canada regarding allegations of sexual misconduct by members of the men’s national junior hockey team at an event in London.

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140 CHPC, *Evidence*, 27 July 2022, 1140 (David Branch).

141 CHPC, *Evidence*, 27 July 2022, 1120 (Dan MacKenzie).

142 CHPC, *Evidence*, 26 July 2022, 1120 (Danielle Robitaille, Partner, Henein Hutchison LLP).

143 Ibid.

144 Ibid., 1115.



- From 30 June to 11 July 2018, the investigation team led by Ms. Robitaille conducted interviews with 10 of the 19 players who were at the 18 June 2018 fundraising event.<sup>145</sup>
- On 7 July 2018, the London Police Service opened its criminal investigation.
- On 13 July 2018, nine players notified Henein Hutchison that they would not participate in the independent investigation until the London Police Service’s criminal investigation had concluded.
- On 13 July 2018, counsel for the complainant advised Henein Hutchison that she would not participate in the independent investigation. The player conduct investigation was put on pause. However, the part of the investigation focused on improving Hockey Canada’s code of conduct continued. According to Ms. Robitaille, certain recommendations around alcohol “were implemented”<sup>146</sup> by Hockey Canada.
- On 14 September 2018, Hockey Canada was provided with an interim report that “identified policy issues that could be addressed by Hockey Canada while the conduct investigation was on hold.”<sup>147</sup>
- On 7 February 2019, the London Police Service advised that they were closing their criminal investigation and that no charges would be laid. Further to this announcement, Henein Hutchison “concluded that the remaining player interviews should not be conducted until [Henein Hutchison] received the complainant’s statement.”<sup>148</sup> Ms. Robitaille told the Committee that “as a matter of due process,” she could not interview the players “without giving them fair notice of what was alleged against them.”<sup>149</sup>
- Over the ensuing 18 months, Henein Hutchison was in regular communication with counsel for the complainant requesting to interview

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145     ibid., 1120.

146     ibid., 1200.

147     ibid., 1110.

148     ibid.

149     ibid., 1145.

her. Given that the complainant “declined to provide her account,”<sup>150</sup> Henein Hutchison classified their investigation “as closed without prejudice to its reopening if circumstances changed.”<sup>151</sup>

- On 9 July 2022, following the complainant’s decision to participate in the process, Henein Hutchison reopened their investigation at the request of Hockey Canada. The primary mandate of the investigation remained the same: “search for the truth.”<sup>152</sup> The law firm was then able to “interview the remaining players”<sup>153</sup> since they had the benefit of the complainant’s “detailed version of events.”<sup>154</sup>

Hockey Canada informed Ms. Robitaille that should a player refuse to participate in the independent investigation, they “will receive a lifetime ban from participating in Hockey Canada.”<sup>155</sup>

## Testimony of BFL Canada

BFL Canada is a risk management, insurance brokerage and employee benefits consulting services firm, and Barry F. Lorenzetti is its president and chief executive officer. BFL Canada is Hockey Canada’s insurance broker.<sup>156</sup> In the days following the alleged assault in June 2018, BFL Canada received an incident report, which it forwarded to Hockey Canada’s insurer, AIG Canada.<sup>157</sup>

It bears mentioning that Mr. Lorenzetti sits on the Hockey Canada Foundation Board of Directors. It was not until May 2022 that the Foundation’s Board of Directors learned the details of the alleged assaults by members of the men’s national junior hockey team in June 2018.<sup>158</sup>

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150 Ibid., 1110.

151 Ibid.

152 Ibid., 1200.

153 Ibid., 1110.

154 Ibid.

155 Ibid., 1155.

156 CHPC, *Evidence*, 27 July 2022, 1415 (Barry F. Lorenzetti, Founder, President and Chief Executive Officer, BFL Canada).

157 Ibid., 1455.

158 CHPC, *Evidence*, 27 July 2022, 1345 (Dave Andrews).



Mr. Lorenzetti wished to point out that it was Hockey Canada that decided to approve an out-of-court settlement with the alleged victim. As an insurance broker, BFL Canada played an intermediary role by forwarding “a copy of the writ, from [the victim’s] lawyers”<sup>159</sup> to AIG Canada. According to Mr. Lorenzetti, Hockey Canada “asked AIG Canada’s permission before settling the claim.”<sup>160</sup>

Mr. Lorenzetti was unaware of the existence of the NEF, used by Hockey Canada to fund the settlement paid to the alleged victim. However, he did not consider it unusual “for a corporation to have a reserve fund or a fund for uninsured losses or claims that aren’t recoverable.”<sup>161</sup> He said that it is “prudent risk management.”<sup>162</sup>

## Testimony of Sport Canada

The Minister of Sport, the Honourable Pascale St-Onge, appeared before the Committee on 20 June and 26 July 2022 regarding the incident that occurred in London in June 2018. Both times she was accompanied by Department of Canadian Heritage officials.

On 26 June 2018, Sport Canada was notified about allegations of “sexual wrongdoing”<sup>163</sup> involving Team Canada junior players that occurred on 19 June 2018 in London. Minister St-Onge told the Committee that “the details concerning the precise nature of the allegations or events”<sup>164</sup> had not been given to Sport Canada at that time.

Minister St-Onge was not informed by Hockey Canada of the June 2018 incident in London until 24 May 2022. She called the incident a “sadly troubling example of sexual violence based on gender and a culture of silence”<sup>165</sup> prevalent in the sport.

Minister St-Onge took a number of steps in response to the incident. On 22 June 2022, the minister announced the suspension of Hockey Canada’s funding. Before funding could be restored, Hockey Canada had to meet three conditions:

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159 CHPC, [Evidence](#), 27 July 2022, 1420 (Barry F. Lorenzetti).

160 *Ibid.*, 1430.

161 *Ibid.*, 1420.

162 *Ibid.*, 1450.

163 CHPC, [Evidence](#), 26 July 2022, 1335 (Hon. Pascale St-Onge, P.C., M.P., Minister of Sport).

164 *Ibid.*

165 CHPC, [Evidence](#), 20 June 2022, 1815 (Hon. Pascale St-Onge).

- The preliminary recommendations in the investigation report by the law firm Henein Hutchison are to be provided to Sport Canada.
- An action plan specifying how the interim report’s recommendations are going to be implemented must be developed.
- Hockey Canada must become a signatory to the Office of the Sport Integrity Commissioner.<sup>166</sup>

During her appearances on 20 June and 26 July 2022, Minister St-Onge explained to the Committee that her connection with NSOs “is mainly financial.”<sup>167</sup> The only investigation authority available to her “is to request a financial audit”<sup>168</sup> under the contribution agreements signed with these organizations. In the case of Hockey Canada, she requested that such an accounting audit be conducted to ensure that the organization complied with the terms of the contribution agreements “for the 1 April 2018 to 31 March, 2023 period.”<sup>169</sup> The objective of the audit conducted by the firm Samson & Associés was to:

- provide assurance on the recipient’s compliance with the terms and conditions of the contribution agreements; and
- ensure that legal settlements and related legal fees expenditures were not paid using Canadian Heritage funding.<sup>170</sup>

According to Minister St-Onge, imposing these conditions was necessary because Hockey Canada “failed to grasp how serious the situation was.”<sup>171</sup> She believes it is imperative that Hockey Canada effect “culture change,”<sup>172</sup> particularly with respect to “diversity in decision-making roles,”<sup>173</sup> racism, violence in the sport and concussions. The

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166 CHPC, *Evidence*, 26 July 2022, 1300 (Hon. Pascale St-Onge).

167 CHPC, *Evidence*, 20 June 2022, 1820 (Hon. Pascale St-Onge).

168 *Ibid.*, 1830.

169 *Ibid.*

170 Department of Canadian Heritage, *Summary - Hockey Canada Recipient Audit Report from the period of 2018–2019 to 2021–2022*.

171 CHPC, *Evidence*, 26 July 2022, 1300 (Hon. Pascale St-Onge).

172 *Ibid.*, 1305.

173 *Ibid.*



minister was not sure whether the individuals in office at Hockey Canada were the right people “to truly carry out”<sup>174</sup> the action plan to improve hockey in Canada.

The Hockey Canada audit report was released in February 2023. It finds “that no instances were identified where public funding, issued by Canadian Heritage, was used to pay for legal settlements or related legal fees.”<sup>175</sup>

In April 2023, Minister St-Onge announced that Hockey Canada’s funding was restored as the organization had met the criteria set by the department in June 2022. She added that Hockey Canada must still fulfill certain conditions and “must tackle issues regarding safe sport, such as the toxic behaviours, the trivialization of sexual violence, and the culture of silence.”<sup>176</sup>

It appears that Hockey Canada is not the only NSO dealing with cases of abuse and maltreatment. Since taking office, the minister said that she has received “at least eight letters describing abuse and maltreatment in various sports, or inquiring about organizations’ use of funds.”<sup>177</sup> Minister St-Onge believes that Canadian sport is “in crisis”<sup>178</sup> and that the entire sport system needs to “rethink how they [do] things,”<sup>179</sup> including Sport Canada. The minister suggested enhancing “Sport Canada’s capacity to ensure compliance with the requirements”<sup>180</sup> that NSOs must adhere to.

Minister St-Onge said that there must be “zero tolerance for maltreatment and abuse”<sup>181</sup> in Canada’s sport system. She said that other measures that are needed include the following:

- The leadership of sport organizations must condemn inappropriate conduct and sexual violence.

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174 Ibid., 1340.

175 Department of Canadian Heritage, [Summary - Hockey Canada Recipient Audit Report from the period of 2018–2019 to 2021–2022](#).

176 Christian Paas-Lang, “[Federal government says it will restore funding to Hockey Canada — with conditions](#),” *CBC News*, 16 April 2023.

177 CHPC, [Evidence](#), 26 July 2022, 1320 (Hon. Pascale St-Onge).

178 Ibid.

179 Ibid.

180 Ibid., 1335.

181 CHPC, [Evidence](#), 20 June 2022, 1820 (Hon. Pascale St-Onge).



- Clubs, teams and events must adopt codes of conduct.
- Abusers and those who are complicit must be held accountable for their actions.<sup>182</sup>

Minister St-Onge also mentioned the establishment of the OSIC, which began operations in June 2022. The OSIC was created to provide the sport system and athletes with a safe and reliable channel for complaints. The minister required all federally funded NSOs to “sign off with the Office of the Sport Integrity Commissioner.”<sup>183</sup>

On 26 July 2022, Michel Ruest, Senior Director of Programs with Sport Canada, explained that federally funded sport organizations are required “to disclose any incident of harassment, abuse or discrimination.”<sup>184</sup> The disclosure process involves the following steps:

- The Sport Canada program analyst is advised by an NSO that an incident has occurred.
- This information is then conveyed to the program analyst’s manager and the director general of Sport Canada.
- The information is entered into a confidential tracking document, and statistics relating to the number of cases are communicated to higher levels.
- The program analyst checks that the NSO has appropriate policies and independent processes in place.
- The program analyst ensures that these policies are activated by the NSO and that complainants have access to an independent third party<sup>185</sup> to review complaints and conduct investigations.<sup>186</sup>

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182 Ibid.

183 CHPC, *Evidence*, 26 July 2022, 1400 (Hon. Pascale St-Onge).

184 CHPC, *Evidence*, 26 July 2022, 1210 (Michel Ruest, Senior Director, Programs, Sport Canada Branch, Department of Canadian Heritage).

185 It must be noted that independent third parties are for-profit organizations and are compensated for their review and investigation work.

186 CHPC, *Evidence*, 26 July 2022, 1210 (Michel Ruest).



This disclosure process was in place when Sport Canada was informed of the allegations of assault by members of the men’s national junior hockey team in London. As for the Office of the Minister of Sport and Persons with Disabilities in office in June 2018, the Hon. Kirsty Duncan, Mr. Ruest said it was “probably”<sup>187</sup> informed without elaborating further. Nor was the June 2018 incident in London mentioned in the transition documents prepared for the ministers who succeeded Minister Duncan as Minister of Sport.<sup>188</sup>

Committee members asked how Sport Canada followed up the disclosure by Hockey Canada of the June 2018 incident. Canadian Heritage Deputy Minister Isabelle Mondou said that NSOs are “required”<sup>189</sup> to contact the department with new information regarding a case. She did not rule out adding “new obligations ... to agreements to make the level of disclosure expected of organizations even more accurate.”<sup>190</sup>

Sport Canada continued funding Hockey Canada following the disclosure of the June 2018 incident. According to Mr. Ruest, the fact that “investigations were ongoing”<sup>191</sup> at the time did not warrant limiting Hockey Canada funding.

Sport Canada was aware of the existence of the National Equity Fund (NEF) but had no further details. Mr. Ruest said that the definition of the NEF in Hockey Canada’s financial statements “makes no mention of ‘sexual allegations’ or ‘sexual abuse or sexual violence lawsuit.’”<sup>192</sup>

## Testimony of the Honourable Thomas Cromwell

On 4 August 2022, a former Supreme Court justice, the Honourable Thomas Cromwell, was selected by Hockey Canada to lead an independent review of the organization’s governance structures.<sup>193</sup> The final report, [Hockey Canada Governance Review](#), was

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187 Ibid., 1215.

188 Ibid.

189 CHPC, [Evidence](#), 26 July 2022, 1230 (Isabelle Mondou, Deputy Minister, Department of Canadian Heritage).

190 Ibid.

191 CHPC, [Evidence](#), 26 July 2022, 1215 (Michel Ruest).

192 Ibid., 1220.

193 Hockey Canada, [Former Supreme Court Justice Thomas Cromwell to lead Hockey Canada’s Governance Review](#), 4 August 2022.

released on 31 October 2022. The Honourable Thomas Cromwell appeared before the Committee to present the report highlights.

He said that his review cannot confirm with certainty that public funds had been used to pay victims of sexual assault. He repeatedly pointed out that his terms of reference did not involve conducting a “forensic audit”<sup>194</sup> or accusing anybody.

The key finding that came out of his review is the following:

[W]e did say... there was a serious gap in the policy framework for the organization about what funds could be used for what, under what circumstances, and governing or setting out guidance for each board and its staff members as to how these matters should be dealt with at the policy level.<sup>195</sup>

In his report, the Honourable Thomas Cromwell expressed the opinion that Hockey Canada’s interests would be better served “if all directors retired from office when their current terms expire at the December 17th annual meeting of Members.”<sup>196</sup> He said that the new board should be “more diverse”,<sup>197</sup> that the number of board members should be increased to 13, and that the new board’s first job is to “hire a new CEO.”<sup>198</sup>

With respect to financial issues, the report states that the establishment of reserve funds to address the risk of uninsured and underinsured claims was “not only sound,” but the failure to do so “would be a serious oversight.”<sup>199</sup> However, the report is critical of “the absence of policies or procedures”<sup>200</sup> governing the use of NEF, the Insurance Rate Stabilization Fund or the Participants Legacy Trust Fund. The Honourable Thomas Cromwell recommended that Hockey Canada “set up a policy framework that would govern the use of these funds.”<sup>201</sup>

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194 CHPC, *Evidence*, 13 December 2022, 1035 (Hon. Thomas Cromwell, Senior Counsel, Borden Ladner Gervais LLP, As an Individual).

195 Ibid., 1125.

196 The Honourable Thomas Cromwell, C.C., *Final Report – Hockey Canada Governance Review*, 31 October 2022, p. 202.

197 CHPC, *Evidence*, 13 December 2022, 1145 (Hon. Thomas Cromwell).

198 Ibid., 1130.

199 The Honourable Thomas Cromwell, C.C., *Final Report – Hockey Canada Governance Review*, 31 October 2022, p. 157.

200 Ibid.

201 CHPC, *Evidence*, 13 December 2022, 1055 (Hon. Thomas Cromwell).



More broadly, he made two recommendations to enhance transparency at Hockey Canada:

[N]umber one, having a clear and robust policy framework to deal with these matters, and not dealing with them as ad hoc one-offs. Second of all, transparency is obviously important. The COC code suggests that financial statements ought to be made public.<sup>202</sup>

In his report, he noted an increase in the rates of insurance premiums charged to Hockey Canada members in 2017. This increase appears to be due to Hockey Canada's decision "to pass on to Participants the cost of Directors and Officers Insurance."<sup>203</sup> During his appearance before the Committee, the Honourable Thomas Cromwell said that it was possible that the number of claims, especially for cases of sexual assault, "went up considerably over the last 10 years, which has led to an increase in premiums."<sup>204</sup>

The Honourable Thomas Cromwell addressed the recording of board decisions in the organization's minutes. He said that the minutes need to be "consistent with any legal obligation the organization had undertaken."<sup>205</sup> However, he did acknowledge that the board "has to be cautious"<sup>206</sup> with regard to the solicitor-client privilege relationship between the organization and legal counsel.

As a final note, the Honourable Thomas Cromwell issued "a plea for people to work together,"<sup>207</sup> urging everyone involved in the Canadian sport system "to work together to solve some of these very tough systemic issues."<sup>208</sup>

## RECURRING FINDINGS PRESENTED BY THE WITNESSES

Throughout the study, the Committee heard evidence on a wide range of issues relating to safe sport. In addition to sharing their own experiences in sport, including experiences of abuse and maltreatment, the witnesses highlighted a number of areas for

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202 Ibid., 1100.

203 The Honourable Thomas Cromwell, C.C., [Final Report – Hockey Canada Governance Review](#), 31 October 2022, p. 151.

204 CHPC, [Evidence](#), 13 December 2022, 1050 (Hon. Thomas Cromwell).

205 Ibid., 1105.

206 Ibid.

207 Ibid., 1110.

208 Ibid.

improvement in the Canadian sport system. They also proposed solutions to these problems, including the establishment of a public inquiry.

The following sections combine the evidence heard into several broad categories: individual accounts shared with the Committee and recurring findings about the workings of the Canadian sport system, interest in a national public inquiry, governance issues, safeguards, and the various legislative amendments recommended by the witnesses.

The various perspectives presented by the witnesses gave the Committee an overview of the state of the Canadian sport system. Their authentic, unique perspectives served as an invaluable source of information providing insight into the reality of athletes. Witnesses shared stories that were sometimes difficult, but necessary, to hear. This report outlines the accounts that were heard.

## Abuse Experienced by Athletes

Athlete accounts revealed the extent of abuse in the sport system and the various forms that maltreatment can take. The Committee heard that violence, whether physical, psychological, financial or otherwise, has serious consequences for its victims.

Rebecca Khoury, founder of The Spirit of Trust, had this warning for the Committee: “The world of sport is in crisis. Canadian sport is in crisis. Make no mistake. Abuse in sports in all its forms is a systemic crisis, and it requires our immediate and undivided attention.”<sup>209</sup> This view was shared by Jill Shillabeer, Leading Change Call to Action Coordinator with the Alberta Council of Women’s Shelters, who said that “the issues [are not] limited to a few circumstances but [are] widespread and systemic, extending well beyond one group, one sport or one place.”<sup>210</sup> Debra Armstrong, Chief Executive Officer of Skate Canada, acknowledged that sport, “like many institutions, has systemic issues.”<sup>211</sup>

To have a clear understanding of maltreatment, it is important to define it, said Gretchen Kerr, Professor with the Faculty of Kinesiology and Physical Education at the University of Toronto:

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209 CHPC, *Evidence*, 5 June 2023, 1110 (Rebecca Khoury, Founder, The Spirit of Trust).

210 CHPC, *Evidence*, 27 April 2023, 1650 (Jill Shillabeer, Leading Change Call to Action Coordinator, Alberta Council of Women’s Shelters).

211 CHPC, *Evidence*, 12 June 2023, 1225 (Debra Armstrong, Chief Executive Officer, Skate Canada).



This term is an umbrella term, also used by the World Health Organization, that encompasses forms of abuse, including sexual, physical and psychological abuse, as well as neglect, bullying, harassment and discrimination. This breadth is important, as all forms of maltreatment are violations of human rights. At their foundation, they represent a misuse of power, and all can be associated with short- and long-term negative health outcomes.<sup>212</sup>

Kristen Worley, an advocate and former high-performance athlete, underwent gender testing and told the Committee: “I would be violated as a predetermination of my participation in cycling.”<sup>213</sup> Throughout her career, her experience was

... about abuse, trauma, maltreatment, collusion, the use of wilful blindness, the lack of state responsibility, gross liability, brand protection and foreign interference.<sup>214</sup>

The Honourable Kirsty Duncan, Member for Etobicoke North, Minister of Science and Minister of Sport and Persons with Disabilities from 2018 to 2019, spoke about her experience as an athlete:

I also know the darker side of sport. While I have not experienced the horrific abuse that you have heard about at this committee, I am a former gymnast and I know what it’s like to be told to eat Jell-o, laxatives, toilet paper and water pills, and what it’s like to be weighed and shamed. I wanted to do everything so that no young person would ever face that going forward.<sup>215</sup>

Maltreatment has significant consequences for athletes. When she left her sport, Emily Mason of Fencing for Change Canada had suffered a great deal:

When I left the sport, I was 17 and I was a broken individual. I was in a mental health crisis. I attempted suicide. I was seeing a mental health professional. The difficulty my family has gone through in the years since I left the sport has been immense. It’s been five years now, and it will be a part of our lives for years to come.<sup>216</sup>

The consequences of maltreatment for Myriam Da Silva Rondeau, Olympian and teacher, were in her view aggravated by Boxing Canada:

After two weeks, my mental health had suffered a great deal: loss of appetite, trouble sleeping, self-mutilation and isolation. The doctor put me and my teammate on sick

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212 CHPC, [Evidence](#), 23 March 2023, 1620 (Gretchen Kerr, Professor, Faculty of Kinesiology and Physical Education, University of Toronto).

213 CHPC, [Evidence](#), 5 June 2023, 1100 (Kristen Worley).

214 Ibid.

215 CHPC, [Evidence](#), 15 June 2023, 1630 (Hon. Kirsty Duncan, P.C., M.P., Etobicoke North, Lib.).

216 CHPC, [Evidence](#), 24 April 2023, 1135 (Emily Mason, Fencing for Change Canada).

leave. We could have been sent to a safe place, such as another gym or another club, until the situation had been dealt with, but the president of the federation refused. To receive certification, and financial support from this committee, several federations require total centralization and the rules are strict and inflexible.<sup>217</sup>

Susan Auch, Olympic medallist and former chief executive officer of Speed Skating Canada, recounted experiences of suffering “verbal abuse, sexual harassment and isolation”<sup>218</sup> during her athletic career. She told the Committee that it was impossible to appreciate all the consequences of this abuse:

It’s impossible to know what I could have achieved had I not had to waste energy just surviving the system. Systemic problems in sport cause this enabling of abuses and result in retribution for anyone who speaks up or tries to make change.<sup>219</sup>

While it is impossible to determine exactly how many athletes were victims of maltreatment as part of sport, Ms. Khoury said that it could be very high:

We know that as many as 70% of participants in sports will fall victim to at least one form of abuse during their sporting journey. The last record of sport participants in Canada dates from 2016 and stood at eight million people. Of that, 70% is 5.6 million people harmed.<sup>220</sup>

Whitney Bragagnolo, Ph.D. candidate and sport governance and anti-corruption consultant, was eager to inform the Committee that the vast majority of athlete complaints are raised outside the reporting system and offered this explanation:

... fewer than one in five survivors report their incident to a reporting mechanism. We wanted to know why. In terms of the top reasons that survivors did not disclose, 60% said they did not trust that anything would be done by their organization to help them; 59% said they did not trust that their perpetrator would be punished; and 52% said they were concerned that reporting would negatively impact their career. This highlights the overall lack of trust in our sport institutions. That trust must be earned.<sup>221</sup>

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217 CHPC, [Evidence](#), 24 April 2023, 1105 (Myriam Da Silva Rondeau, Olympian and Teacher, As an Individual).

218 CHPC, [Evidence](#), 12 June 2023, 1110 (Susan Auch, Olympic Medallist and Former Chief Executive Officer of Speed Skating Canada).

219 Ibid.

220 CHPC, [Evidence](#), 5 June 2023, 1110 (Rebecca Khoury).

221 CHPC, [Evidence](#), 1 May 2023, 1210 (Whitney Bragagnolo).



## Testimony Concerning Junior Hockey

The Committee heard accounts criticizing the way young players are treated at the junior level.

Lukas Walter, a former player, testified that he directly experienced abuse within the CHL. He told the Committee that he had been financially exploited:

I was down in the States, and my paycheque was about \$75 a week. I had a car, and everyone knows that gas is expensive. At the end of the day I had to take a loan out from my parents, and then that summer, when I was supposed to be training and all that, I had to pay off the loan and then pay for my training. Hockey is an expensive sport. It's really expensive.<sup>222</sup>

He believes little has changed since he left the League, pointing out that problems have persisted for decades: "They're still making the same amount. There are the same problems, a.k.a. the sexual abuse problems, going on and all sorts of stuff."<sup>223</sup>

Thomas Gobeil, health coach and former player, told the Committee how he had been left to fend for himself following an injury:

I ended up with a puck to the face. When it happened, I also drove myself to the hospital. I got evaluated and I was told that I had a double jaw fracture. I drove to the pharmacy to get medicine, and I had to head home for recovery. When I came back from my injury, I learned that the team, which was supposed to have warned my teachers about my incapacity to attend my classes.... Actually, I learned that I had failed all my exams, so I ended up quitting school. The emotional turmoil and the anger I felt coming back had me quit the team I was playing for.<sup>224</sup>

In 2020, three former hockey players who played in the CHL, Daniel Carcillo, Stephen Quirk and Garrett Taylor, filed a class action in the Ontario Superior Court of Justice, alleging an abusive and intimidating climate. Their application concerned the three leagues that make up the CHL, as well as all the teams operating within those leagues, and was supported by affidavits from several other former players. In his decision dismissing the application, the judge acknowledged the "horrific, despicable and unquestionably criminal acts"<sup>225</sup> to which many young players had been subjected and denounced the hockey industry's culture of silence.

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222 CHPC, *Evidence*, 8 June 2023, 1625 (Lukas Walter, As an Individual).

223 Ibid., 1650.

224 CHPC, *Evidence*, 8 June 2023, 1600 (Thomas Gobeil, Health Coach, As an Individual).

225 *Carcillo v. Canadian Hockey League*, 2023 ONSC 886 (CanLII).



Kim Taylor, a player and family ice hockey advocate, told the Committee about the experiences of her son and so many other players in the CHL. She was eager for the Committee to hear his story:

What we didn't anticipate was that the dream would be replaced with a nightmare. We didn't expect him to come home with mental health issues. As a parent, I trusted the WHL to live up to its promises and to take our teenage son under its wing and develop him not only as a hockey player but as an upstanding young man and citizen, as they promised. However, we quickly learned that once our teenager signed his player contract, the league owned him and indoctrinated him into their hockey culture. The clear message sent to players is "all for one, one for all." What happens in the locker room stays in the locker room. The culture of silence is real and it exists, not only with the players but also for their families. You don't complain and you don't tell what goes on behind closed doors. If you do, they will publicly make an example out of you. They do so as a means of intimidating other players for speaking out. Even years after leaving the CHL, players still find it difficult to go on record about their abuse.<sup>226</sup>

Ms. Taylor told the Committee several stories about her son's experience in the Canadian Hockey League, including the "garbage bag treatment": players who are traded are not allowed to carry their belongings in a hockey bag; instead, they are given a garbage bag "because once you leave that team, you're garbage. It's as simple as that."<sup>227</sup>

Mélanie Lemay, co-founder of Québec contre les violences sexuelles, told the Committee about the hazing that begins around the ages of 10 to 12, particularly in hockey and football.<sup>228</sup> These degrading rituals feature violence, sexual assault and other dangerous behaviours that have the effect of "indoctrinating"<sup>229</sup> these young people.

The issue of the CHL's insurance was raised during the meeting with Barry F. Lorenzetti from BFL Canada. He indicated that Hockey Canada "is responsible for the insurance program"<sup>230</sup> of the CHL and, as such, would be responsible for paying compensation determined as part of any settlement involving that league. Questions remained regarding the legal status of players between the different leagues.

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226 CHPC, *Evidence*, 8 June 2023, 1645 (Kim Taylor, Player and Family Ice Hockey Advocate, As an Individual).

227 Ibid., 1550.

228 CHPC, *Evidence*, 8 June 2023, 1605 (Mélanie Lemay, Co-founder, Québec contre les violences sexuelles).

229 Ibid.

230 CHPC, *Evidence*, 27 July 2022, 1430 (Barry F. Lorenzetti).



## Racism

Witnesses also spoke about racism in the Canadian sport system. Karl Subban, who is part of the Ban Ads for Gambling campaign, told the Committee that although he has seen improvements in hockey, racism is still present: “there is still this lingering problem in the arena.”<sup>231</sup>

Bruce Kidd, Professor Emeritus with the Faculty of Kinesiology and Physical Education at the University of Toronto, said that racism “can be a terrible barrier to participation along with class and opportunity barriers.”<sup>232</sup>

MacIntosh Ross, Assistant Professor at Western University and a member of Scholars Against Abuse in Canadian Sport, believes that not enough attention is being given to racism when discussing safe sport:

For some reason, we do kind of put racism in its own compartment away from safe sport. I’m not entirely certain why that happens, but in my gut I think it continues to come down to the power of white, predominantly male administrators within the sport system.<sup>233</sup>

The Committee heard calls to do more to combat racism in sport. Shauna Bookal, Manager of Equity, Diversity, Inclusion and Student Experience at Ontario University Athletics, said that Canada is behind other countries:

In 2020, the murder of George Floyd was a wake-up call on racism across many sectors. Countries like Australia, New Zealand, the United Kingdom and the United States responded by creating an equity, diversity and inclusion sport strategy that included safe sport. Three years later, I am still waiting to see a central national EDI sport strategy here in Canada.<sup>234</sup>

She added that current efforts are not enough, since “giving money to NSOs is like a band-aid solution, because a lot of those NSOs are turning around and using that money for something else, not for what it was meant for.”<sup>235</sup>

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231 CHPC, [Evidence](#), 12 June 2023, 1200 (Karl Subban, Committee Member, Ban Ads for Gambling).

232 CHPC, [Evidence](#), 23 March 2023, 1745 (Bruce Kidd, Professor Emeritus, Faculty of Kinesiology and Physical Education, University of Toronto, As an Individual).

233 CHPC, [Evidence](#), 27 March 2023, 1255 (MacIntosh Ross, Assistant Professor, Western University, Scholars Against Abuse in Canadian Sport).

234 CHPC, [Evidence](#), 1 May 2023, 1115 (Shauna Bookal, Manager, Equity, Diversity, Inclusion and Student Experience, Ontario University Athletics).

235 Ibid., 1155.

Debra Gassewitz, President and Chief Executive Officer of the Sport Information Resource Centre, said that calls have been “loud and clear” for mandatory safe sport, anti-racism and cultural awareness training.<sup>236</sup>

Anne Merklinger, Chief Executive Officer of Own the Podium, told the Committee that her organization has had “a significant focus on equity, diversity and inclusion over the last two to three years”<sup>237</sup> and has a related employment policy.

### Issues faced by Indigenous athletes

In 2005, the Department of Canadian Heritage released *Sport Canada’s Policy on Aboriginal Peoples’ Participation In Sport*. Challenging economic circumstances, cultural insensitivity and inadequate sport infrastructure were cited as barriers to Indigenous athletes’ participation in the Canadian sport system. Ten years later, in 2015, the Truth and Reconciliation Commission recommended that the federal government “ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples....”<sup>238</sup>

In the course of its work, the Committee noted that there is still work to be done before Indigenous people can participate fully in the Canadian sports system. Despite the Truth and Reconciliation Commission’s calls to action, Professor Ross noted a lack of “commitment to [I]ndigenous kids.”<sup>239</sup>

Scholars Against Abuse in Canadian Sport recommend the development of “an implementation plan”<sup>240</sup> for the Truth and Reconciliation Commission’s calls to action.

It is worth mentioning that Indigenous people are not immune to the various forms of maltreatment that occur in sport. According to a survey by Ms. Bragagnolo, community-based sport is the most reported level for Indigenous victims of violence and maltreatment. As well, 100% of Indigenous respondents to this survey stated that “their perpetrator abused their position of power for their benefit (attempting to get a sexual

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236 CHPC, *Evidence*, 17 April 2023, 1115 (Debra Gassewitz, President and Chief Executive Officer, Sport Information Resource Centre).

237 CHPC, *Evidence*, 15 May 2023, 1155 (Anne Merklinger, Chief Executive Officer, Own the Podium).

238 Honouring the Truth, Reconciling for the Future. *Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, 2015, p. 299.

239 CHPC, *Evidence*, 27 March 2023, 1255 (MacIntosh Ross).

240 Scholars Against Abuse in Canadian Sport, *Hearing Survivors: Toward a National Inquiry of Maltreatment in Sport. A brief to the Standing Committee on the Status of Women and the Standing Committee on Canadian Heritage*, 21 June 2023, p. 2.



act), compared to 79% of overall victims.”<sup>241</sup> Ms. Bragagnolo also calls for marginalized groups, such as Indigenous people, to be better represented at all levels of sport and in governance systems.<sup>242</sup>

Teresa Fowler, Assistant Professor at the Concordia University of Edmonton agrees that there is a “need to pay more attention to indigenous sport.”<sup>243</sup>

In terms of governance, Ms. Auch was frustrated when Speed Skating Canada’s Board of Directors was unwilling “to recommend women or BIPOC people” while she was Speed Skating Canada’s chief executive officer.<sup>244</sup>

As reported by CBC/Radio-Canada in June 2021, Indigenous athletes looking to access high-performance sport competitions face numerous barriers.<sup>245</sup> Among the main problems mentioned in the article is the lack of representation and data collection regarding Indigenous athletes at the Olympic Games. Currently, the Canadian Olympic Committee (COC) does not track or ask about the Indigenous heritage of its athletes. However, the COC has recently taken steps to address this by encouraging staff to voluntarily self-identify.<sup>246</sup> This information will help inform policies and processes aimed at removing barriers to diversity and inclusion in the workplace. The next step, according to COC CEO David Shoemaker, is to extend this data collection to Team Canada athletes.<sup>247</sup> By compiling this information, organizations like the COC can better appreciate and address the unique challenges Indigenous athletes face in the pursuit of Olympic-level sports, and work toward greater diversity and inclusion in the world of sport. Efforts like these are essential to recognize and correct the disparities that have always existed, as well as to ensure that all talented athletes, regardless of their background, have an equal opportunity to compete at the highest level of sport.

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241 Whitney Bragagnolo, *A brief to the Standing Committee on the Status of Women and the Standing Committee on Canadian Heritage*, 5 May 2023, p. 12.

242 Ibid.

243 CHPC, *Evidence*, 23 March 2023, 1730 (Teresa Fowler, Assistant Professor, Concordia University of Edmonton, As an Individual).

244 CHPC, *Evidence*, 12 June 2023, 1205 (Susan Auch).

245 Jim Morris, “*Indigenous athletes contend with numerous barriers en route to Olympic qualification*”, Canadian Broadcasting Corporation, 11 June 2021.

246 Ibid.

247 Ibid.

## Issues Specific to Minors

Witnesses also brought up specific issues facing minors in sport, particularly hockey.

Mr. Gobeil knows what it is like for young players, having been one himself:

We also need to re-examine the environment in which young people find themselves. Having lived it, I can say that it's difficult to play and have professional schedules, while at the same time having to meet academic performance expectations to the same degree as other students who aren't on the road and don't have to meet those additional expectations. It really is a lot of work. I believe that if the league's intention truly was to develop young people on a personal level, as students, like in school leagues, then there wouldn't be as many games or training sessions, and the workload would be smaller.<sup>248</sup>

Ms. Taylor reminded the Committee that Canadian Hockey League players "are teenagers" asked to play a professional sport:

It's big business, but they are kids. They are trying to go to school. They are on the bus for these long road trips... My son said he would get to the parking lot at 6 a.m. You're exhausted and they would make you go to school for public appearances. He also had a broken wrist. The educational adviser came in during the day. He was in a lot of pain. He had asked the coach whether he could stay home. They said, "Go to school." The educational adviser at school came in, checked on him and sent him home. I feel they do a lot for good publicity, but there's a lot of abuse going on behind closed doors.<sup>249</sup>

Ms. Taylor also raised the issue of trades, which can have a major impact on CHL players. She is critical of the league's approach: "They talk about education being so important. They're picking up underage kids who are still in high school. If education is so important, then why are they trading kids who are still in high school?"<sup>250</sup>

According to lawyer David Wallbridge, young hockey players are put "in an extraordinarily vulnerable position,"<sup>251</sup> similarly to other young workers, since they are not aware of their rights, and it is often their first work experience. Although his testimony specifically addressed the situation of hockey players, his observations apply to all young athletes, no matter their discipline.

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248 CHPC, *Evidence*, 8 June 2023, 1650 (Thomas Gobeil).

249 CHPC, *Evidence*, 8 June 2023, 1720 (Kim Taylor).

250 Ibid., 1650.

251 CHPC, *Evidence*, 24 April 2023, 1125 (David Wallbridge, Lawyer, As an Individual).



Jennifer Fraser, author and educational consultant, focused on the impact of maltreatment on mental and physical health, especially in children, which can “damage brain architecture and leave neurological scars visible on brain scans, and to lead to mid-life chronic illness.”<sup>252</sup> She added that it can also “push some victims onto the path of criminality or suicide.”<sup>253</sup>

Rachael Denhollander, attorney and victim advocate, boiled the issue of safe sport down to one fundamental question: “How do we contribute to making sure our children are safe, understanding that safety is also fundamental to athletic success and professional well-being?”<sup>254</sup>

## Culture Within the Canadian Sport System

Many witnesses explained that the culture within the Canadian sport system is a critical factor in creating the circumstances that undermine safe sport.

Allison Sandmeyer-Graves, Chief Executive Officer of Canadian Women and Sport, identified two major problems: gender inequity and unsafe sport. She said that these are

both structural and systemic issues that share many characteristics. They are rooted in a sport system built in another era, based on societal values and norms that are out of step with contemporary Canadian society. They are deeply embedded in policies, practices, budgets and cultures, making them highly normalized and very difficult to disrupt.<sup>255</sup>

Judge Rosemarie Aquilina, Circuit Court Judge in the State of Michigan, was also critical of the culture prevalent in sports:

Right now you have a culture of gaslighting and grooming that has become normalized. People don't speak up, out of fear. They've seen that they're not going to play the next game. Their friends are going to make fun of them. They're going to be kicked off.

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252 CHPC, [Evidence](#), 16 February 2023, 1645 (Jennifer Fraser, Author and Educational Consultant, As an Individual).

253 Ibid.

254 CHPC, [Evidence](#), 24 April 2023, 1215 (Rachael Denhollander, Attorney and Victim Advocate, As an Individual).

255 CHPC, [Evidence](#), 16 February 2023, 1650 (Allison Sandmeyer-Graves, Chief Executive Officer, Canadian Women and Sport).

They're going to be bullied. They won't get their scholarship or whatever it is. There are lots of things. They are fearful of this retaliation. We have to start anew.<sup>256</sup>

One aspect of this culture that was identified during the study is the importance placed on performance and the quest for medals. Ms. Mason had this to say:

I think, in fencing specifically, and in other sports, there is generally a level of tolerance of maltreatment and abuse, because those individuals get results. I think that's unacceptable, and I think that's something that's going to require a systemic change beyond policy. It's going to take an entire framework shift in how we approach sports.<sup>257</sup>

Ms. Auch spoke about her experience as a young person when she could practise several sports at the same time, said that this was becoming increasingly impossible "because people are trying to develop these little robots that are going to win Olympic medals."<sup>258</sup> She pointed the finger at NSOs.

For Joëlle Carpentier, Professor with the School of Management at the University of Quebec at Montreal, the current system "is based very much on medal potential, especially short-term medal potential."<sup>259</sup> She believes there needs to be a shift in priorities:

It's time to focus on the long-term development of athletes and to give sport stakeholders the time and space they need to do things right. Bear in mind that results are nothing more than a consequence of doing things well. They should never be the end goal.<sup>260</sup>

Ryan Sheehan, co-founder of Gymnasts for Change Canada, also supported adopting a long-term athlete development model:

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256 CHPC, *Evidence*, 19 June 2023, 1135 (Judge Rosemarie Aquilina, Circuit Court Judge, Michigan, United States of America, As an Individual).

257 CHPC, *Evidence*, 24 April 2023, 1135 (Emily Mason).

258 CHPC, *Evidence*, 12 June 2023, 1125 (Susan Auch).

259 CHPC, *Evidence*, 1 May 2023, 1235 (Joëlle Carpentier, Professor, School of Management, Université du Québec à Montréal, As an Individual).

260 *Ibid.*, 1125.



It's supposed to be the long-term athlete development model, which enables everyone to play sport. There's social development, emotional, physical, team-building and a love of their sport.<sup>261</sup>

**Ms. Denhollander also criticized the performance-based vision of sport:**

When we start with the question of how we can make sure we still win, what we are really saying is that maybe winning is more important than our athletes' safety: "How do we make sure we get to this end goal? And hey, if we can keep kids safe, that's great, too."

I would submit to you, members of Parliament, that that's the wrong goal to start with. Our question really ought to be, first and foremost, this: "How do we contribute to making sure our children are safe, understanding that safety is also fundamental to athletic success and professional well-being?"<sup>262</sup>

The "consequences of toxic culture in sport"<sup>263</sup> can be devastating, according to Ms. Lemay. Speaking about her experiences with hockey and football players, she told the Committee that "a number of men have confided to me that they were traumatized by what was done to them when they were young during hazing activities, and by what they had to do to others for fear of what would happen to them if they refused."<sup>264</sup>

**Ms. Carpentier stressed that it is time for the Canadian sport system to change:**

It is time to really educate all those involved in the Canadian sport system on what is acceptable behaviour and, conversely, what should be considered unacceptable in sport. For far too long, this results-driven system has allowed unacceptable behaviour to go unchecked in the name of athletic performance, so much so that the behaviour is now widely considered acceptable, even desirable.<sup>265</sup>

**A change in culture is also top of mind for Own the Podium, according to CEO Anne Merklinger, who told the Committee about recent changes to her organization:**

We recently introduced a requirement that all NSOs must have a wellness plan for all participants in the high-performance program. We've also initiated culture assessments and have provided resources to support building positive cultures in the high-performance space. These are just two examples of changes we have made in our

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261 CHPC, [Evidence](#), 27 March 2023, 1210 (Ryan Sheehan, Co-founder, Gymnasts for Change Canada, As an Individual).

262 CHPC, [Evidence](#), 24 April 2023, 1150 (Rachael Denhollander).

263 CHPC, [Evidence](#), 8 June 2023, 1605 (Mélanie Lemay).

264 Ibid.

265 CHPC, [Evidence](#), 1 May 2023, 1125 (Joëlle Carpentier).



approach to protect the psychological and physical health and safety of participants in high-performance sport. I want to stress that the health, safety and well-being of all people in Canada’s sport system—from the playground to the podium—are most important. This is not a “win at all costs” approach.<sup>266</sup>

During her appearance, the Honourable Kirsty Duncan said that there are deeply rooted taboos in the sport system:

It’s not easy to start a new national conversation about things that have been taboo for far too long. It’s been taboo to talk about how athletes have been treated as chattel and commodities whose main purpose was to win a medal, and preferably a gold medal. These were taboo subjects.<sup>267</sup>

Professor Fowler said that this “culture of silence” is firmly in place in the sport system:

Cultural reproduction perpetuates existing inequalities and power structures, such as the culture of silence in sport. The culture of silence occurs when individuals or groups refrain from speaking about important issues or concerns due to fear, shame or a belief that their voice will not be heard or valued.<sup>268</sup>

She added that this is “due to the precarity of athletes’ positions.”<sup>269</sup>

Andrea Neil, former Canadian Women’s National Soccer team player and assistant coach, condemned this culture of silence, telling the Committee that “[p]eople will not come forward if there is that threat of reprisal. That is an ongoing, cultural, systemic issue.”<sup>270</sup> According to Christine Sinclair, member of the Canadian National Soccer Team and the Canadian Soccer Players Association, “Canada Soccer’s approach has reflected a culture of secrecy and obstruction. As players, we were constantly told that our compensation—or lack of it—was all Canada Soccer could afford.”<sup>271</sup>

To bring about a change of culture, Wendy Glover, secondary school teacher and athlete development consultant, believes that it all starts with governance:

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266 CHPC, *Evidence*, 15 May 2023, 1105 (Anne Merklinger).

267 CHPC, *Evidence*, 15 June 2023, 1650 (Hon. Kirsty Duncan).

268 CHPC, *Evidence*, 23 March 2023, 1615 (Teresa Fowler).

269 Ibid.

270 CHPC, *Evidence*, 24 April 2023, 1230 (Andrea Neil, Former Canadian Women’s National Soccer Team Player and Assistant Coach).

271 CHPC, *Evidence*, 9 March 2023, 1535 (Christine Sinclair, member of the Canadian National Soccer Team, Canadian Soccer Players Association).



How adults lead sports has to change. More paid positions need to be created. More interdisciplinary teams need to be established. More community partnerships need to be established. More communication channels need to be created. More education programs need to be written and taught, and ... more reporting needs to be done.<sup>272</sup>

This view was shared by Sylvain Croteau, Executive Director of Sport'Aide, who stressed that this change is needed not just at the federal level, but across the board:

Our approach is comprehensive, because this societal change requires commitment on the part of all stakeholders. To achieve results, we have to set up a structure that will bring about change at all levels, from young to old and, as we say back home, from Timbit to elite. Although some measures implemented at the national level are very valid, it is difficult to align them with provincial and local bodies without getting private sport involved.<sup>273</sup>

For Ms. Denhollander, the sport system cannot be reformed without a thorough understanding of the problem:

... honest and transparent assessments are critical for child protection, because you cannot fix what you will not accurately diagnose. When the culture that led to these abuses is not thoroughly understood and honestly discussed and diagnosed, education programs are a mere Band-Aid designed to make a gaping wound look palatable. When the policy and structural breakdowns in an organization have not been thoroughly understood, policy reform fails to be effective.<sup>274</sup>

Professor Kidd suggested that changing the culture must involve the UCCMS:

To realize broad cultural change, the UCCMS must be effectively rolled out and communicated so that the prohibitions and empowering values it asserts are understood and embraced at every level, from the professional leagues and the Olympic sector to university, college and school sport to the sandlot.<sup>275</sup>

## Fear of retribution

One of the components of this culture that was repeatedly denounced during the study is the culture of silence that prevents many people from daring to report abusive situations.

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272 CHPC, [Evidence](#), 27 March 2023, 1110 (Wendy Glover, Secondary School Teacher and Athlete Development Consultant, As an Individual).

273 CHPC, [Evidence](#), 15 May 2023, 1110 (Sylvain Croteau, Executive Director, Sport'Aide).

274 CHPC, [Evidence](#), 24 April 2023, 1105 (Rachael Denhollander).

275 CHPC, [Evidence](#), 23 March 2023, 1625 (Bruce Kidd).

As Professor Fowler told the Committee:

The culture of silence occurs when individuals or groups refrain from speaking about important issues or concerns due to fear, shame or a belief that their voice will not be heard or valued. Various factors, including power imbalance, social norms and the fear of retribution or backlash, can perpetuate the culture of silence in sport.<sup>276</sup>

She advised the Committee that any lasting change to the Canadian sport system required ending this culture of silence:

The culture of silence can have negative impacts on both individuals and society as a whole. It can prevent important issues from being addressed and perpetuate social inequalities and injustices. The culture of silence reproduces in sport due to the precarity of athletes' positions. Parents fear that their children will be benched; and children fear not meeting someone's expectations, so they remain silent even when abused. However, the culture of silence also silences. If the culture of silence continues to reproduce in sport in Canada, we will continue to have abusive players become coaches, and those coaches moved around due to their perceived fame.<sup>277</sup>

Professor Ross indicated that this fear of reprisal is common among athletes:

... the vast majority of athletes across the country are afraid to come forward because they're not sure how their testimony, their allegations, will be handled and whether they'll be taken seriously. We know that there is retribution when athletes come forward. They put their whole careers on the line when they do this, so there's a lot riding on it.<sup>278</sup>

Ms. Da Silva Rondeau went on to say that the possible consequences of coming forward, such as reprisals from the sport federation that has the power to keep athletes from competing, force some to stay silent. She described the system as "a sword of Damocles hanging over our heads."<sup>279</sup> In her testimony, she said she was being sued for speaking out.<sup>280</sup>

Ms. Mason added that these potential consequences discourage individuals from reporting abuse:

... national members may be chosen by majority vote of CFF officials and staff rather than by results or official rankings. For many athletes, coming forward with their stories

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276 CHPC, *Evidence*, 23 March 2023, 1615 (Teresa Fowler).

277 Ibid.

278 CHPC, *Evidence*, 27 March 2023, 1220 (MacIntosh Ross).

279 CHPC, *Evidence*, 24 April 2023, 1105 (Myriam Da Silva Rondeau).

280 Ibid., 1225.



of abuse could mean losing not only their profession but also their lifelong dream of competing for Canada.<sup>281</sup>

Witnesses mentioned that this fear of reprisals affects all those who are part of the sport system. Ms. Auch felt it as well as a manager of an NSO: “Retribution is one of the ways we’re all silenced, of course, whereby if you say something, there will be retribution to you individually or to the organization—withholding of funds or just online, on social media.”<sup>282</sup>

Lorraine Lafrenière, Chief Executive Officer of the Coaching Association of Canada, added that this fear of retribution can affect both the athlete and the parent who wants to report abuse.<sup>283</sup>

## Jurisdictional Issues

One clear finding that came out of the evidence heard by the Committee is that it is difficult to change the Canadian sport system without considering jurisdictional issues, since not all athletes are protected by the same mechanisms.

During her appearance, the Honourable Kirsty Duncan explained this issue by drawing on her experience as Minister of Sport from 2018 to 2019:

The federal minister is responsible for our Olympic and Paralympic athletes, and the sports system is complicated in this country. I knew that, if I wanted to change things on the ground, I had to work with ministers across the country. I called each one, one at a time, and got them onside. We had teleconferences, and by the time we got to the winter games, we were able to sign the Red Deer declaration, which is the first time in this country that all ministers committed to working on safe sport. I believe that safe sport needs to be on every federal-provincial-territorial meeting going forward.<sup>284</sup>

Richard McLaren, Chief Executive Officer of McLaren Global Sport Solutions Inc., told the Committee that this was part of a structural problem in sport:

I think part of the reason it’s not working is the limited jurisdiction Sport Canada has. The jurisdiction in sport really lies with the provinces, and the spending power of the federal government is used to influence sport through different programs they have at

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281 CHPC, [Evidence](#), 24 April 2023, 1130 (Emily Mason).

282 CHPC, [Evidence](#), 12 June 2023, 1120 (Susan Auch).

283 CHPC, [Evidence](#), 17 April 2023, 1145 (Lorraine Lafrenière, Chief Executive Officer, Coaching Association of Canada).

284 CHPC, [Evidence](#), 15 June 2023, 1635 (Hon. Kirsty Duncan).

the top of the system. A national sports body is under the influence of the spending power of the federal government, but many of those organizations don't have much control or, in my experience, even good communication with their provincial counterparts. Even the provincial counterparts don't necessarily connect with the clubs at, let's call it, the grassroots level, so it's very hard, through the funding power of the federal government, which is really their only jurisdiction in this field, to influence what's happening, particularly down at the grassroots level. That's a structural problem we have, which ties into the division of powers between the federal and provincial governments.<sup>285</sup>

Mr. Wallbridge believes that the provinces are not doing enough to protect athletes:

What has happened in the provinces is nothing short of a complete withdrawal of any protection for these employees. Most provinces have exempted athlete employees and hockey player employees from many of their minimum labour standards.<sup>286</sup>

During his appearance before the Committee, David Shoemaker, Chief Executive Officer and Secretary General of the COC, pointed out “a lack of alignment in the Canadian sport system, from the club level to provincial and national sport organizations.”<sup>287</sup> He therefore called for “the tools we have in place at the national level [to be] also available to participants at the club, provincial and territorial levels.”<sup>288</sup> It must be noted that all National Olympic Committees, including the Canadian Olympic Committee, “are a constituent of the Olympic Movement under the leadership”<sup>289</sup> of the International Olympic Committee.

Don Adams, Chief Executive Officer of Sail Canada, called for harmonization:

... a harmonized safe sport system [must be put] in place for the whole system—at the club, provincial and national level—to avoid duplication and confusion with regard to which system is to respond, depending on the jurisdiction.<sup>290</sup>

Suzanne Paulins, Acting Chief Executive Officer of Swimming Canada, spoke about the difficulty for NSOs of harmonizing practices:

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285 CHPC, *Evidence*, 1 May 2023, 1215 (Richard McLaren, Chief Executive Officer, McLaren Global Sport Solutions Inc., As an Individual).

286 CHPC, *Evidence*, 24 April 2023, 1125 (David Wallbridge).

287 CHPC, *Evidence*, 1 June 2023, 1550 (David Shoemaker, Chief Executive Officer and Secretary General, Canadian Olympic Committee).

288 Ibid.

289 IOC, *National Olympic Committees*.

290 CHPC, *Evidence*, 15 June 2023, 1700 (Don Adams, Chief Executive Officer, Sail Canada).



In the provincial sections, all clubs need to comply with their provincial sport body insofar as the policies and the procedures that are in place at the provincial level are concerned. There are also national policies and procedures that each club must follow. It is hard to reach down. It is hard to get all of the information to the club level. I think that is where the coordinated approach is going to be so important.<sup>291</sup>

Jurisdictional issues also came up during discussions about the work of Sport Canada and the OSIC.

As explained by Professor Kidd,

Well, the goal is to have OSIC cover all levels of Canadian sport. I fully agree with that. As we've heard all afternoon, the challenge is, one, Canadian federalism. You have to get an FPT buy-in for that. Secondly, the largely autonomous nature of Canadian sport in this country is a challenge. It's instructive that 30 years ago when we implemented anti-doping, it had to be done through a consent mechanism, not by an imposition mechanism. I think we need a strategy to get consent buy-in across the country at every level. We have to enable OSIC to develop the capacity, and then, as an outgrowth of the educational campaign that I talked about, Allison talked about and others have talked about, we need to persuade people to enable their participants to have access to either OSIC or aligned bodies that are being created in provinces such as Quebec.<sup>292</sup>

Witnesses also highlighted the issue of athletes in schools, which do not fall under either Sport Canada or the OSIC, and therefore do not have access to the safe sport mechanisms available at the national level.

Mélanie Lemay of Québec contre les violences sexuelles, reminded the Committee that violence, particularly sexual violence, is not limited to high-level sport:

While it's a hard truth to hear, this violence occurs daily on sports teams, in our schools, in our extracurricular activities, in leagues and, ultimately, wherever sports are played. Before they become athletes, these young people go to school, and the absence of limits and frameworks fosters an environment where impunity prevails.

Based on the information gathered for the investigation report on École Saint-Laurent, we have no official mechanisms for sharing information among sports federations, educational institutions, the government and complaint handling mechanisms. As a result, complaints can be filed with any of those bodies, including the I File a Complaint platform on the Sport'Aide website, without informing the other parties involved.

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291 CHPC, [Evidence](#), 5 June 2023, 1215 (Suzanne Paulins, Acting Chief Executive Officer, Swimming Canada).

292 CHPC, [Evidence](#), 23 March 2023, 1735 (Bruce Kidd).

Therefore, multiple reports of unacceptable behaviour by a coach or athlete can be made without them ever having to undergo a thorough or special investigation.<sup>293</sup>

According to Jennifer Fraser, the issue is much broader than sport and concerns “all children in Canada. I think it’s athletes, it’s kids in church and it’s kids in school” and, in Canada, “youth aren’t safe and young adults aren’t safe, regardless of what they’re doing.”<sup>294</sup>

Wendy Glover proposed that the education system and the sport system be brought closer together and that schools be used as intermediaries to teach youths about issues related to safe sport, noting that this must, of course, go through the provincial governments.<sup>295</sup> Ms. Glover also called for a better education of athletes and their parents on what safety mechanisms exist in their sport and how they work.<sup>296</sup>

In his testimony, Robert Hedges, Secretary on the Board of Directors of the Athletes’ Association of Canada (AthletesCAN) asked that the OSIC not only be a “national” mechanism but that there be “some sort of reporting mechanism for all levels, so that we don’t have, as was mentioned before, coaches or staff members who are working at a club somewhere and then leave—because nobody wants to prosecute them—and go join a club across the country.”<sup>297</sup> According to Mr. Hedges, there is a “need for OSIC or an equivalent to be in place across all jurisdictions in Canada.”<sup>298</sup>

## Best Practices

To address the failures of the Canadian sport system, some witnesses suggested looking at best practices elsewhere in the world. Indeed, Ms. Bragagnolo said that “[w]e are very behind in Canada”<sup>299</sup> when it comes to sport governance.

Rachael Denhollander, who is well versed in best practices to defend victims of abuse, explained that bringing light on to the Canadian sport system will be a complex exercise:

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293 CHPC, [Evidence](#), 8 June 2023, 1605 (Mélanie Lemay).

294 CHPC, [Evidence](#), 16 February 2023, 1705 (Jennifer Fraser).

295 CHPC, [Evidence](#), 27 March 2023, 1230 (Wendy Glover).

296 *Ibid.*, 1140.

297 CHPC, [Evidence](#), 27 March 2023, 1210 (Robert Hedges, Secretary, Board of Directors, Athletes’ Association of Canada).

298 *Ibid.*, 1125.

299 CHPC, [Evidence](#), 1 May 2023, 1150 (Whitney Bragagnolo).



My field of professional expertise is institutional transformation, setting up these types of processes so that we can actually find out what's gone wrong. Let's diagnose the complexities of what led to this child abuse and this athlete abuse so that we can make sure it doesn't happen again. This is complex. It involves culture. It involves policy. It involves structure. It involves a lot of things we don't think of as directly tied to child abuse, like how board systems manage their finances and selection processes.<sup>300</sup>

She cited her work with faith-based organizations which “have very complex governmental systems and entities very similar to athletic organizations.”<sup>301</sup> She told the Committee that the processes in these organizations “have been much more robust and, therefore, much more successful than what has taken place so far in our athletic organizations.”<sup>302</sup>

Several witnesses recommended that Canada look to Norway, a country seen as a global leader for treating sport “like education, with good facilities, trained teachers, accountable leadership, and concerns about equity in class ratio and other terms,”<sup>303</sup> as explained by Professor Kidd.

Mr. Croteau said that Norway is “proof positive that well-being, enjoyment and success can indeed coexist.”<sup>304</sup> Ms. Carpentier also cited Norway as an example for its system based “on long-term potential”<sup>305</sup> rather than on short-term potential, as is currently the case in Canada.

The United Kingdom was also cited a few times as an example to follow, particularly by Ms. Carpentier, who pointed out that the country had recently switched to a long-term funding system,<sup>306</sup> and by Ms. Bragagnolo<sup>307</sup> and Mr. Croteau.<sup>308</sup>

More broadly, efforts to improve sport governance in Australia and the European Union, particularly in the Netherlands, Belgium and Wales, were held up as an example by

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300 CHPC, [Evidence](#), 24 April 2023, 1150 (Rachael Denhollander).

301 Ibid., 1235.

302 Ibid., 1210.

303 CHPC, [Evidence](#), 23 March 2023, 1735 (Bruce Kidd).

304 CHPC, [Evidence](#), 15 May 2023, 1110 (Sylvain Croteau).

305 CHPC, [Evidence](#), 1 May 2023, 1245 (Joëlle Carpentier).

306 Ibid.

307 CHPC, [Evidence](#), 1 May 2023, 1150 (Whitney Bragagnolo).

308 CHPC, [Evidence](#), 15 May 2023, 1200 (Sylvain Croteau).



Ms. Bragagnolo and Mr. Kidd.<sup>309</sup> They both recommended that Canada use them as a model for reforming its sport system.

## MEETINGS ON CANADA SOCCER

During the study, several meetings were spent examining issues concerning Canada Soccer. Among the issues addressed were pay equity and equal treatment for the men’s and women’s national teams, as well as the handling of abuse committed by Bob Birarda, former soccer coach of the Vancouver Whitecaps Women’s Team and the Women’s Under-20 National Team, who was convicted of sexually assaulting female players.<sup>310</sup>

## Management of Abuse Cases by Canada Soccer

In 2008, in response to complaints, an internal investigation was carried out into Mr. Birarda’s misconduct, resulting in his leaving both the Whitecaps and the Women’s Under-20 National Team, although the reasons for his departure were not made public.

In November 2022, a B.C. provincial court sentenced Bob Birarda to 16 months in prison and eight months of house arrest for sex offences against women athletes who at the time were teens under his coaching supervision between 1988 and 2008.<sup>311</sup>

The [report](#) on the management of abuse cases filed on 28 July 2022 by lawyer Richard McLaren of McLaren Global Sports Solutions calls Canada Soccer’s governance “dysfunctional and inefficient” back in 2008.<sup>312</sup> The report also states that the coach “engaged in what should have been identified by [Canada Soccer] as highly questionable if not flatly proscribed relationships, communications, and activities with his female players.”<sup>313</sup>

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309 See: CHPC, [Evidence](#), 1 May 2023, 1150 (Whitney Bragagnolo); and CHPC, [Evidence](#), 23 March 2023, 1625 (Bruce Kidd).

310 Canadian Press, [“Ex-Whitecaps coach Bob Birarda receives two-year sentence for sex offences,” SportsNet](#), 2 November 2022; and Canadian Press, [“Peine de deux ans pour l’ancien entraîneur de soccer Bob Birarda,” La Presse](#), 2 November 2022.

311 Ibid.

312 McLaren Global Sport Solutions, [McLaren Independent Canada Soccer Review](#), Final Report, 28 July 2022, p. 7.

313 Ibid., p. 19.



On 28 July 2022, Canada Soccer stated that it apologized “for letting participants down,” accepted all the report’s recommendations and committed to adopt and enhance them.<sup>314</sup>

As Mr. McLaren explained to the Committee:

We found that Canada Soccer had fairly robust policies and investigation procedures at the time. However, there was little attention paid to safe sport amongst the executive ranks and the CSA, which did not follow its own written policies.<sup>315</sup>

Current and former women athletes who appeared before the Committee unanimously condemned how Canada Soccer had handled this matter. Ciara McCormack, a professional soccer player and whistle-blower who suffered abuse at the hands of Mr. Birarda, spoke about the victims’ experience, telling the Committee that “[i]t’s very much impacted our lives, far past our sporting careers. It’s just so disappointing.”<sup>316</sup>

Ms. McCormack condemned the fact that he was able to work so closely with young athletes over many years:

... inexplicably [he] was allowed by Canada Soccer to continue coaching teenage girls. For 12 years, I and others reported this known predator repeatedly, to no avail.<sup>317</sup>

Fearing reprisal, Ms. McCormack said that in 2007 she was “forced to leave Canada to escape abuse”<sup>318</sup> because of “the truth that I have shared.”<sup>319</sup> She told the Committee that she does not feel safe in Canada “professionally or personally.”<sup>320</sup>

Andrea Neil, former Canadian Women’s National Soccer Team player, assistant coach and one of the whistle-blowers who came forward to report Mr. Birarda’s misconduct, was critical of Canada Soccer’s handling of the matter:

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314 Canada Soccer, [Canada Soccer Statement](#), 28 July 2022.

315 CHPC, [Evidence](#), 1 May 2023, 1130 (Richard McLaren, Chief Executive Officer, McLaren Global Sport Solutions Inc., As an Individual).

316 CHPC, [Evidence](#), 24 April 2023, 1155 (Ciara McCormack, Whistle-blower and Professional Soccer Player).

317 Ibid., 1115.

318 Ibid.

319 Ibid.

320 Ibid.

Canada Soccer didn't act to protect the community. They negligently shifted his predatory behaviour on and shrouded the reason for his departure, so he was back coaching vulnerable girls just weeks later.<sup>321</sup>

On this point, Mr. McLaren said that "rather than terminating him, there was a negotiated exit. Birarda was allowed to submit a resignation, which was characterized by the CSA as a mutual parting of ways."<sup>322</sup> According to Mr. McLaren, this approach is common in the sports world and "also allows the perpetrator to inflict abuse in future positions."<sup>323</sup>

Ms. Neil also accused the Canada Soccer leadership who handled the case of failing in their responsibilities and ignoring signs of abusive behaviour:

The leaders of Canada Soccer have consistently failed to take responsibility. With the Birarda case, we saw their appalling failure to respond to several red flags of abusive behaviour. These went well beyond sexual text messages... There was sexual and psychological abuse of players on the team by Birarda.<sup>324</sup>

Ms. McCormack explained how victims must have felt after waiting a decade to see Mr. Birarda held accountable for his actions. She said that being silenced was worse than the abuse:

Rather, it was realizing that for the decade we tried to report Birarda, the silencing we faced wasn't born out of a dysfunctional system, but rather was done with a wilful precision, a system where to play sports in Canada meant and means doing so with a deliberate lack of protection from abuse, as well as the threat of retaliation for speaking out about it.<sup>325</sup>

Current and former members of Canada Soccer leadership testified about how the organization handled the case.

Steven Reed, former president of Canada Soccer and of BC Soccer, pointed to a lack of a coach tracking mechanism at the time of the incidents in this case:

We didn't have any mechanism for tracking coaches in the country, so as a representative of BC Soccer, I would not have been aware of his being hired or

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321 CHPC, *Evidence*, 24 April 2023, 1120 (Andrea Neil).

322 CHPC, *Evidence*, 1 May 2023, 1130 (Richard McLaren).

323 *Ibid.*, 1135.

324 CHPC, *Evidence*, 24 April 2023, 1120 (Andrea Neil).

325 CHPC, *Evidence*, 24 April 2023, 1115 (Ciara McCormack).



appointed by any one of the clubs or districts. We did not have the ability to do that at that time.<sup>326</sup>

Regarding Canada Soccer’s actions and decisions following the incidents involving Mr. Birarda in 2008, Stephanie Geosits, independent director on the Board of Directors, said that there were “failures and gaps at Canada Soccer at that time that allowed him to continue to coach.”<sup>327</sup> She said:

Going forward, measures will be taken to ensure not only that this type of situation doesn’t happen again, but also that Canada Soccer is better prepared to educate everyone within the soccer system.<sup>328</sup>

Mr. Reed said that in recent years, Canada Soccer has undertaken to “change the landscape” particularly regarding club licensing, the code of conduct and ethics, and the whistle-blower policy and hotline.<sup>329</sup>

Canada Soccer president from May 2023 to May 2024, Charmaine Crooks, added that these measures were being put in place to “ensure that this would never happen again.”<sup>330</sup>

## Pay Equity

Pay equity and equal treatment for players on the Canadian women’s national soccer team are other aspects of the abuse reported by various witnesses. In 2016 they formed the Canadian Soccer Players Association and have been without an agreement since late 2021.

Christine Sinclair summarized the pay equity issue this way:

... as the popularity, interest in, and growth of the women’s game sweep the globe, our most painstaking battle has been with our own federation while trying to obtain fair and equitable treatment in the way we are supported and paid.<sup>331</sup>

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326 CHPC, [Evidence](#), 27 April 2023, 1600 (Steven Reed, Former President, Canada Soccer).

327 CHPC, [Evidence](#), 20 March 2023, 1155 (Stephanie Geosits, Independent Director, Board of Directors, Canada Soccer).

328 Ibid.

329 CHPC, [Evidence](#), 27 April 2023, 1605 (Steven Reed).

330 CHPC, [Evidence](#), 11 May 2023, 1655 (Charmaine Crooks, President, Canada Soccer).

331 CHPC, [Evidence](#), 9 March 2023, 1535 (Christine Sinclair).

This is how she described the pay disparity between the men’s and women’s team players:

Therefore, imagine our shock when we found out, in 2021—the year we won Olympic gold—that the men’s national team players were earning more than five times what a women’s national team player was earning.<sup>332</sup>

According to Janine Beckie, member of the Canadian National Soccer Team and the Canadian Soccer Players Association, “there’s a very large discrepancy within FIFA and how FIFA treats the men’s and women’s games.”<sup>333</sup> She said that Canada Soccer needs to make up this discrepancy and the women should be paid “the same as the men make, despite the number of games they play a year, despite anything like that.”<sup>334</sup>

Ms. Sinclair outlined Canada Soccer’s promises as follows:

... CSA has publicly come out and said it’s committed to pay equity, and part of that is a percentage breakdown of World Cup bonuses for the men’s and women’s teams split.<sup>335</sup>

Ms. Beckie added that equity requires access to data on how funds are allocated:

It’s mandating that governing bodies provide more granular reporting around where their funds are being allocated. If you have a certain amount of money for the men to operate on the level they’re able to, you should then be using as much money as possible to create the same situation for the women’s team.<sup>336</sup>

During their appearance before the Committee, Canada Soccer officials expressed the organization’s public commitment to pay equity. Earl Cochrane, General Secretary of Canada Soccer, said that in recent years, “compensation for the Canada Soccer national teams has grown exponentially, but payments to the two teams have always been similar.”<sup>337</sup>

According to Mr. Cochrane, COVID-19 sidelined the teams, which had a negative impact on their compensation. Canada Soccer’s position is that it is committed to “delivering equal pay and ensuring that the environments for both of our national teams are built

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332 Ibid.

333 CHPC, [Evidence](#), 9 March 2023, 1555 (Janine Beckie, Member of the Canadian National Soccer Team, Canadian Soccer Players Association).

334 Ibid.

335 CHPC, [Evidence](#), 9 March 2023, 1710 (Christine Sinclair).

336 CHPC, [Evidence](#), 9 March 2023, 1615 (Janine Beckie).

337 CHPC, [Evidence](#), 20 March 2023, 1110 (Earl Cochrane, General Secretary, Canada Soccer).



for success.”<sup>338</sup> He explained that Canada Soccer offered the same amount for both teams:

The proposed agreements will pay players on both teams the same amount for playing a 90-minute match and will share total competition prize money equally between the teams. Simply put, national team players, regardless of their gender identity, will be paid the same amount for their work in representing our country.<sup>339</sup>

On the day of the testimony of members of the Canadian National Team, Canada Soccer issued a [press release](#) detailing the collective agreement proposed to its national teams. Ms. Beckie said that this showed a lack of respect toward the national team:

We believe that what was talked about in good faith bargaining between our players association and the association should have stayed between the players association and the Canadian soccer association. We feel quite disrespected that this wasn’t respected, that it didn’t stay behind closed doors before that agreement was actually signed. There were terms, numbers and pieces that were in its statement today that have not even been communicated to us.<sup>340</sup>

Mr. Cochrane said that the offer “would make Canada’s women’s team the second-highest paid women’s national team amongst the 211 FIFA member associations, trailing only the United States.”<sup>341</sup> He added that this offer was tabled “despite the fact that Canada Soccer’s revenues are significantly less than those of most of our competitors.”<sup>342</sup>

## Equal Treatment and Resource Allocation

According to Ms. Sinclair, equality goes beyond merely pay equity and concerns areas such as the development of young female players as well as resource allocation:

For us, pay equity is just a little piece of the puzzle. It’s about equal treatment. It’s about equal opportunities and equal resources. Honestly, until that happens, we’re going to be at a stalemate.<sup>343</sup>

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338 Ibid.

339 Ibid.

340 CHPC, [Evidence](#), 9 March 2023, 1550 (Janine Beckie).

341 CHPC, [Evidence](#), 20 March 2023, 1110 (Earl Cochrane).

342 Ibid.

343 CHPC, [Evidence](#), 9 March 2023, 1550 (Christine Sinclair).

Sophie Schmidt, member of the National Soccer Team, said that Canada Soccer “treats the women’s game as an afterthought.”<sup>344</sup> As an example, she cited the fact that the organization “has failed to put in place any structure, resources or plan for the development and future success of the women’s game in this country.”<sup>345</sup> According to Ms. Schmidt, Canada Soccer has instead “diverted significant resources to men’s soccer in Canada,”<sup>346</sup> pointing to Canada Soccer’s support of the Canadian Premier League.<sup>347</sup>

Another issue mentioned by Ms. Sinclair is the question of royalties and image reproduction rights. Indeed, she confirmed that she did not receive any royalties on the sale of jerseys bearing her name.<sup>348</sup>

Regarding the specific issue of the equitable allocation of resources, Ms. Schmidt said the following:

The division of resources deeply impacts the support and future development of players in our youth program. Our staff have been forced to cut youth programming, leaving our youth national team with only one camp for this calendar year, which puts the future of the women’s program in jeopardy.<sup>349</sup>

Ms. Beckie was critical of the fact that even with the Women’s World Cup just a few months away, “we will not even be given the resources to properly prepare for our World Cup and our Olympic qualifications.”<sup>350</sup>

Quinn, a member of the Canadian National Soccer Team and the Canadian Soccer Players Association, provided other examples of a lack of resources:

We have now had to cut not only training days in camp but also full camp windows, which gives us fewer of the crucial opportunities we need as players to play together as a team leading into major international tournaments.<sup>351</sup>

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344 CHPC, *Evidence*, 9 March 2023, 1545 (Sophie Schmidt, Member of the Canadian National Soccer Team, Canadian Soccer Players Association).

345 Ibid.

346 Ibid.

347 Ibid.

348 CHPC, *Evidence*, 9 March 2023, 1715 (Christine Sinclair).

349 CHPC, *Evidence*, 9 March 2023, 1545 (Sophie Schmidt).

350 Ibid., 1535.

351 CHPC, *Evidence*, 9 March 2023, 1540 (Quinn, member of the Canadian National Soccer Team, Canadian Soccer Players Association).



Quinn said that this is due in part to the agreement in place between Canada Soccer and Canadian Soccer Business:

The resource constraints that Canada Soccer has created for itself through the CSB deal have forced Canada Soccer to make choices about where it allocates funding. Those choices invariably favour the men’s program.<sup>352</sup>

This is how Ms. Sinclair described the trust that team members have in Canada Soccer:

As a team, we do not trust Canada Soccer to be open and honest as we continue to negotiate not only for fair, equitable compensation and treatment but also for the future of our program.<sup>353</sup>

Ms. Sinclair called out then Canada Soccer’s president, Nick Bontis, for his unacceptable remarks:

On a personal note, I have never been more insulted than I was by Canada Soccer’s own president, Nick Bontis, when we met with him last year to discuss our concerns. I was tasked with outlining our compensation ask on behalf of the women’s national team. The president of Canada Soccer listened to what I had to say. He then, later in the meeting, referred back to it as, “What was it Christine was bitching about?” To me, this spoke volumes about the lack of respect Canada Soccer has for its women’s national team.<sup>354</sup>

Mr. Cochrane said that “Canada Soccer is also dedicated to equity in our national team operations. Equal opportunity has been and will continue to be our standard practice.”<sup>355</sup>

## Lack of Transparency

The issue of transparency was front and centre in the testimony regarding Canada Soccer. One of the findings that emerged from the testimony was the information deficit between Canada Soccer and the Women’s National Team. Here is how team captain Ms. Sinclair defined the issue:

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352 Ibid.

353 CHPC, [Evidence](#), 9 March 2023, 1535 (Christine Sinclair).

354 Ibid.

355 CHPC, [Evidence](#), 20 March 2023, 1110 (Earl Cochrane).



We have no idea where the money is coming from or where it's going, and the difference between the men's and the women's national team program...<sup>356</sup>

During negotiations between the Women's National Team and Canada Soccer, the players explained that the lack of information resulted in a bargaining imbalance, while Canada Soccer said that they "negotiated in good faith."<sup>357</sup> Regarding the release of financial information about the organization:

For over a decade, members of the women's national team have asked Canada Soccer for detailed disclosure of its finances and for the compensation provided to the men's national team. Some information has been provided, but it has never been enough to allow the women's team to understand the breakdown of revenue and amounts allocated to both national team programs.<sup>358</sup>

Ms. Beckie said that "[t]he number one thing we have asked for is transparency of finances." She summed up the importance of having recent data for conducting negotiations as follows:

Prior to that is important, but especially over the last three years.... We need to know what has been going on in the finances in order to negotiate a collective bargaining agreement that makes sense for them and for us.<sup>359</sup>

However, Mr. Cochrane said that detailed financial information had been provided to the other party:

We have provided documentation to inform those negotiations ... We have provided the national team players and their representatives detailed information and briefings on Canada Soccer's financials, its audited financial statements and detailed breakdowns of Canada Soccer spending.<sup>360</sup>

Quinn and Ms. Beckie spoke about the need to have "systems of all kinds of things in place in order to make sure this change is lasting and there's accountability in place for whoever is in the leadership at Canada Soccer."<sup>361</sup> Quinn said that Canada Soccer

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356 CHPC, *Evidence*, 9 March 2023, 1550 (Christine Sinclair).

357 CHPC, *Evidence*, 20 March 2023, 1110 (Earl Cochrane).

358 CHPC, *Evidence*, 9 March 2023, 1535 (Christine Sinclair).

359 CHPC, *Evidence*, 9 March 2023, 1600 (Janine Beckie).

360 CHPC, *Evidence*, 20 March 2023, 1110 (Earl Cochrane).

361 CHPC, *Evidence*, 9 March 2023, 1600 (Janine Beckie).



produces “audited financial statements, but they’re a high-level overview that doesn’t get into the detail of the finances with regard to equity.”<sup>362</sup>

Ms. Crooks believes that “greater transparency and better communication are crucial to ensuring that we are a stable and strong organization that every Canadian can be proud of.”<sup>363</sup> She pledged to “ensure that full administrative and financial transparency is ensured and eliminate the uncertainty and misunderstandings that led to some of the hardships within the association and with our players.”<sup>364</sup>

## Canadian Soccer Business

One of the stumbling blocks in the negotiations between the Women’s National Team and Canada Soccer is the deal reached in 2018 with Canadian Soccer Business (CSB), a for-profit company established in 2018 and controlled by owners of the Canadian Premier League, a professional men’s soccer league. That same year, Canada Soccer, a not-for-profit organization, and CSB entered into an agreement of up to 20 years covering television rights and sponsorships, with the possibility of renewal during the tenth anniversary year. This deal is not subject to any government oversight, either when it was negotiated or after its adoption.

The current and former players who spoke about the issue said that the deal raises many questions, particularly the revenue cap and the difficulties selling broadcast rights:

We don’t understand why members of the board would approve a deal like this, knowing that it puts a ceiling on the amount of revenue that can come in from sponsors and broadcasting. We’ve hit our heads multiple times without, as a singular entity, being able to sell our broadcast rights. We have to go through a third party. That makes things very difficult.<sup>365</sup>

Female Canada Soccer players told the Committee that there is a contradiction between the success of the women’s team and the transfer of revenues to professional men’s teams in the Premier Soccer League, despite the fact that there is no professional women’s soccer league in Canada. Andrea Neil said that the deal is unacceptable, since

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362 CHPC, *Evidence*, 9 March 2023, 1700 (Quinn).

363 CHPC, *Evidence*, 11 May 2023, 1635 (Charmaine Crooks).

364 Ibid.

365 CHPC, *Evidence*, 9 March 2023, 1605 (Janine Beckie).

Canada Soccer signed “an opaque and questionable business deal that redirects their marketing and sponsorship earnings to the owners of men’s professional teams.”<sup>366</sup>

Another criticism of the deal, according to Ms. Beckie, concerns the fact that U.S. Soccer already tried this kind of contractual arrangement but eventually shut it down because “the reality of it is not correct.”<sup>367</sup>

The Canada Soccer officials, current and former members of the organization, who appeared before the Committee all defended the reasoning behind the deal. They said that there were “a lot of challenges” within the organization and that it was a “deal that at the time was good.”<sup>368</sup>

Ms. Beckie said that the deal “was just brought to our attention in the last year and a half”:<sup>369</sup>

Before then, personally, I had no idea about anything in this deal ... the upside is so massive that if we don’t take the chance to capitalize on that upside, Canada Soccer, the players and the youth are going to pay for that lack of going after it for a long time coming.<sup>370</sup>

According to Mr. Cochrane, the organization has made efforts to share information about the deal:

The leadership team of the women’s national team and their legal counsel were also given a presentation on Canada Soccer and the Canadian Soccer Business agreement. The players and their representatives have always been welcome to ask any questions about that information. Canada Soccer has also met and will continue to meet all legal requirements for financial disclosure.<sup>371</sup>

The Committee raised questions about the Canada Soccer Board of Directors’ role in the process resulting in the deal. The Committee told Canada Soccer officials that the minutes provided to the Committee do not show any date on which the final agreement was approved. This means that the Canada Soccer minutes make no mention of a vote on the final version of the agreement. The Committee also noted the absence of a

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366 CHPC, [Evidence](#), 24 April 2023, 1120 (Andrea Neil).

367 CHPC, [Evidence](#), 9 March 2023, 1705 (Janine Beckie).

368 CHPC, [Evidence](#), 11 May 2023, 1735 (Charmaine Crooks).

369 CHPC, [Evidence](#), 9 March 2023, 1705 (Janine Beckie).

370 Ibid.

371 CHPC, [Evidence](#), 20 March 2023, 1110 (Earl Cochrane).



second signature on the agreement, which was confirmed by Sean Heffernan, Chief Financial Officer of Canada Soccer.<sup>372</sup>

## CALL FOR A PUBLIC INQUIRY

### Definition

There exist different types of federal inquiries, which have different roles and mandates.

A Commission of Inquiry is an official, independent investigation into an issue or event ordered by the Governor in Council under legislative authority. “Commission of Inquiry” is a general term that can be used to refer to inquiries pursuant to Part 1 or Part 2 of the *Inquiries Act*. It can have many names: “Commission,” “National Inquiry,” and “Public Inquiry” have all been used in the past.

The *Inquiries Act* provides for two types of Commissions of Inquiry: (1) Public inquiries and (2) Departmental inquiries. Under Part 1 of the *Inquiries Act*, a public inquiry is defined as an “inquiry into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof.”

Outside of the process set out in the *Inquiries Act*, federal inquiries can be set up under task forces, advisory panels, working groups, special rapporteurs, etc. However, if created in this way, a federal inquiry would not have full powers to summon individuals and require them to produce documents.

During the study, witnesses used a number of terms interchangeably, including “inquiry,” “judicial inquiry,”<sup>373</sup> “independent investigation” and “public inquiry.” This report will use the term “public inquiry,” one of two types of inquiries under [Part 1](#) of the *Inquiries Act*.

Many of the witnesses who appeared for this study raised the possibility of holding a public inquiry into safe sport in Canada. Virtually all the witnesses supported the idea of a public inquiry. They commented on its usefulness, scope, powers and timeliness.

The last public inquiry that looked into sport took place over 30 years ago. In 1988, during the Olympics in Seoul, South Korea, several Canadian athletes were disqualified for steroid doping, the most well-known case being that of Canadian sprinter Ben Johnson, who was stripped of his gold medal in the men’s 100 metre race. Following

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372 CHPC, [Evidence](#), 30 March 2023, 1655 (Sean Heffernan, Chief Financial Officer, Canada Soccer).

373 The term “judicial inquiry” is generally used to refer to public inquiries led by a judge. Under the *Inquiries Act*, there is no provision allowing the creation of a “judicial inquiry.”

this scandal, former Chief Justice of the Ontario Court of Appeal Charles Dubin was mandated by the federal government to conduct an inquiry. The *Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance* (the Dubin Inquiry) released its report in 1990.

According to Jeremy Luke, President and Chief Executive Officer of the Canadian Centre for Ethics in Sport, the Dubin Inquiry led to major changes to sport in Canada:

The Dubin inquiry enabled Canada to emerge from this era with clear recommendations that led to culture change in sport and established Canada as a global leader in protecting athletes' health from performance-enhancing drug use.<sup>374</sup>

## Value of a Public Inquiry

When asked about the value of conducting a public inquiry, then Sport Integrity Commissioner Sarah-Ève Pelletier said that she welcomed any initiative that would support athletes and make them safer:

... our office welcomes any opportunity and any initiative to make the world of sport safer and to provide much-needed support to athletes. You mentioned a public inquiry. For our part, we are interested in the recommendations of the various committees, in order to find the right way forward in this regard.<sup>375</sup>

Allison Sandmeyer-Graves, Chief Executive Officer of Canadian Women and Sport, was confident that such an exercise would have powerful positive impacts across multiple structural issues and repeated the call for a public inquiry "or another appropriate mechanism that will help us realize this outcome for the entire sport system."<sup>376</sup> Jennifer Fraser, author and educational consultant, told the Committee:

A judicial inquiry is not needed to hear reports of abuse from athletes. They have already reported in great numbers across all sports. A judicial inquiry is needed to figure out why administrators and all others with oversight whose wanton or reckless disregard for the lives and safety of athletes, as well as their alleged victims, are not being charged with negligence.<sup>377</sup>

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374 CHPC, *Evidence*, 15 May 2023, 1100 (Jeremy Luke, President and Chief Executive Officer, Canadian Centre for Ethics in Sport).

375 CHPC, *Evidence*, 16 February 2023, 1555 (Sarah-Ève Pelletier, Commissioner, Office of the Sport Integrity Commissioner).

376 CHPC, *Evidence*, 16 February 2023, 1650 (Allison Sandmeyer-Graves).

377 CHPC, *Evidence*, 16 February 2023, 1645 (Jennifer Fraser).



This was also raised by current and retired athletes. Quinn believes that problems in other sports in Canada and internationally warrant holding a public inquiry so that there is “accountability through those processes.”<sup>378</sup> Ryan Sheehan, co-founder of Gymnasts for Change Canada, sees holding such an inquiry as the only way to fix the current culture in Canadian sport:

We can hold two truths: that the sport is incredibly important to many of us and that there is a culture in Canadian sport rife with abuse, complicity and enabling that can only begin to be solved by a national inquiry.<sup>379</sup>

Mr. Sheehan also believes that a public inquiry “can compel testimony and unravel the complexities of funding, conflicts of interest and corruption.”<sup>380</sup>

For some witnesses, a public inquiry would shed light on the extent of the phenomenon of abuse in sport. As Guylaine Demers, professor and director of the Laboratoire de recherche pour la progression des femmes dans les sports au Québec, said, “I don’t think we are anywhere close to understanding the full extent of the problem. As my colleagues mentioned, it’s just the tip of the iceberg. In that context, I think a national inquiry is warranted.”<sup>381</sup>

Ms. Sandmeyer-Graves reminded the Committee that “[t]o date, when dealing with gender inequity, the scale and scope of the solutions have not matched the scope of the problem.”<sup>382</sup> Sylvain Croteau of Sport’Aide also cited the scale of change needed to truly transform Canadian sport.<sup>383</sup> Both supported the idea of a public inquiry.

Professor Ross of Western University, a member of Scholars Against Abuse in Canadian Sport, said that the perspectives of victims calling for such an inquiry need to be heard:

Every time a survivor is ignored when they call for a national inquiry, that part of me, that little boy, fears that there won’t be meaningful and sustainable change to this system.<sup>384</sup>

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378 CHPC, [Evidence](#), 9 March 2023, 1605 (Quinn).

379 CHPC, [Evidence](#), 27 March 2023, 1115 (Ryan Sheehan).

380 Ibid.

381 CHPC, [Evidence](#), 1 May 2023, 1210 (Guylaine Demers, Professor and Director, Laboratoire de recherche pour la progression des femmes dans les sports au Québec).

382 CHPC, [Evidence](#), 16 February 2023, 1650 (Allison Sandmeyer-Graves).

383 CHPC, [Evidence](#), 15 May 2023, 1110 (Sylvain Croteau).

384 CHPC, [Evidence](#), 27 March 2023, 1130 (MacIntosh Ross).

In addition to her role as attorney and victim advocate, Rachael Denhollander is also a survivor of the sport system, having been a whistle-blower in the USA Gymnastics scandal. She called for an inquiry for the sake of victims and children in order to look at the dynamics and identify individuals “who are part of that toxic system so that those individuals are no longer in charge of child and athlete safety.”<sup>385</sup>

Ms. Denhollander also believed that a public inquiry should study the culture to be effective:

...honest and transparent assessments are critical for child protection, because you cannot fix what you will not accurately diagnose. When the culture that led to these abuses is not thoroughly understood and honestly discussed and diagnosed, education programs are a mere Band-Aid designed to make a gaping wound look palatable. When the policy and structural breakdowns in an organization have not been thoroughly understood, policy reform fails to be effective.<sup>386</sup>

Michigan circuit court judge Rosemarie Aquilina also supported a public inquiry, based on her experience as the judge who sentenced Dr. Larry Nassar, the USA Gymnastics doctor responsible for years of abuse:

When will Canada hear its children and take this meaningful action to protect them from the pain, suffering and trauma they suffer in sport?

...

Before any meaningful action can be taken, you must—I implore you; I beg you—have this independent judicial investigation, because without it, you will not reignite the trust that you have lost.<sup>387</sup>

The Honourable Kirsty Duncan, Minister of Science and Minister of Sport and Persons with Disabilities from 2018 to 2019, also called for “an independent, comprehensive, systematic inquiry focused on the health, safety and well-being of athletes.”<sup>388</sup>

Gretchen Kerr, Professor with the Faculty of Kinesiology and Physical Education at the University of Toronto, was the lone voice of dissent and did not support holding an inquiry:

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385 CHPC, *Evidence*, 24 April 2023, 1150 (Rachael Denhollander).

386 *Ibid.*, 1105.

387 CHPC, *Evidence*, 19 June 2023, 1110 (Judge Rosemarie Aquilina).

388 CHPC, *Evidence*, 15 June 2023, 1615 (Hon. Kirsty Duncan).



As you may know, I'm not a supporter of a public inquiry. I think it will slow down the progress being made. It will be extremely costly. Those funds could be devoted to putting in proactive solutions, like those we heard on the panel today.<sup>389</sup>

## Scope and Authority of the Inquiry

Witnesses spoke about the scope and authority of a public inquiry needed to achieve the desired results.

According to Lorraine Lafrenière, Chief Executive Officer of the Coaching Association of Canada, “[a]n inquiry will only be successful if it is built on the collaboration of all partners in the sport system as well as those who contribute and partner in sport.”<sup>390</sup> She also said that the inquiry needs to cover the experiences and dynamics in grassroots sport:

The experiences and dynamics in grassroots sport must be included as part of the inquiry so that we can acknowledge and proactively address the challenges facing our athletes as they progress through their journey—and our coaches as well.<sup>391</sup>

Although lawyer David Wallbridge believes that the Committee should recommend holding an inquiry, he said that involving the provinces is essential because of labour law and the measures to protect the health and safety of employee players in their workplace:

If workplace issues are part of that inquiry, then they would absolutely have to be at the table to account for the decisions they made to basically withdraw from protecting employee athletes. Absolutely, there's no question about it.<sup>392</sup>

Regarding the co-operation and participation of jurisdictions, David Shoemaker of the COC said he hopes that “when the remit of the inquiry is announced, part of it will be to examine the lack of alignment in Canadian sport.”<sup>393</sup>

Some witnesses stressed the importance of a public inquiry to examine the role of Sport Canada. Susan Auch believed such an inquiry could answer many questions, including

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389 CHPC, *Evidence*, 23 March 2023, 1705 (Gretchen Kerr).

390 CHPC, *Evidence*, 17 April 2023, 1110 (Lorraine Lafrenière).

391 Ibid.

392 CHPC, *Evidence*, 24 April 2023, 1255 (David Wallbridge).

393 CHPC, *Evidence*, 1 June 2023, 1550 (David Shoemaker).



“the lack of nimbleness that a Sport Canada-type federal organization can handle.”<sup>394</sup> In response to those who may oppose a public inquiry, Whitney Bragagnolo, PhD candidate and sport governance and anti-corruption consultant, wanted to say:

I’d like to say something just in regard to some opposition to the inquiry, concerning the amount of time that it would take to do an inquiry. For governance audits, they don’t typically exceed a period of two months. They can be done simultaneously. Many could be done at the same time. My seasoned colleagues who work specifically in sport governance have been doing this since 2011 and 2014. They generally only bill for five business days, which is generally independent of the scale of the organization. This is something that we really seriously need to consider.

It needs to start now. It's not just auditing NSOs. It's Sport Canada, all of the safe sport, for-profit entities, and our reporting mechanisms as well.<sup>395</sup>

Rob Koehler, Director General of Global Athlete, said that it is “time to act now for a judicial inquiry”<sup>396</sup> and discussed the powers that such an inquiry should have:

The public inquiry should be a judicial inquiry that has the power of subpoena and the ability to attach every part of the sport in Canada, whether it’s provincial or national or Sport Canada.<sup>397</sup>

As well, he believes that a judicial inquiry is “the only way to truly understand the Canadian sport system” and is needed to “look at the tangled web of how sport operates in Canada. It needs to take a deep dive into the real and perceived conflicts of interest that exist.”<sup>398</sup>

Andrea Neil said that there needs to be an investigation of the financial data over the last two decades: “A forensic audit into the finances going back 20 years will give evidence of the patterns of behaviour that have occurred financially.”<sup>399</sup>

Ms. Denhollander believes that it is vitally important in an inquiry that “the proper survivor protections in place can be done in a way that is trauma-informed and that protects survivors’ identities.”<sup>400</sup> Mr. Shoemaker also believes that the inquiry must be

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394 CHPC, [Evidence](#), 12 June 2023, 1155 (Susan Auch).

395 CHPC, [Evidence](#), 1 May 2023, 1220 (Whitney Bragagnolo).

396 CHPC, [Evidence](#), 16 February 2023, 1655 (Rob Koehler, Director General, Global Athlete).

397 *Ibid.*, 1720.

398 *Ibid.*, 1655.

399 CHPC, [Evidence](#), 24 April 2023, 1145 (Andrea Neil).

400 CHPC, [Evidence](#), 24 April 2023, 1205 (Rachael Denhollander).



trauma-informed.<sup>401</sup> The inquiry should also be structured in a very robust way “that can look at the culture of the organization as well as policy and structure breakdowns, because we tend to find all three things.”<sup>402</sup> Emily Mason further believes that an inquiry is needed into “Canadian sport culture.”<sup>403</sup>

Mr. Luke believes that the inquiry needs to produce “a series of recommendations, as we saw in the Dubin inquiry, that are system-wide.”<sup>404</sup>

Teresa Fowler, Assistant Professor at Concordia University of Edmonton, feels that a public inquiry “is a powerful mechanism to reveal truths to engage accountability and transparency in government and other public institutions that receive funding from the federal government.”<sup>405</sup>

Lastly, Ms. Bragagnolo believes that governance must be included in the terms of reference of such an inquiry. She told the Committee, “commence independent sport governance audits in the inquiry.”<sup>406</sup> She also believes that the concept of independence needs to be clarified, since “[e]ntities around safe sport require independence to be effective.”<sup>407</sup>

Julie MacFarlane, co-founder of Can’t Buy My Silence and Professor Emerita of Law at the University of Windsor, believes that the use of non-disclosure agreements should be included in a potential public inquiry into safe sport.<sup>408</sup> She also believes that individuals bound by such agreements need to be able to testify without fear of legal action:

I think the inquiry needs to make it clear that people can come forward and speak to them about being bound by an NDA with no consequences to them, because people literally live in fear.<sup>409</sup>

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401 CHPC, [Evidence](#), 1 June 2023, 1550 (David Shoemaker).

402 CHPC, [Evidence](#), 24 April 2023, 1205 (Rachael Denhollander).

403 CHPC, [Evidence](#), 24 April 2023, 1130 (Emily Mason).

404 CHPC, [Evidence](#), 15 May 2023, 1130 (Jeremy Luke).

405 CHPC, [Evidence](#), 23 March 2023, 1615 (Teresa Fowler).

406 CHPC, [Evidence](#), 1 May 2023, 1120 (Whitney Bragagnolo).

407 Ibid.

408 CHPC, [Evidence](#), 27 April 2023, 1715 (Julie Macfarlane, Co-Founder of Can’t Buy My Silence, and Professor Emerita of Law, University of Windsor, As an Individual).

409 Ibid.

Kim Shore, co-founder of Gymnasts for Change Canada, spoke about the urgent need for an inquiry. She believes that a national inquiry is needed to interrogate and then repair Canadian sport:

I still wonder how many complaints it takes to trigger a safe sport investigation. What is a child's safety worth?<sup>410</sup>

Ms. McCormack also believes that an inquiry is urgent given the number of people who have come forward:

... I can't help but ask myself this: How many more stories will it take for those of you in government to demand a national inquiry and implement real change?<sup>411</sup>

She believes that those players who reported their abusers but were not protected must not be forgotten:

Their voices and treatment matter equally, if not more than those of the players who stayed silent and played on, and their stories deserve to be told through a national inquiry.<sup>412</sup>

## GOVERNANCE ISSUES IN THE SPORT SYSTEM

The study on Safe Sport in Canada shed light on various governance issues involving the sport system. This section looks at these issues from the perspectives of NSOs, Sport Canada and the Office of the Sport Integrity Commissioner.

### National Sport Organizations

NSOs are the governing bodies for their respective sports. They serve many functions, such as governing all aspects of a sport and managing their high-performance programs, selecting and training their national teams, developing and promoting their sport, overseeing competitions and other aspects such as development and talent management.<sup>413</sup>

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410 CHPC, *Evidence*, 27 March 2023, 1120 (Kim Shore).

411 CHPC, *Evidence*, 24 April 2023, 1115 (Ciara McCormack).

412 Ibid.

413 Government of Canada. *National Sport Organizations*.



## Transparency

Transparency and accountability are interrelated concepts that were discussed throughout the study. While national sport organizations are governed by the rules, policies, procedures and directives adopted by their respective boards of directors, it has been shown on a number of occasions that boards of directors have acted contrary to the mechanisms in place. Richard McLaren of McLaren Global Sport Solutions Inc. said that “[a]ccountability is a significant problem. Many sports have reasonably robust policies, but they don’t use them. They remain unenforced.”<sup>414</sup> He told the Committee that transparency is often lacking in sports.<sup>415</sup>

Sylvain Croteau of Sport’Aide said that when it comes to financial transparency, Sport Canada’s decisions about ensuring greater transparency are essential.<sup>416</sup> Wendy Smith of Gymnastics Canada said that her organization “implemented many of Minister St-Onge’s recently announced measures for accountability.”<sup>417</sup>

Susan Auch, Former Chief Executive Officer of Speed Skating Canada, told the Committee that “boards need to be held accountable to the report cards that Sport Canada judges them at,” adding that “Sport Canada didn’t hold our board accountable at all. They just ignored the report card and didn’t do anything about it.”<sup>418</sup>

Kate Bahen, Managing Director of Charity Intelligence Canada, spoke about the lack of transparency based on her experience within charities. She told the Committee that there are 138 amateur athletic charities that are not required to annually file a [Registered Charity Information Return \(T3010\)](#).

She said that “[t]he lack of financial transparency among Canadian charities is far more common than Canadians expect.”<sup>419</sup> Ms. Bahen believes that a loophole allowing charities to not file an annual return must be closed:

Should Canadian charities have the right to refuse to be financially transparent? This option is only available in Canada. In the U.S., the U.K. and Australia, financial transparency is regulated. In those countries, the audited financial statements are

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414 CHPC, [Evidence](#), 1 May 2023, 1145 (Richard McLaren).

415 Ibid., 1130.

416 CHPC, [Evidence](#), 15 May 2023, 1130 (Sylvain Croteau).

417 CHPC, [Evidence](#), 15 June 2023, 1705 (Wendy Smith, Chair, Gymnastics Canada).

418 CHPC, [Evidence](#), 12 June 2023, 1205 (Susan Auch).

419 CHPC, [Evidence](#), 17 April 2023, 1100 (Kate Bahen, Managing Director, Charity Intelligence Canada).

posted on the charity regulator’s website and are easily available with just a click. It’s time Canada got in step and did the same.<sup>420</sup>

Guylaine Demers, Professor and Director of the Laboratoire de recherche pour la progression des femmes dans les sports au Québec, believes that funding has to be tied to accountability. She believes “that requires an organization to support data collection.”<sup>421</sup> She therefore recommended reinvestment in the Gender Equity in Sport Research Hub, an organization capable of such tracking.

During discussions about transparency obligations, attorney and victim advocate Rachael Denhollander provided a unique perspective on survivors and victims. In her view,

The assessments and inquiries that have been put before you, where these organizations have said, “Oh no, we understand everything that has gone wrong,” have lacked transparency. They have not involved survivor voices. They have not been set up in a way that makes it safe for survivors to engage and that is actually looking to get to the truth of what’s taken place.<sup>422</sup>

## Not-for-profit Organizations

As not-for-profit organizations, NSOs are subject to the [Canada Not-for-profit Corporations Act](#), as confirmed by Michel Ruest, an official from Sport Canada, during his testimony before the Committee.<sup>423</sup>

When the Honourable Thomas Cromwell testified to present the conclusions from his report on Hockey Canada’s governance, he said this: “it’s important for a not-for-profit organization to have a robust policy framework so that what is permissible and what isn’t is transparent and known to all directors.”<sup>424</sup>

Not-for-profit organization status can mean managing significant sums of money, as demonstrated by the testimony heard regarding Hockey Canada and its different funds as well as Canada Soccer and its deal with Canadian Soccer Business.

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420 Ibid.

421 CHPC, [Evidence](#), 1 May 2023, 1140 (Guylaine Demers).

422 CHPC, [Evidence](#), 24 April 2023, 1150 (Rachael Denhollander).

423 CHPC, [Evidence](#), 26 July 2022, 1225 (Michel Ruest).

424 CHPC, [Evidence](#), 13 December 2022, 1115 (Hon. Thomas Cromwell).



These situations prompted Rob Koehler of Global Athlete to say: “These organizations hold a non-profit status with separate entities to raise and distribute money with little to no oversight. How many other sports in Canada have similar entities?”<sup>425</sup>

According to Ms. Bahen, requiring not-for-profit organizations, including NSOs, to publish their financial statements should not create an undue burden for them:

In terms of financial transparency on the RCAAAs, I would suspect most charities are small organizations—under \$1 million. They probably wouldn’t have complex audited financial statements, and they probably wouldn’t say anything on that. We just need more transparency. They have to have a T3010A. We have to know how many full-time staff and how much compensation. Right now, it’s black.<sup>426</sup>

## Composition of Boards of Directors

The composition of boards of directors is a significant governance issue since boards make decisions and set the direction for the organization. Board composition was an issue during discussions involving various NSOs. The topic covers board member diversity and the inclusion of current and retired athletes as members.

Inclusion and diversity on boards of directors were discussed in terms of gender, minority and athlete representation. Shauna Bookal, Manager of Equity, Diversity, Inclusion and Student Experience at Ontario University Athletics, provided data on minority representation on boards of directors:

For example, we have 63 NSO leaders right now, and three of them are from a minority group. That’s out of 63. People keep saying there aren’t many minorities to hire in certain positions, but when minorities do apply for positions, they say, “Well, you don’t have enough experience in the sports sector.”<sup>427</sup>

Sylvie Béliveau, Director of Gender Equity for Égale Action, said that work to support women needs to continue in order “to increase their presence in sport organizations.”<sup>428</sup> She provided figures for Quebec:

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425 CHPC, [Evidence](#), 16 February 2023, 1655 (Rob Koehler).

426 CHPC, [Evidence](#), 17 April 2023, 1200 (Kate Bahen).

427 CHPC, [Evidence](#), 1 May 2023, 1155 (Shauna Bookal).

428 CHPC, [Evidence](#), 1 May 2023, 1135 (Sylvie Béliveau, Director, Gender Equity, Égale Action).

In Quebec, women make up 33% of board members. Hopefully, that is thanks to the efforts made in recent years, and we want to see that progress continue.<sup>429</sup>

Lisa Ross was a member of the Sail Canada coaching team until her position was eliminated in March 2023. Ms. Ross and Sail Canada disagree on the reasons for her dismissal: their perspectives were addressed in Ms. Ross's brief and during the appearance by Sail Canada on 15 June 2023. On this occasion, they were invited to provide to the Committee the documents that would corroborate their claim.<sup>430</sup> In her brief, Ms. Ross said that the current system is inadequate to ensure that women serve in decision-making positions:

The current model of apprenticeship, mentorship and gender equity funding, while creating some opportunities for growth, learning and funding-tied employment for female coaches, has not significantly increased the number of female leaders. We need to better understand where the system is failing our female coaches and leaders and how we can ensure their talent, experience and perspective is not lost to our athletes.<sup>431</sup>

According to Ms. Ross, "[o]ur sport funding structures need to be squarely tied to meeting gender equity targets."<sup>432</sup>

Professor Demers pointed out that greater gender diversity can make sport safer, since "[i]t's been shown that, when more women are in leadership positions, violence and harassment rates drop rapidly."<sup>433</sup>

The athlete representation model at Swimming Canada was also cited during the study. Swimming Canada has an athletes council that includes current and former Olympic and Paralympic team athletes. According to Suzanne Paulins of Swimming Canada, her organization is well aware of the need to hear from athletes on governance bodies. She pointed out that several board members were once athletes:

We are also [currently] rewriting our bylaws to formally include a retired athlete on the board, beginning in September. We have an active athletes council, one that includes current and former Olympic and Paralympic team athletes.<sup>434</sup>

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429 Ibid.

430 CHPC, *Evidence*, 15 June 2023, 1735 (Anthony Housefather, M.P., Mount-Royal).

431 Lisa Ross, *Women and Mothers in Canadian High Performance Sport*, Brief, p. 4.

432 Ibid., p. 9.

433 CHPC, *Evidence*, 1 May 2023, 1140 (Guylaine Demers).

434 CHPC, *Evidence*, 5 June 2023, 1205 (Suzanne Paulins).



David Shoemaker of the COC said that the COC has put a governance model in place that includes six Olympians on its board, “two of whom come directly from our Athletes’ Commission.”<sup>435</sup> Mr. Shoemaker also described some of the benefits of fully and consistently applying the principles of the *Canadian Sport Governance Code*. According to Mr. Shoemaker,

It leads to how boards are composed, how leaders are selected, how athletes must be represented on boards, and the financial transparency that must be evident in national sports organizations. These are very important things that are now best practices and mandated for national sports organizations.<sup>436</sup>

Christopher Lindsay, Executive Director of Boxing Canada, said that “[t]o help us gauge blind spots in our self-evaluation, we have strengthened our athlete representation and engaged ITP in an independent cultural review.”<sup>437</sup> ITP, as an independent third party, is a for-profit organization.

Tara McNeil, President of Bobsleigh Canada Skeleton, admitted that her organization “has had its share of challenges over the last number of years, operating without a day-to-day chief executive officer.”<sup>438</sup> She said that Bobsleigh Canada Skeleton is “now at a crossroads.”<sup>439</sup> One of their immediate priorities is to “immediately recruit an executive director.”<sup>440</sup> Ms. McNeil said that the board of directors includes “two active athlete reps ... who have been instrumental in capturing the athletes’ voices and in being a direct pipeline to the daily training environment.”<sup>441</sup>

Nathan Bombrys, Chief Executive Officer of Rugby Canada, pointed to efforts being made to transform the organization, which he acknowledged “has encountered conduct that didn’t align with our values.”<sup>442</sup> He said that “[s]ome of these actions include an overhaul of our governance structure and transitioning to a skills-based board.”<sup>443</sup> The Board has two athlete directors, one male and one female, elected by the Canadian Rugby Players Association. As well, Rugby Canada has created “new roles” and filled

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435 CHPC, [Evidence](#), 1 June 2023, 1610 (David Shoemaker).

436 Ibid., 1605.

437 CHPC, [Evidence](#), 8 June 2023, 1600 (Christopher Lindsay, Executive Director, Boxing Canada).

438 CHPC, [Evidence](#), 12 June 2023, 1215 (Tara McNeil, President, Bobsleigh Canada Skeleton).

439 Ibid.

440 Ibid.

441 Ibid., 1255.

442 CHPC, [Evidence](#), 12 June 2023, 1220 (Nathan Bombrys, Chief Executive Officer, Rugby Canada).

443 Ibid.



“gaps in our organization,”<sup>444</sup> including a senior director of finance and business services.<sup>445</sup>

Gymnastics Canada has implemented measures pertaining to board diversity, term limits and athlete inclusion.<sup>446</sup> Ms. Smith spoke about a “board that is looking to change.”<sup>447</sup>

Janine Beckie from Canada Soccer spoke on behalf of her colleagues by pointing to a lack of change in the current composition of Canada Soccer’s Board of Directors and management team:

I would just emphasize what my teammates have said in the sense that the new leadership isn’t new. It’s the same people who have been there before. I think we sit here and expect lasting change.<sup>448</sup>

Charmaine Crooks, Canada Soccer’s president from May 2023 to May 2024 and first woman elected to this position, wanted to assure the Committee that “one of the pillars will be athletes’ engagement in the governance process, and we have already started looking at how that will be done.”<sup>449</sup> She pointed to the diversity of the Board, which has “40% independent members.”<sup>450</sup>

## Independent Third Parties

During her testimony, then Minister of Sport, the Honorable Pascale St-Onge, reminded the Committee that NSOs are now required to provide the services of an independent third party in the event of allegations:

Since 2018, under the contribution agreements with Sport Canada, the sport organizations that we fund have had a responsibility to report assault and maltreatment cases to us. This enables Sport Canada to perform two tasks: first, to ensure that the organization in question has established and enforces policies on maltreatment and, second, to verify that complainants have access to an independent third party to review

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444 Ibid.

445 Ibid.

446 CHPC, [Evidence](#), 15 June 2023, 1705 (Wendy Smith).

447 Ibid., 1755.

448 CHPC, [Evidence](#), 9 March 2023, 1625 (Janine Beckie).

449 CHPC, [Evidence](#), 11 May 2023, 1645 (Charmaine Crooks).

450 Ibid.



complaints and conduct investigations or that they are directed to the competent authorities.<sup>451</sup>

These independent third parties are private companies which are mandated by NSOs to investigate and handle allegations of abuse in sport.

Their work has been criticized by some witnesses, including Ciara McCormack, professional soccer player and whistleblower, who spoke of them in this way:

Outside soccer, we've heard about for-profit "safe sport" groups such as ITP and Sport Law, operating like wolves in sheep's clothing, that present themselves as a safe place for vulnerable, abused athletes, not revealing that in actuality they are paid by and to protect the interests of sport organizations that have caused these same athletes harm.<sup>452</sup>

Ms. McCormack said that the "independent investigations" are actually "glorified PR jobs" and "a team effort to operate the status quo of harm."<sup>453</sup>

This point of view was shared by Kelly Favro of My Voice, My Choice, who said that "third party investigators are out protecting the best interests of the organization."<sup>454</sup>

For her part, Kim Shore, co-founder of Gymnasts for Change Canada, deplored the treatment she received from the independent third party responsible for her case, ITP, during her complaint process:

I put in a complaint with Gymnastics Canada while I was a board member and said, "Please don't give me any special treatment," and there were four or five other families from the same club who put in a complaint with me. I didn't hear anything for eight or nine months. Then I got a call from ITP saying, "I need you to rewrite your complaint on the formal sheet and cite numerically the aspects of the policy you think every one of those coaches violated." I burst into tears instantly, even though I'm supposed to be this educated...<sup>455</sup>

According to Jessica Gaertner, advocate from My Voice, My Choice, the arrival of independent third parties did not contribute to making sport safer:

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451 CHPC, [Evidence](#), 20 June 2022, 1820 (Hon. Pascale St-Onge).

452 CHPC, [Evidence](#), 24 April 2023, 1115 (Ciara McCormack).

453 Ibid.

454 CHPC, [Evidence](#), 5 June 2023, 1155 (Kelly Favro, Co-Founder, My Voice, My Choice, As an Individual).

455 CHPC, [Evidence](#), 27 March 2023, 1205 (Kim Shore).

The system has not changed... They may call it safe sport and sport integrity, but it is anything but. Survivors are tired of fighting the system from every angle, but this one shouldn't be so hard.<sup>456</sup>

## Conflicts of interest

Some witnesses highlighted the issues related to conflicts of interest which are prevalent in sports.

It is necessary to first distinguish between perceived, potential, and real conflicts of interest. In a document explaining the myths and realities of conflicts of interest in sport, the SDRCC defines them as follows:

**Real conflict of interest:** A situation in which a person has a private interest that is sufficient to influence him/her in the exercise of other duties. An example would be a father sitting as member of an internal appeal panel to review a decision previously rendered by his daughter in her capacity as high performance chairperson. The decision-maker (the father) places himself in a situation of conflict of interest because his ruling will have a significant impact on a personal relationship with an immediate family member...The father here should disclose the conflict and decline the appointment.

**Potential conflict of interest:** Refers to a conflict of interest that is foreseeable but not yet real. This may occur for example if a personal coach is named a member of the Olympic team selection committee of his NSO, with a strong possibility that his top athlete will be vying for a spot on that team. At this stage, it is still a potential conflict because we are unsure whether the athlete's performances will lead her to even be considered for the team. If however the athlete in question is successful in meeting minimum criteria and becomes a candidate for consideration by the committee, the conflict will become real. The personal coach would then be advised to declare the conflict and leave the meeting when the committee will discuss the selection of his athlete. Because potential conflicts can be anticipated, arrangements may be made in advance to facilitate disclosure and removal without too much disruption in the process.

**Perceived conflict of interest:** When there is a reasonable apprehension that a conflict of interest exists. This means that someone may reasonably think that there is a conflict of interest even though there may not be one at all. Disclosure of facts and circumstances at the origin of that person's beliefs may uncover a real conflict, a potential conflict, or no conflict at all.<sup>457</sup>

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456 CHPC, *Evidence*, 5 June 2023, 1105 (Jessica Gaertner, Advocate, My Voice, My Choice, As an Individual).

457 Marie-Claude Asselin, *The Myths and Realities of Conflicts of Interest in Sport*, Sport Dispute Resolution Centre of Canada, October 2011, pp 1–3.



Whitney Bragagnolo, Ph.D. candidate and sport governance and anti-corruption consultant, was “concerned” about conflicts of interest in Canadian sport:

I am concerned about conflicts of interest in Canadian sport right now. This is in situations in which, for example, legal professionals, academics or consulting firms are hired by sport organizations to advise or to provide guidance on evolving their operations. The same entity might be involved with investigations for misconduct. This can lead to pressure—and I think has led to pressure—in minimizing issues. I think this compromises the credibility and impartiality of the organizations and of investigations. These scenarios should not even be possible. Even if people are acting in good faith, this should not be possible. It’s no surprise to me that some entities do not want an inquiry. This is what governance audits help avoid.<sup>458</sup>

Ms. Bragagnolo added that “Even with good intention, a lack of professional capacity, a conflict of interest or a lack of independence will hinder the ethical evolution of Canadian safe sport and appropriate athlete care.”<sup>459</sup> It is therefore essential, according to her, that the handling of complaints and the entire system be handled “impartially by accountable professionals who have the required competence and necessary training, and who do not have any history surrounding the enabling of abuse or corruption at any level in sport.”<sup>460</sup>

In her testimony, Ms. Auch decried the situation in sport as follows:

There is conflict of interest with parents being involved in coaching and leadership positions. Conflict-of-interest documents aren’t just to say that you have a conflict of interest and let everyone know. Once you have a conflict of interest, you’re biased. You don’t have the ability to say, “I’m not going to be biased.” You don’t have that anymore. That is a huge part of it.

There should be policies on keeping parents away, possibly, from their children’s development in sport, so they are spectators only, not coaches, administrators and volunteers at board levels. It’s tough, I know, because we need parents to be volunteers. There has to be some way to control the outside interference.<sup>461</sup>

Citing the Committee’s meeting relating to Canada Soccer, Ms. McCormack pointed out that “These hearings have outlined rampant conflicts of interest, zero oversight over

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458 CHPC, [Evidence](#), 1 May 2023, 1205 (Whitney Bragagnolo).

459 Ibid.

460 Ibid.

461 CHPC, [Evidence](#), 12 June 2023, 1130 (Susan Auch).

money, and a massive power imbalance between athletes and the gatekeepers of Canadian sport organizations, causing immense harm.”<sup>462</sup>

Ms. Shore, co-founder of Gymnasts for Change Canada, called for a thorough review of conflicts of interest in sport: “Willful blindness, an imbalance of power and undeclared conflicts of interest need to be uncovered and resolved. Adults need to stop choosing to protect their legacy over protecting children.”<sup>463</sup> In his testimony, Ryan Sheehan denounced conflicts of interests within Gymnastics Canada, including from those responsible for protecting athletes.<sup>464</sup>

Mr. Koehler spoke similarly on this topic and asked for a “deep dive into the real and perceived conflicts of interest” in sport. He cited many examples which he believes justifies this study:

Own the Podium receives over \$2.9 million from the Canadian government and is also funded by the Canadian Olympic Committee, the Canadian Olympic Foundation and the Canadian Paralympic Committee. Who has oversight of Own the Podium? Why does this organization exist? Is it another offshoot organization, similar to what we have seen from Hockey Canada and Canadian Soccer Business?

I’d like to look at the legal community. A lawyer in Canada is required to carry out due diligence before taking on a client, but for some reason, sport allows them to circumvent this practice. For researchers, we need to ask how independent researchers are finding them in positions of power within Canadian sport organizations and influencing Canadian sport policy-makers.

For investigations, we have to take a deep dive into so-called “independent investigations” that not only have existing relationships with sport but are also being paid to protect the brand of the sport that is paying them to do the investigation. Who is representing the athletes? In all of these scenarios, it is akin to the fox guarding the henhouse.<sup>465</sup>

According to Jennifer Fraser, “a new, fully independent body that receives and acts on abuse reports needs to be established to eliminate the conflict of interest and/or political interference,”<sup>466</sup> which would better protect not only athletes, but also children and any other person who was mistreated or abused.

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462 CHPC, *Evidence*, 24 April 2023, 1115 (Ciara McCormack).

463 CHPC, *Evidence*, 27 March 2023, 1120 (Kim Shore).

464 CHPC, *Evidence*, 27 March 2023, 1115 (Ryan Sheehan).

465 CHPC, *Evidence*, 16 February 2023, 1655 (Rob Koehler).

466 CHPC, *Evidence*, 16 February 2023, 1650 (Jennifer Fraser).



Another solution, proposed by Yann Bernard, president of the Canadian Fencing Federation, could be the creation of “mechanisms like a workers compensation program associated with workplace safety, or a youth protection program”<sup>467</sup> in order to “introduce a serious protection system for our athletes that doesn’t rely on people who might be subject to conflicts of interest.”<sup>468</sup>

During her testimony in December 2023, the Minister of Sport and Physical Activity, the Honourable Carla Qualtrough, recognised the need to “do a better job to get rid of conflicts of interest in sport.”<sup>469</sup> She said:

There are a lot of people wearing more than one hat in the system. It’s volunteer-driven. It’s federal-provincial. These are systemic issues that, until we figure out how to streamline the sports system and address these conflicts of interest, we’re not going to have the sport we want for our kids. It’s going to be really hard.<sup>470</sup>

Considering these elements, according to Ms. Bragagnolo, the entire governance of the sport system must be audited:

I think that independent governance audits should be required for Canada’s sport, for the reporting mechanisms and for these for-profit safe sport entities. Basically, any entity seeking to work within sport in this capacity has to be held to greater accountability.<sup>471</sup>

## Sport Canada

During the study, several witnesses spoke about the work carried out by Sport Canada.

Kristen Worley denounced the way that all stakeholders, including Sport Canada, tried to cover up her experience “about abuse, trauma, maltreatment, collusion, the use of wilful blindness, the lack of state responsibility, gross liability, brand protection and foreign interference.”<sup>472</sup> She said that they acted together to “blacklist” her “to prevent the world from knowing what they had done.”<sup>473</sup>

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467 CHPC, [Evidence](#), 1 June 2023, 1645 (Yann Bernard, President, Canadian Fencing Federation).

468 Ibid.

469 CHPC, [Evidence](#), 12 December 2023, 1220 (Hon. Carla Qualtrough, Minister of Sport and Physical Activity).

470 Ibid., 1235.

471 CHPC, [Evidence](#), 1 May 2023, 1205 (Whitney Bragagnolo).

472 CHPC, [Evidence](#), 5 June 2023, 1100 (Kristen Worley).

473 Ibid.

Bruce Kidd, Professor Emeritus at the University of Toronto, reminded the Committee that Canadian sport institutions like Sport Canada have neglected the reforms started 30 years ago following the Dubin Commission:

...as an outgrowth of the progressive ideas set in motion by protests, headlines and hearings associated with the Dubin commission more than 30 years ago, Sport Canada enacted a strong policy to address sexual harassment, only to let it slide into oblivion. At the same time, Canada took a much more inclusive, athlete-centred approach to governance through the Canadian sport council, only to let it fade and die in the cutbacks of the 1990s. Progress can be reversed.<sup>474</sup>

According to Ms. Auch, Sport Canada did not get sufficiently involved when situations arose: “Sport Canada generally stays out of the conflicts.”<sup>475</sup> She said that Sport Canada “should be intervening.”<sup>476</sup>

In her testimony, the Sport Integrity Commissioner at the time, Sarah-Ève Pelletier, confirmed that the OSIC does not share any information with anyone, including Sport Canada.<sup>477</sup>

As previously discussed, the Committee heard testimony from Sport Canada officials regarding Hockey Canada’s situation in 2022. The Committee learned that Sport Canada does not do its own verifications about the measures required of NSOs to receive funding: Sport Canada relies on annual reports provided by NSOs to the department.<sup>478</sup> This fact was confirmed by the NSO officials met by the Committee.<sup>479</sup>

Aside from the withdrawal of funding, Sport Canada does not have the levers to compel NSOs to act. These limited powers of Sport Canada were highlighted by some witnesses, including Mr. Koehler who said:

We have heard directly from this committee that Sport Canada is not fit for purpose. They have all proven that they don’t have the tools and the systems in place to demand

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474 CHPC, [Evidence](#), 23 March 2023, 1625 (Bruce Kidd).

475 CHPC, [Evidence](#), 12 June 2023, 1110 (Susan Auch).

476 *Ibid.*, 1115.

477 CHPC, [Evidence](#), 16 February 2023, 1610 (Sarah-Ève Pelletier).

478 CHPC, [Evidence](#), 26 July 2022, 1235 (Michel Ruest).

479 See, for example: CHPC, [Evidence](#), 12 June 2023, 1205 (Susan Auch); CHPC, [Evidence](#), 1 June 2023, 1635 (David Howes, Executive Director, Canadian Fencing Federation); CHPC, [Evidence](#), 5 June 2023, 1240 (Suzanne Paulins); and CHPC, [Evidence](#), 8 June 2023, 1615 (Christopher Lindsay).



accountability. Freezing funding and resignations are all band-aid solutions that don't get to the root of the problem.<sup>480</sup>

In December 2023, the Minister of Sports and Physical Activity announced a reform of Sport Canada's funding mechanism in order to have more compliance and more accountability. She said:

I want Sport Canada to be digging in more, which I think they need to be doing, and they know that. That became very clear over the past two years. Sport Canada has committed to looking at not only its mandate but also the relationships that individuals have within the sport community.<sup>481</sup>

Olympian and teacher Myriam Da Silva Rondeau was critical of Sport Canada's lack of oversight into what is happening within the various federations:

I think officers are supposed to be monitoring what's happening within the federations, but I've never seen any. Part of the responsibility falls to them, meaning what happens within the federations. Currently, though, this role has shifted to the Own the Podium organization and of course, the athletes, via the complaints system and the current mechanisms we are familiar with. Monitoring the federations through complaint mechanisms has fallen to the athletes. However, it's too demanding for us. Own the Podium does its share by attempting to get the federations to assume responsibility for their actions, but its power is limited. The rest of the power lies with Sport Canada. What's happening there? Where are these safety officers?<sup>482</sup>

Gretchen Kerr, Professor with the Faculty of Kinesiology and Physical Education at the University of Toronto, believes that there is a lack of accountability:

On the issue of governance, first, there is the matter of athlete representation in governance and, secondly, there is the notion of accountability. To highlight this, Sport Canada previously mandated NSOs to have independent harassment officers to deal with cases concerning safe sport. They required this in order to obtain their annual funding. Only one of the NSOs had an independent harassment officer 20 years later; yet every year their funding continued, so the question of accountability also comes into play in terms of the answer to your question.<sup>483</sup>

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480 CHPC, [Evidence](#), 16 February 2023, 1655 (Rob Koehler).

481 CHPC, [Evidence](#), 12 December 2023, 1210 (Hon. Carla Qualtrough).

482 CHPC, [Evidence](#), 24 April 2023, 1245 (Myriam Da Silva Rondeau).

483 CHPC, [Evidence](#), 23 March 2023, 1650 (Gretchen Kerr).



Witnesses condemned the lack of transparency when Sport Canada funding was restored to Hockey Canada in April 2023. According to Rachael Denhollander, attorney and victim advocate, this decision is worth criticizing:

There really hasn't been transparency there. When that type of action is taken, when any type of action is taken, it is a communication. It is a value statement.<sup>484</sup>

Lawyer David Wallbridge said that he was surprised by the decision, since "none of the questions were answered, and the work of this committee was not concluded."<sup>485</sup>

Ms. Bahen mentioned that an organization like Hockey Canada does not need this funding, which could be better used for other purposes:

Just listening today to the work that's being done in safe sport, it's difficult to reconcile whatever the Sport Canada funding is for Hockey Canada with the immense needs of other organizations to do safe sport if this is a government priority. Hockey Canada doesn't need the money. It has \$98 million in the bank. As it said itself, it has "deep pockets". It has millions and millions of dollars, and other organizations across Canada need funding to do critically important work.<sup>486</sup>

With a view to improving Sport Canada's practices, the Honourable Kirsty Duncan, Member for Etobicoke North, Minister of Science and Minister of Sport and Persons with Disabilities from 2018 to 2019, said that "safe sport measures, accountability and financial instruments developed to ensure compliance need to be examined."<sup>487</sup>

Mr. Koehler called for Sport Canada's role to be removed from a ministerial portfolio and recommended "that [safe sport] in Canada be independent of Sport Canada and not linked with them and be managed by human rights experts."<sup>488</sup>

The Committee also heard that Sport Canada, and sport in general, should no longer be the responsibility of the Department of Canadian Heritage. Mélanie Lemay of Québec contre les violences sexuelles, had this to say:

It's essential that the Department of Canadian Heritage no longer be responsible for managing sport. It has to be the Department of Health, simply because we need to set up integrated support mechanisms within teams and a service corridor that facilitates

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484 CHPC, *Evidence*, 24 April 2023, 1215 (Rachael Denhollander).

485 CHPC, *Evidence*, 24 April 2023, 1215 (David Wallbridge).

486 CHPC, *Evidence*, 17 April 2023, 1135 (Kate Bahen).

487 CHPC, *Evidence*, 15 June 2023, 1615 (Hon. Kirsty Duncan).

488 CHPC, *Evidence*, 16 February 2023, 1705 (Rob Koehler).



and enables young people to get help as soon as they need it. We have to stop seeing them as athletes.<sup>489</sup>

This view was shared by Ms. Auch:

To me, the biggest benefit of sport is mental and physical health and well-being, so why isn't it in the health portfolio? I guess maybe sport is afraid of not getting enough in that portfolio. It should definitely have its own portfolio.<sup>490</sup>

According to MacIntosh Ross, assistant professor at Western University and coordinator of Scholars Against Abuse in Canadian Sport, the entire issue of safe sport should be removed from the sport system:

Sport administrators are not equipped to foster the kind of meaningful sustainable change the system needs. The current abuse crisis in Canadian sport can't be solved by existing mechanisms. It won't be solved by Sport Canada, and it won't be solved by some extension of Sport Canada, because it's not a sports issue. It's a human rights issue within sport.<sup>491</sup>

## Office of the Sport Integrity Commissioner

Several witnesses also spoke about the work of the OSIC. The Committee invited the Sport Integrity Commissioner, Sarah-Ève Pelletier, to share her views about her role and her work.

Ms. Pelletier acknowledged the limits on what the OSIC can do:

The respondent—the person who is alleged to have committed the violation—needs to be under the authority of the signatory organization for OSIC at least to have the ability to look into the matter.<sup>492</sup>

This means that complaints from athletes, even those within a signatory organization, are not admissible if the alleged perpetrator falls outside the OSIC's authority. The Commissioner called this inability to compel co-operation from non-signatories "an important limitation."<sup>493</sup>

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489 CHPC, *Evidence*, 8 June 2023, 1630 (Mélanie Lemay).

490 CHPC, *Evidence*, 12 June 2023, 1140 (Susan Auch).

491 CHPC, *Evidence*, 27 March 2023, 1130 (MacIntosh Ross).

492 CHPC, *Evidence*, 16 February 2023, 1610 (Sarah-Ève Pelletier).

493 *Ibid.*, 1615.

Ms. Pelletier also said that she wished that she were able to better serve survivors and more effectively punish abusers:

There should simply be no gap preventing people from getting help or creating loopholes for those looking to cause harm.<sup>494</sup>

The issue of the OSIC’s jurisdiction also came up during the study. As explained by Mr. McLaren:

The funding that OSIC has, [for example,] can go only to the elite, high-performance athletes who are under the governorship and control authority of the national sporting organization. They don’t have the authority to go any further. There are some mechanisms by which you could develop a grassroots, club, provincial and federal national body structure and buy into a much better system than what we have, but that would have to come from the bottom up. It can’t come from the top down. That’s the problem. The top down doesn’t have the authority or the jurisdiction. Many of our sporting bodies nationally don’t get along well with their provincial.... That problem carries on all the way down the chain from there.<sup>495</sup>

During her testimony in December 2023, the Honourable Carla Qualtrough told the Committee that after making the OSIC a separate division from the Sport Dispute Resolution Centre of Canada, she was also working on a way to give it “a much more sophisticated relationship with authorities...and the justice system.”<sup>496</sup>

The OSIC is too reactive and not sufficiently focused on prevention, according to Professor Ross:

My primary problem with OSIC is that it’s very reactionary, and I think I speak for many of the scholars involved in our group. Something bad has to happen—first—for OSIC to get involved. What we talked about, in the letter to the Prime Minister, was getting ahead of things and trying to be preventative and shift a culture that is already, as you said, very toxic. We can’t do that by simply reacting to individual cases all the time. We have to react to those cases—we need a reporting mechanism in place—but, at the same time, we need something more robust that can actually shift things in a meaningful way.<sup>497</sup>

Both Randall Gumbley, consultant and official from the World Association of Ice Hockey Players Union, and Kim Taylor, player and family ice hockey advocate, pointed out that

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494 Ibid., 1535.

495 CHPC, *Evidence*, 1 May 2023, 1230 (Richard McLaren).

496 As of the writing of this report, this modification has not yet been done. See: CHPC, *Evidence*, 12 December 2023, 1200 (Hon. Carla Qualtrough).

497 CHPC, *Evidence*, 27 March 2023, 1240 (MacIntosh Ross).



since the Canadian Hockey League is a professional league, it falls outside the OSIC’s jurisdiction.<sup>498</sup>

As an attorney and victim advocate, Ms. Denhollander supports athletes during the reporting process, having gone through the U.S. complaints system herself. She believes that the problems with the OSIC are similar to what she sees in her own country:

I would echo that. OSIC has a lot of the same problems that our U.S. safe sport system has, and I work with athletes trying to navigate that system all the time. The proper survivor protections are not in place, and the investigative teams are not skilled. It easily takes two or three times the length of time that it ought to take to complete an investigation, while the athlete is left unprotected and there are no whistle-blower protections in place.

The same things that you have heard these athletes articulate are the same problems we are dealing with in the U.S., and it is so deeply retraumatizing to survivors and so deeply unfair to ask them to navigate.<sup>499</sup>

However, Allison Forsyth, Chief Operating Officer of ITP Sport and Recreation Inc., welcomed the creation of the OSIC, saying that she knew “many athletes who are quite happy with OSIC and are not quite as vocal as some athletes who are not.”<sup>500</sup> She did say that the OSIC needs to be adequately resourced:

it is essential that, if a complainant comes forward, not only will the complaint be heard in a timely manner, but also that the complainant will receive consistent and constant communication as to their complaint. When we build structures, build organizations and fund organizations like OSIC, we need to fund them to the degree that anticipates ... how many complaints they should anticipate over a calendar year.<sup>501</sup>

Some witnesses felt that the OSIC is not the ideal organization to ensure that the complaints process is truly independent. For example, Dr. Jennifer Fraser argued for the creation of “a body—independent from sport, school, church or whatever—that takes in complaints and addresses them and is made up of experts. They’re experts in child abuse.”<sup>502</sup>

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498 See: CHPC, [Evidence](#), 23 March 2023, 1730 (Randall Gumbley, Consultant, World Association of Icehockey Players Union); and CHPC, [Evidence](#), 8 June 2023, 1550 (Kim Taylor).

499 CHPC, [Evidence](#), 24 April 2023, 1255 (Rachael Denhollander).

500 CHPC, [Evidence](#), 23 March 2023, 1655 (Allison Forsyth, Chief Operating Officer, ITP Sport and Recreation Inc.).

501 Ibid., 1720.

502 CHPC, [Evidence](#), 16 February 2023, 1720 (Jennifer Fraser).

Ms. McCormack, whistle-blower and professional soccer player, was critical of the OSIC, saying that it “is not even close to a solution,”<sup>503</sup> since it is representative of “a sport system washing within itself to try to appear to be solving a problem.”<sup>504</sup>

Meanwhile, Emily Mason of Fencing for Change Canada complained that the complaint process is not clear:

It's incredibly unclear whether athletes are supposed to go to their provincial organizations, the national organization, OSIC, or selection policy 1 or policy 2. It's incredibly complex, and a lot of it is out of the hands of the survivors themselves.<sup>505</sup>

Ms. Shore told the Committee that the OSIC should be fully independent from sport:

I spoke to someone who was on some of the original planning committees for the UCCMS and, I believe, OSIC as well. When they were meeting, they were calling for independence from sport, but it got misunderstood by somebody up there who thought independent from sport meant independent from the NSOs, the national sport organizations. What those individuals were calling for was complete independence from all sport, Sport Canada, sport ministry offices and everything. They wanted it outside of the sport umbrella.<sup>506</sup>

Professor Kidd expressed his fear that “unless the UCCMS and OSIC are systematically and resolutely implemented, they will lose support and be quickly forgotten, as earlier reform proposals were forgotten.”<sup>507</sup>

Professor Kerr said that “it will take time for OSIC to gain the trust of athletes.”<sup>508</sup>

Robert Hedges, Secretary of AthletesCAN, also said that the OSIC will need more time to gain this trust:

If the athletes do not feel there's an avenue for them to lodge their complaint, and feel comfortable in that, then there's no avenue for them. They feel hopeless. We need an organization that they can go through to do that. OSIC is what we have at this point. It hasn't been in place long enough, I don't think, to fully judge it ...<sup>509</sup>

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503 CHPC, [Evidence](#), 24 April 2023, 1255 (Ciara McCormack).

504 Ibid.

505 CHPC, [Evidence](#), 24 April 2023, 1140 (Emily Mason).

506 CHPC, [Evidence](#), 27 March 2023, 1140 (Kim Shore).

507 CHPC, [Evidence](#), 23 March 2023, 1625 (Bruce Kidd).

508 CHPC, [Evidence](#), 23 March 2023, 1655 (Gretchen Kerr).

509 CHPC, [Evidence](#), 27 March 2023, 1155 (Robert Hedges).



## SAFEGUARDS

As explained earlier, Canada has a number of safeguards in place to address potential situations of abuse in sport. At the federal level, most of these safeguards have recently been modernized and articulated around the work of the OSIC. However, many witnesses believe that these safeguards are inadequate and that each stage of the process should be changed. The following sections review each one of them.

### Handling of Complaints

Complaint timelines were raised as an issue affecting athletes' confidence in the system. During her appearance, Myriam Da Silva Rondeau, an Olympian and teacher, explained to the Committee the consequences for an athlete of launching a reporting process:

Once again, when athletes follow the existing mechanisms, it can take several months. In the meantime, the athlete does not take part in any competitions or training camps, and cannot accumulate any points. Like it or not, whistle-blowing is something you have to think about carefully.<sup>510</sup>

In keeping with the “culture of silence” prevalent in the Canadian sport system, Kim Taylor, player and family ice hockey advocate, condemned the way in which reports about how her son was treated while in the Canadian Hockey League were handled:

The prime example of the culture of silence is that after the league was informed of my son's abuse, following my testimony in the Oregon State Senate hearings, the [Canadian Hockey League] commissioned their own independent investigation. Even after admitting fault with the way they handled my son, they never called to apologize. They never let us see the private investigation report or let us know what actions were taken by the CHL to ensure that this type of treatment wouldn't happen to other players.<sup>511</sup>

To illustrate the problems with the complaints process, Jessica Gaertner, advocate with My Voice My Choice, told the Committee about her experience coming forward with reports to BC Hockey, the relevant sport organization in British Columbia. She called their response “pathetic.”<sup>512</sup> She denounced the “cruel” treatment she was subjected to after tabling her complaint, which was accepted by the independent third party in 2022:

My identity was not protected. My name and the allegation were simply emailed to the respondent with no safety or risk assessment carried out. You cannot lean on your

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510 CHPC, [Evidence](#), 24 April 2023, 1105 (Myriam Da Silva Rondeau).

511 CHPC, [Evidence](#), 8 June 2023, 1550 (Kim Taylor).

512 CHPC, [Evidence](#), 5 June 2023, 1105 (Jessica Gaertner).

support system, or speak about the process. I was left vulnerable and exposed. I was discouraged from reporting to the police until the investigation had finished, despite frequently stating I wished to do so.

The interviews were antagonistic to the point of bringing me to tears, cutting me off, speaking over me. There are significant risks of evidence contamination, with each party's evidence and responses relayed back and forth over several interviews and sometimes via email. It lacks integrity.<sup>513</sup>

Ms. Gaertner was critical of the work of the independent third party and of its ties to Hockey Canada: "They operate as a pseudo court without the legislative or personal protections. Victims are faced with a wall of lawyers and risk managers attempting to distance Hockey Canada from liability and the imbalance of protecting a respondent's unqualified right to participate in sport with that of protecting athletes and victims from harm."<sup>514</sup>

She added that "The fine print suggests that the ITP and Hockey Canada are one and the same, after all."<sup>515</sup> More broadly, Ms. Gaertner lamented that no one involved in the independent third party process "[is] there to advocate or support victims, but all of them continue to profit from our trauma,"<sup>516</sup> and that it is often "the same people under different and entities and process, all conflicted by their own affiliations and personal interests."<sup>517</sup>

Ryan Sheehan, co-founder of Gymnasts for Change Canada, related his experience of coming forward with the sexual abuse he endured while he was a minor. He explained that after Gymnastics Canada first refused to investigate, he finally turned to the Canadian Centre for Ethics in Sport:

Ultimately, I lodged a complaint with CCES, which demanded that GymCan do an investigation. I spoke with Gretchen Kerr, who had been the GymCan welfare officer for the past 30 years. I went without an update for 10 months. Finally, she shared with me that four other individuals had come forward detailing their experiences with this man. Kerr's report made no recommendations for sanction or discipline. Instead, I and the others were told to report this matter to the college of massage therapists. We were surprised to discover that this man, who was sent across the world as medical support staff, was merely a massage therapist. This man was never sanctioned by GymCan.

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513 Ibid.

514 Ibid.

515 Ibid.

516 Ibid.

517 Ibid.



In July 2021, I put out a post on social media saying I had been sexually abused and that my reporting experience with GymCan left me feeling more broken than the abuse itself. Two days later, I was asked to have a call with Ms. Kerr in which she asked me, “Why are you so mad at Gymnastics Canada?” She claimed that I had never filed a formal complaint, so I had no reason to be upset, and that if I was careful about what I posted, she would ensure there would be an outcome that both she and I would be happy with.<sup>518</sup>

Mr. Sheehan explained that this situation made him consider putting an end to his life. He has since lost faith in the current system:

My call with Gretchen was the ultimate loss of hope. The organization that my family and I entrusted with my physical and mental well-being for two decades could not even do the bare minimum to investigate my case unless forced, and then attempted to silence me.<sup>519</sup>

Kim Shore, co-founder of Gymnasts for Change Canada, has been involved in the world of gymnastics for a long time, as an athlete herself, as the parent of an athlete and as a member of the board of directors of Gymnastics Canada. She denounced the organization’s inaction regarding complaints:

In 2018, I joined the GymCan board of directors. It was becoming apparent that gymnastics had serious human rights and child abuse issues to tackle, and I was ready to help. There was interest at first, but then resistance, gaslighting and insults. Eventually, I was told to stand down when I challenged wrongdoing too many times.

Here are some of the highlights.

In 2016, a GymCan board chair was arrested for the possession and distribution of child pornography. He had previously gone to prison in 1992 for child prostitution, and nobody knew.

In 2015 to 2018, executives were informed by staff and others about inappropriate behaviour by multiple coaches. Information was suppressed, and there was a failure to act on their duty to care. The coaches kept coaching, and at least one reoffended.

In 2018, a secret internal investigation led to two executives resigning, one of whom is now a CEO at a different national sport organization.

In 2017, two out of three women's national team coaches were arrested. The third was relieved of his duties in 2019, with the CEO citing, “the gravity of the situation is at a level that I must remove him from his role” as a result of “both formal and

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518 CHPC, [Evidence](#), 27 March 2023, 1115 (Ryan Sheehan).

519 Ibid.



informal complaints.” Conversely, the gymnastics community was told he left for personal reasons.

I pushed back many times, to no avail. The welfare officer of 30 years insisted that Gymnastics Canada had received only one formal complaint about his conduct and that it was very unusual to suspend or expel someone based on one complaint. I still wonder how many complaints it takes to trigger a safe sport investigation. What is a child's safety worth?

In June 2021, I opposed the naming of a coach to team Canada because a formal complaint by an Olympian was still unresolved after eight months. Within days, the case was dropped, with no investigation. The coach went to the Olympics, and I resigned from the board.<sup>520</sup>

She highlighted an important part of the process, namely the monitoring of the complaints management process by NSOs. She presented it to the Committee as follows:

Where I was troubled, as a board member, was that the harassment officer role at GymCan—I think it could be similar in other sport organizations—was a volunteer position, from what I understood. There was no oversight. There was no accountability for the person in that role. It's almost like the role was built around someone they thought they could trust decades ago. The role evolved; the sport got worse.

I don't know if she or anyone in that role would ever feel pressured by a CEO to not say certain things. I outlined at least three instances in my testimony where I thought someone who was going to have the moral courage to stand up for athletes would have done so, but in fact, she or they—I don't know exactly—decided to not even do a safe sport investigation. They decided to handle it like an HR complaint.<sup>521</sup>

Ms. Shore also testified that the Canadian sport system will not be safe “[u]ntil we truly know what's going on above the NSO level.”<sup>522</sup>

## Lack of Support for Survivors

Ms. Gaertner was also critical of the fact “that even as adults, not just children, there is no trauma-informed process here either ... There’s no capacity there for the investigator or the third parties that are involved to treat them.”<sup>523</sup> Her colleague Kelly Favro, co-

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520 CHPC, *Evidence*, 27 March 2023, 1120 (Kim Shore).

521 *Ibid.*, 1215.

522 *Ibid.*, 1135.

523 CHPC, *Evidence*, 5 June 2023, 1120 (Jessica Gaertner).



founder of My Voice, My Choice, added that a trauma-informed approach “needs to be higher on the safe sport to-do list.”<sup>524</sup>

Emily Mason from Fencing for Change Canada also called for the policies in place to be trauma informed.<sup>525</sup>

Both Ms. Favro and Rebecca Khoury, founder of The Spirit of Trust, called for additional support for survivors. As explained by Ms. Favro:

Everybody who comes forward needs to feel safe, encouraged and, most importantly, believed. I don’t feel as though there’s a lot of trauma-informed services or support for the victims who are coming forward with stories of abuse, be they current or historical.<sup>526</sup>

Ms. Khoury agreed:

... I think that people need to be able to be supported and find a safe space. That means that there be someone who accompanies them, like a survivor advocate, and somebody like a legal representative. Those are the basics. After that, it’s how they can be connected to other survivors in order to be able to get through these complaints much more easily.<sup>527</sup>

As for the new system in place, David Shoemaker of the COC said that despite the progress made, a lot of work remains to be done:

We’ve made important progress for the roughly 3,000 athletes who participate in sport at the national level. They now have a place where they can go and register a complaint about abuse, harassment or maltreatment in sport and not be fearful of retribution. I think that’s an important step. But there are millions of young participants in sport at the provincial level and at the local level—at the club level—who don’t have those protections. To me, that is an enormous gap.<sup>528</sup>

## Creation of a Sanctions Registry

One of the recommendations put forward by the witnesses to improve safeguards in sport is to create a publicly accessible sanctions registry to prevent any more individuals

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524 CHPC, *Evidence*, 5 June 2023, 1110 (Kelly Favro).

525 CHPC, *Evidence*, 24 April 2023, 1215 (Emily Mason).

526 CHPC, *Evidence*, 5 June 2023, 1155 (Kelly Favro).

527 CHPC, *Evidence*, 5 June 2023, 1200 (Rebecca Khoury).

528 CHPC, *Evidence*, 1 June 2023, 1645 (David Shoemaker).

from slipping through the cracks.<sup>529</sup> This type of registry already exists within many professional orders in Canada.

Of the sports federations that appeared before the Committee, responses varied as to whether such a registry already existed internally. Nathan Bombrys, Chief Executive Officer of Rugby Canada, confirmed that a list of sanctions is available on the organization’s website.<sup>530</sup> Skate Canada CEO Debra Armstrong said that their registry is not only public, but also immediately communicated across the country in the event of a new sanction:

We have a public registry of sanctioned and/or permanently expelled coaches. We also have the “coach in good standing” tool, which all of our clubs across the country have access to. If a coach is sanctioned—i.e., temporarily or permanently expelled—we immediately notify the provincial and territorial sport organization and all clubs in that jurisdiction. As I mentioned, everyone in our system has access to our public registry.<sup>531</sup>

Wendy Smith of Gymnastics Canada confirmed that a coach registry exists internally but was unable to confirm whether it is publicly accessible.<sup>532</sup>

There does not appear to be such a registry in place at the Canadian Fencing Federation. President Yann Bernard told the Committee that this decision was not up to his organization:

There has to be something that merits it. In other words, a complaint has to have been filed, an investigation has to have been conducted in response to that complaint and the investigation has to have revealed enough facts for the complaint to be considered valid. Then it’s up to the independent third party to decide whether it should be made public because that may not be the case.<sup>533</sup>

For Mr. Shoemaker, creating a registry is “one of the things that I believe are absolutely necessary to come from the committee’s work here.”<sup>534</sup> This view was shared by Ms. Gaertner and Ms. Favro, both of them active with My Voice, My Choice,<sup>535</sup> and

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529 Although this measure was announced by the Minister of Sport in May 2023, and put into effect in March 2024, no register was in place at the time of the testimonies heard during the study.

530 CHPC, [Evidence](#), 12 June 2023, 1240 (Nathan Bombrys).

531 CHPC, [Evidence](#), 12 June 2023, 1240 (Debra Armstrong).

532 CHPC, [Evidence](#), 15 June 2023, 1730 (Wendy Smith).

533 CHPC, [Evidence](#), 1 June 2023, 1620 (Yann Bernard).

534 CHPC, [Evidence](#), 1 June 2023, 1620 (David Shoemaker).

535 See: CHPC, [Evidence](#), 5 June 2023, 1155 (Jessica Gaertner); and CHPC, [Evidence](#), 5 June 2023, 1150 (Kelly Favro).



Judge Rosemarie Aquilina.<sup>536</sup> Sylvain Croteau, Executive Director of Sport'Aide, believes that this would be the “ideal solution”<sup>537</sup> so that sanctioned individuals could be tracked wherever they are.

This recommendation was also endorsed by the Sport Integrity Commissioner. During her appearance, Sarah-Ève Pelletier said that the OSIC was already working on building a similar database, as required by the UCCMS:

The one we envision and the one we currently have in place—even though the information is not shared—is a registry of individuals whose participation in sport has been impacted. This means it can also be information about what we call in our world “provisional measures”. While a matter may be ongoing, if a coach is being suspended because the allegations against him or her are so severe, we also don’t want these individuals to cause harm or, to your point, resign and go elsewhere.<sup>538</sup>

However, Ms. Pelletier added a word of caution:

I think we have to be careful about the type of information in those cases when a matter hasn’t been looked at fully with fair and due process and the principles of natural justice, but there is a possibility.... The U.S. Center for SafeSport, once again, has that model in place whereby they share that information, but the level or categorization of the information may be impacted as a result of it not being a final sanction.<sup>539</sup>

For information, Abuse-Free Sport launched its public registry on 28 March 2024. This database “catalogues participants subject to the UCCMS whose eligibility to participate in sport has in some way been restricted due to provisional measures and/or sanctions imposed as part of, or as a result of, the Abuse-Free Sport complaint management process.”<sup>540</sup>

## Background Checks

In addition to creating a publicly available sanctions registry, several witnesses also expressed support for enhanced background checks for individuals employed in sport.

Ms. Shore summed it up this way:

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536 CHPC, *Evidence*, 19 June 2023, 1200 (Judge Rosemarie Aquilina).

537 CHPC, *Evidence*, 15 May 2023, 1145 (Sylvain Croteau).

538 CHPC, *Evidence*, 16 February 2023, 1635 (Sarah-Ève Pelletier).

539 Ibid.

540 OSIC, *Abuse-Free Sport launches public registry*, Press release, 28 March 2024.

[Background checks] are sorely lacking. There is a disconnect between the RCMP system and the municipal system. Predators can slip through the system as easily as that. Also, it costs money to get those checks done. I sat on a provincial board where the coaches and judges were really reluctant to have to get re-evaluated every couple of years because it costs them personal money, and they aren't really making enough money anyway.<sup>541</sup>

This was echoed by Lorraine Lafrenière of the Coaching Association of Canada. She told the Committee that the way background checks are conducted is inconsistent across the country and that her organization is currently working to support “uniform implementation of screening across the country that is understood at the door of the clubhouse.”<sup>542</sup>

Based on his experience in soccer, Vittorio Montagliani, President of the Confederation of North, Central America and Caribbean Association Football, recognized that “the whole industry of player welfare and safe sport need to change, so that you can't just rely on a police background check.”<sup>543</sup>

During her testimony, Rachael Denhollander was very critical of the background checks processes currently in place. She said:

It is more than appropriate for you, as Canada's leaders, to ask how it is possible that GymCan, for example, could select as one of its high-performance leaders a U.S. high-performance coach from my country, who was part of the deeply abusive system that produced my perpetrator, Larry Nassar. Why did complete regime change in USA Gymnastics result in GymCan selecting one of those very same coaches to run its allegedly new and improved program?<sup>544</sup>

She also cited many examples of coaches and leaders hired or protected by Gymnastic Canada despite questionable practices.<sup>545</sup>

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541 CHPC, *Evidence*, 27 March 2023, 1220 (Kim Shore).

542 CHPC, *Evidence*, 17 April 2023, 1120 (Lorraine Lafrenière).

543 CHPC, *Evidence*, 30 March 2023, 1640 (Vittorio Montagliani, President, Confederation of North, Central America and Caribbean Association Football, As an Individual).

544 CHPC, *Evidence*, 24 April 2023, 1105 (Rachael Denhollander).

545 Ibid.



In light of these many cases, Ms. Denhollander said: “It is absurdity in the highest degree to suggest that there is an understanding of these issues and that anything has changed, when this has taken place.”<sup>546</sup>

## Training and Education

Several witnesses also told the Committee about the lack of safe sport training available to all individuals involved in the Canadian sport system, which could have an impact on participant protection and safety.

Coach education was a priority for Joëlle Carpentier, Professor with the School of Management at the University of Quebec at Montreal:

They need to [be educated] on what the building blocks of a healthy coach-athlete relationship are, on which behaviours to adopt and which ones to avoid in order to foster that healthy relationship, on issues affecting athletes’ mental health and the list goes on. It is time to give them the right framework and to provide them with resources they can turn to when in doubt, resources that are co-developed, resources that support their own mental health. Giving coaches a framework and taking care of their needs will help bring about culture change and improve their ability to cope with the pressure on their shoulders.<sup>547</sup>

Training is currently provided by several NSOs that took part in the study. For example, Sail Canada requires “all staff, instructors, coaches and officials to complete safe sport training.”<sup>548</sup> At Gymnastics Canada, education is considered “a big part”<sup>549</sup> of safe sport. Work has been carried out with the provincial and territorial associations to provide training.<sup>550</sup> As well, the new president of Canada Soccer promised “to have more training, especially when it comes to safe sport, for all coaches, officials, administrators, volunteers and even the board.”<sup>551</sup>

The Committee heard the following from Suzanne Paulins, Acting Chief Executive Officer of Swimming Canada:

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546 Ibid., 1110.

547 CHPC, *Evidence*, 1 May 2023, 1125 (Joëlle Carpentier).

548 CHPC, *Evidence*, 15 June 2023, 1700 (Don Adams).

549 CHPC, *Evidence*, 15 June 2023, 1720 (Wendy Smith).

550 Ibid., 1705.

551 CHPC, *Evidence*, 11 May 2023, 1730 (Charmaine Crooks).

We're working with support specialists where this is their specialty. They're able to provide our coaches with very accurate, up-to-date information. Then we're able to share that beyond that network, down further to our coaches through different collaborations. We also work with the Canadian Swimming Coaches Association in developing, supporting and partnering with them on different educational professional development.<sup>552</sup>

Jeremy Luke, President and Chief Executive Officer of the Canadian Centre for Ethics in Sport, believes that there should be two components of such training: "through the lens of information on one hand around the UCCMS and the rules and what those rules mean," and on the other, "through the lens of values that are underpinned by a set of values that we want to see in our sport community."<sup>553</sup> This could "drive positive culture change" in sport.<sup>554</sup>

Secondary school teacher and athlete development consultant Wendy Glover was critical of the inadequate training being given, often online:

More education programs are needed to teach players, parents and stakeholders about child development and athlete development, as many problems stem from a lack of understanding. Simply having parents, players and stakeholders complete online courses does not mean they understand the concepts, have learned the appropriate values, follow them appropriately or apply them effectively.<sup>555</sup>

Allison Forsyth, Chief Operating Officer of ITP Sport and Recreation Inc., agrees:

... your online training will provide baseline, generalized information and awareness, and every organization must level that up with sports-specific and participant-specific education.<sup>556</sup>

AthletesCAN Secretary Robert Hedges holds a similar view:

We cannot solely rely on it being accomplished through e-learning and resources that people can quickly check off their list by clicking a button. We need a dedicated organization that will take charge of developing, building, distributing and maintaining

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552 CHPC, *Evidence*, 5 June 2023, 1220 (Suzanne Paulins).

553 CHPC, *Evidence*, 15 May 2023, 1200 (Jeremy Luke).

554 Ibid., 1100.

555 CHPC, *Evidence*, 27 March 2023, 1105 (Wendy Glover).

556 CHPC, *Evidence*, 23 March 2023, 1710 (Allison Forsyth).



this educational system across the sports landscape at no additional cost to those who take it.<sup>557</sup>

Mr. Hedges added that training needs to be compulsory for everyone, including athletes, the executive, medical staff and board members.<sup>558</sup>

Witnesses also spoke about the need to increase athletes' legal literacy so that they understand and are able to assert their rights and enforce the policies in place in their sport. Debra Gassewitz of the Sport Information Resource Centre, said that "[i]t's no good having a policy that just sits on a shelf. It needs to be shared with all the members, all the people within any of the organizations and across all of them."<sup>559</sup>

Acknowledging that the process is not well known, Mr. Shoemaker said that what needs to be done:

... is that young athletes and all participants in the sports system need to understand their rights. What are the rights and wrongs in sport? Where do you go when somebody's done something wrong to you?<sup>560</sup>

Ms. Pelletier called for more prevention and education:

Prevention and education cannot be something theoretical. It needs to be concrete. It needs to be something that is living and breathing in every training venue, in every sport and in every club, in every place where sport is coming to life, because this is truly how that transformation will happen and will be sustained.<sup>561</sup>

Judge Rosemarie Aquilina said that not only should training not just be something that is taken once, but there also has to be "an understanding of legal and ethical boundaries and the duty to report violations, including severe consequences for failures."<sup>562</sup>

In addition to training for coaches and staff, witnesses suggested looking further. For example, Mr. Croteau suggested talking to athletes directly:

As far as training is concerned, you touched on something super interesting: we need to consider every component of a sports ecosystem. It is not just the coaches that we need

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557 CHPC, [Evidence](#), 27 March 2023, 1125 (Robert Hedges).

558 Ibid.

559 CHPC, [Evidence](#), 17 April 2023, 1125 (Debra Gassewitz).

560 CHPC, [Evidence](#), 1 June 2023, 1635 (David Shoemaker).

561 CHPC, [Evidence](#), 16 February 2023, 1550 (Sarah-Ève Pelletier).

562 CHPC, [Evidence](#), 19 June 2023, 1115 (Judge Rosemarie Aquilina).



to target for training, but also our young people themselves, so that they are able to recognize what is acceptable or not. We need to talk to them, educate them. We also need to talk to the administrators of our sports organizations so that they realize that they are responsible for the decisions they make. We also need to talk to the spectators, the parents of the athletes, and the support staff at the organizations.<sup>563</sup>

Judge Rosemarie Aquilina said the following about education and training:

We need to look at evidence and even train athletes. Athletes should know where to go, how to protect evidence, how to protect themselves and how to report. If we start with education on all of that, you will find less contamination, more reporting and a cleaner system.<sup>564</sup>

Janine Beckie, member of the Canadian National Soccer Team and the Canadian Soccer Players Association, said that it is important to give training on many topics:

One thing that should absolutely be in place for all sporting teams in Canada is mandatory education on abuse, gender equality, openness, discrimination and those kinds of things. Our team has always been a very shining light in that regard, but there have absolutely been issues with those topics in Canada Soccer and across the country.<sup>565</sup>

Ms. Gassewitz told the Committee that “including parents”<sup>566</sup> in education programs is also important.

During her appearance, Vicky Poirier, President and Chief Executive Officer of ALIAS, focused on how to restore confidence in the abuse protection system, which she said has three components:

The first is an ethical culture of reporting. We need to make sure we promote a simple policy that athletes understand. We need to make the “I’m filing a complaint” button known. We also need to put the education tools in place. The second component is to show that we have a robust, confidential and anonymous mechanism. The third is demonstrating that we have the capacity to handle complaints objectively, independently and in accordance with best practices. To give athletes confidence, we need to promote all three of these components.<sup>567</sup>

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563 CHPC, *Evidence*, 15 May 2023, 1145 (Sylvain Croteau).

564 CHPC, *Evidence*, 19 June 2023, 1130 (Judge Rosemarie Aquilina).

565 CHPC, *Evidence*, 9 March 2023, 1655 (Janine Beckie).

566 CHPC, *Evidence*, 17 April 2023, 1150 (Debra Gassewitz).

567 CHPC, *Evidence*, 23 March 2023, 1725 (Vicky Poirier, President and Chief Executive Officer, ALIAS Solution Inc.).



During their appearance, the Alberta Council of Women’s Shelters representatives shared with the Committee their experience educating several of the province’s hockey teams. In one year, the organization worked with over 400 Alberta Junior Hockey League players and talked with them about issues such as “the unhealthy messaging that’s circulating on some Internet forums and navigating news media on current events related to gender-based violence.”<sup>568</sup> The organization suggested to the Committee that if such an initiative were to be repeated elsewhere in the country, the program would need long-term funding to be effective.<sup>569</sup>

Taking a broader view, Susan Auch, Olympic medallist and former chief executive officer of Speed Skating Canada, stressed the importance of looking at mental health, explaining that “[a]ccess to mental health support as a young athlete would teach them, potentially, how to assess their surroundings and say no to things better.”<sup>570</sup>

Similarly, Tara McNeil of Bobsleigh Canada Skeleton cited work done by her organization:

At present, we are enacting right away, at the end of June, our emergency mental health plan through Game Plan, whereby we are having organizational counselling to understand managing organization trauma and how it has affected people’s perceptions and mental health, how they treat each other, how they treat themselves, and how they allow themselves to be treated. ... We have also enlisted a whole-of-mental-health performance psychology group that will be working individually with coaches and athletes to talk about appropriate interactions.<sup>571</sup>

As per of her testimony before the House of Commons Standing Committee on the Status of Women, Dr. Fraser presented a brief in which she explains the grave consequences that mistreatment can have on the brain:

Research into sport indicates that 70% of children leave organized sport at the age of thirteen. Athletes state sport is no longer “fun.” This is understood by researchers to be child language for sport is dominated by excessively invested, abusive adults.

As extensively documented in *The Bullied Brain*, in the 21st century, non-invasive technology has allowed neuroscientists to confirm that abuse of all kinds does serious, long-lasting damage to brains. They have seen on brain scans that all forms of bullying and abuse—including those that do not touch the body—can and frequently do leave

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568 CHPC, *Evidence*, 27 April 2023, 1650 (Jill Shillabeer).

569 Ibid., 1655.

570 CHPC, *Evidence*, 12 June 2023, 1130 (Susan Auch).

571 CHPC, *Evidence*, 12 June 2023, 1240 (Tara McNeil).

neurological scars on the brain that affect mental health and behavior in significant and lasting ways.

Perpetuating the cycle, harm to the brain manifests in aggression, violence, further bullying and abuse, school-shootings, and entry into the criminal justice system etc. Harm to the brain also manifests inwardly as depression, anxiety, eating disorders, substance abuse, self-harm including suicide etc.<sup>572</sup>

She continued:

Fully ignoring extensive research, abuse is normalized and entrenched in our society. Sport is a microcosm of society. The compounding crisis in Canadian sports, recently exposed as rife with normalized, endemic bullying and abuse, provides an opportunity for significant and widespread change in sport and in society.<sup>573</sup>

## LEGISLATIVE AMENDMENTS

Many of the witnesses' recommendations concern amendments to the legislative framework governing sport. They involve protection for whistle-blowers, non-disclosure agreements, workplace issues and legal literacy.

### Protection for Whistle-Blowers

Quite a few witnesses called for greater protection for whistle-blowers both inside and outside the sports system. For attorney and victim advocate Rachael Denhollander, this necessarily means legislative amendments:

One of the primary steps that, hopefully, can be taken is putting anti-SLAPP [Strategic Lawsuits Against Public Participation] type of legislation into place, or protections into place so that survivors are able to act as whistle-blowers without fear of retaliation, without fear of being left unprotected when their abusers come after them, and without fear of having to forfeit their point system and their careers. Protections should be put in place to allow survivors to speak up, and to do so safely.<sup>574</sup>

This view was shared by Mr. McLaren, who said that Canada is lagging behind other countries:

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572 Jennifer Fraser, *Brief for the House of Commons Standing Committee on the Status of Women: Study of the Women and Girls in Sport*, brief, 28 November 2022, p. 7.

573 Ibid., p. 8.

574 CHPC, *Evidence*, 24 April 2023, 1215 (Rachael Denhollander).



In order to conduct many investigations, as I've done, you need to have whistle-blowers, and whistle-blowers have big issues about retaliation in many different forms. This country has, in both the corporate world and also in the sports world, very limited whistle-blower protection legislation of any kind. We're way behind Europe and other countries in the world in that area, so that is an important area to look at as well, and it ties back to accountability.<sup>575</sup>

Fear of reprisals from either their coach, their organization or even other athletes is whistle-blowers' "biggest fear," according to Mr. McLaren.<sup>576</sup> "Full"<sup>577</sup> confidentiality needs to be ensured, said Sylvain Croteau, Executive Director of Sport'Aide.

This climate of fear is affecting athletes. Emily Mason of Fencing for Change said that she is protected by the fact that she no longer competes: "The reason I'm sitting here today and not some of our Olympic athletes or athletes who are still competing is that they're still terrified. They're afraid of our high-performance director. They're afraid they're going to be removed from the team."<sup>578</sup>

Andrea Neil, former Canadian Women's National Soccer Team player and assistant coach, told the Committee that her contract included clauses prohibiting her from discussing certain situations.<sup>579</sup> She said that these kinds of clauses are "tactics that are used to silence people coming forward, or, when they have spoken, to punish them."<sup>580</sup>

Current measures are inadequate given the pressure that whistle-blowers are put under. As explained by Professor Ross of Western University, "I don't think we can underestimate how much pressure we put on people when they do come forward and what that means."<sup>581</sup>

Taking a broader perspective, Judge Rosemarie Aquilina called for "fundamental change":

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575 CHPC, [Evidence](#), 1 May 2023, 1145 (Richard McLaren).  
576 Ibid., 1250.  
577 CHPC, [Evidence](#), 15 May 2023, 1135 (Sylvain Croteau).  
578 CHPC, [Evidence](#), 24 April 2023, 1135 (Emily Mason).  
579 CHPC, [Evidence](#), 24 April 2023, 1230 (Andrea Neil).  
580 Ibid.  
581 CHPC, [Evidence](#), 27 March 2023, 1220 (MacIntosh Ross).

... it begins at the top. It begins with listening to the athletes. If we don't listen to the athletes, if we don't bring in those whistle-blowers and ask what prompted them, what the roadblocks were and how we can help them, then we have not done enough.<sup>582</sup>

## Non-disclosure Agreements

One of the issues most discussed during the study was the use of non-disclosure agreements prohibiting survivors from speaking out either within sport or publicly about their abuse. Julie MacFarlane, co-founder of Can't Buy My Silence and Professor Emerita of Law at the University of Windsor, spoke about the "default use of non-disclosure agreements to silence those who make settlements over sexual abuse."<sup>583</sup>

Mélanie Lemay of Québec contre les violences sexuelles, believes that these agreements do not benefit anyone: "I don't think they should be used at all, because at the end of the day it serves not the players nor the youth. It serves the image."<sup>584</sup>

Some of the witnesses said that a bill should be introduced in Parliament to prohibit federally regulated organizations from using non-disclosure agreements for such purposes. This was supported by the organization Can't Buy My Silence, which appeared before the Committee: "[t]here is literally no good reason to have non-disclosure agreements in sports abuses, or in any other cases of abuse, misconduct or discrimination."<sup>585</sup> During her appearance, Ms. MacFarlane specified that their recommendation is limited to non-disclosure agreements pertaining to these kinds of abuse.<sup>586</sup> She also said that since labour law falls under provincial jurisdiction, it is important to also proceed province by province.<sup>587</sup>

Ms. MacFarlane told the Committee that legislation was recently passed in Ireland and Prince Edward Island limiting the use of non-disclosure agreements to the protection of trade secrets. Similar bills have been recently introduced in British Columbia, Nova Scotia and Manitoba, and one will be introduced shortly in Ontario.<sup>588</sup> These bills stem

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582 CHPC, *Evidence*, 19 June 2023, 1130 (Judge Rosemarie Aquilina).

583 CHPC, *Evidence*, 27 April 2023, 1645 (Julie Macfarlane).

584 CHPC, *Evidence*, 8 June 2023, 1700 (Mélanie Lemay).

585 CHPC, *Evidence*, 27 April 2023, 1645 (Julie Macfarlane).

586 *Ibid.*, 1705.

587 *Ibid.*, 1710.

588 *Ibid.*, 1645.



from the organization’s work and from its cooperation with Canadian and international partners.

This proposal received support from other witnesses. For example, Jessica Gaertner, an advocate with My Voice, My Choice, agreed with prohibiting non-disclosure agreements, as they make it so “[y]ou have no idea if you can protect other people from those harms.”<sup>589</sup> Her colleague Kelly Favro, co-founder of My Voice My Choice, summed it up this way:

The protection that is offered by an NDA and a publication ban sometimes helps people come forward ... It gives them a sense of confidence that they can continue their life in sport, or just life in general, without repercussions or being singled out or set aside. On the flip side, publication ban laws and NDAs really don’t allow someone to come forward to an organization and say, “I was abused by that person.” I mean, it protects the accused a lot more. It would be great to see safe sport provide a legal adviser to these victims. Then they could seek advice on how to navigate making a complaint, under solicitor-client privilege, when it comes down to having to get around these non-disclosure agreements. However, the key thing that most people want to do is just warn people that someone else is out there, that someone else is hurting.<sup>590</sup>

Judge Rosemarie Aquilina also supports prohibiting non-disclosure agreements, explaining to the Committee that all they do “is protect the abuser,”<sup>591</sup> while it is the whistle-blowers who should be protected. She said:

We need to make it very clear that you are a hero when you report, and to always be the voice, and that there’s no retaliation or retribution. If there is, whoever retaliates or takes any action against you is out. They are out, not you. They are out. There have to be clearly defined and articulated rules that are trained and that are followed—that are not just on paper but followed.<sup>592</sup>

During her appearance, Ms. Auch pointed out that although these agreements “protect important private or corporate information, ... they should not be allowed to be used to cover up bad things.”<sup>593</sup>

Some of the NSO officials who appeared as part of the study opposed the use of non-disclosure agreements in cases of abuse. For example, Yann Bernard, President of the Canadian Fencing Federation, said that he considered it “unacceptable” to enter into

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589 CHPC, *Evidence*, 5 June 2023, 1115 (Jessica Gaertner).

590 CHPC, *Evidence*, 5 June 2023, 1145 (Kelly Favro).

591 CHPC, *Evidence*, 19 June 2023, 1155 (Judge Rosemarie Aquilina).

592 *Ibid.*, 1135.

593 CHPC, *Evidence*, 12 June 2023, 1120 (Susan Auch).

such agreements that were “binding on athletes or victims.”<sup>594</sup> Christopher Lindsay of Boxing Canada told the Committee that his organization had just done away with “the clause that specifically prohibited athletes from speaking out in any way that was disparaging to the NSO.”<sup>595</sup> Mr. Lindsay said that the decision to do away with the option of using non-disclosure agreements stems from guidance from Sport Canada and AthletesCAN.

Suzanne Paulins of Swimming Canada said that she was unaware of such agreements, but added that she was prepared to “take that away”<sup>596</sup> if there were any. Nathan Bombrys of Rugby Canada was unaware of the existence of non-disclosure agreements within his organization.<sup>597</sup>

## Labour Law

Some witnesses also raised some of the complexities of labour law for athletes, particularly for high-performance hockey players. Lawyer David Wallbridge spoke about “a significant imbalance of power between these employees and their employers, the teams and the league.”<sup>598</sup>

Mr. Wallbridge summed up the issue this way:

What has happened in virtually every province—there are one or two exceptions—is employees are covered under the minimum standards legislation. It’s the labour code or employment standards, however you want to describe it. Federally, it’s part III of the Canada Labour Code. What has happened across the board is that players are exempted from either the entirety of the code or sections of the code. In some jurisdictions, it explicitly lists hockey player employees, and in others, like in my province of Nova Scotia, it says just “athletes”. That is a problem. ... When you take away any workplace rights and you take away any means to enforce those rights, a culture can perpetuate that results in a whole variety of harm.<sup>599</sup>

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594 CHPC, *Evidence*, 1 June 2023, 1600 (Yann Bernard).

595 CHPC, *Evidence*, 8 June 2023, 1635 (Christopher Lindsay).

596 CHPC, *Evidence*, 5 June 2023, 1240 (Suzanne Paulins).

597 CHPC, *Evidence*, 12 June 2023, 1240 (Nathan Bombrys).

598 CHPC, *Evidence*, 24 April 2023, 1125 (David Wallbridge).

599 *Ibid.*, 1215.



Some witnesses, such as health coach and former hockey player Thomas Gobeil, recommended deeming CHL players federal employees subject to the [Canada Labour Code](#). Mr. Gobeil said this would give athletes “additional protection.”<sup>600</sup>

Kim Taylor, mother of a former Western Hockey League player as well as an advocate for players and family involved in ice hockey, supported organizing players under an association or union, since “the league cannot police itself.”<sup>601</sup> Former hockey player Lukas Walter agreed, adding that:

... within that union you need a group of ex-players, because they know what they’re talking about. You see countless people in unions who have never played the sport. They know nothing about the game. They don’t know where you’ve been. At the end of the day you need those ex-players to make the game a better place for all athletes.<sup>602</sup>

Although he did not directly recommend such a legislative amendment, Mr. Wallbridge did say that the possibility of federally regulating these players is worth considering and should be examined more closely.<sup>603</sup>

## NEXT STEPS

### New Sport System Governance Measures Announced in May 2023

On 11 May 2023, the Honourable Pascale St-Onge, Minister of Sport, announced a [series of measures](#) concerning sport system organizations under her authority. Some of these changes respond to calls from witnesses who appeared before the Committee. Since these changes were announced during the study, not all the witnesses were able to comment or adjust their recommendations accordingly.

The key changes to governance include:

- requiring NSOs to adopt the Canadian Sport Governance Code by April 2025;
- increasing resources to Sport Canada’s Compliance and Accountability Unit;

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600 CHPC, [Evidence](#), 8 June 2023, 1600 (Thomas Gobeil).

601 CHPC, [Evidence](#), 8 June 2023, 1715 (Kim Taylor).

602 CHPC, [Evidence](#), 8 June 2023, 1705 (Lukas Walter).

603 CHPC, [Evidence](#), 24 April 2023, 1125 (David Wallbridge).



- prohibiting NSOs, through funding agreements with Sport Canada, from restricting participants' rights, such as through the use of non-disclosure agreements;
- providing funding to AthletesCAN to enhance the voices of athletes within the sport system;
- creating education and prevention resources to address maltreatment in sport;
- developing new standards and certifications for coaches, along with additional support for coach training;
- establishing a public registry of individuals who have been sanctioned under the UCCMS for all sport organizations that are program signatories with Abuse-Free Sport; and
- reviewing the appointment process for the SDRCC board of directors to ensure greater transparency.<sup>604</sup>

### Ministers' Testimony in Autumn 2023

On 30 November 2023, the Honourable Pascale St-Onge appeared before the Committee to explain how she intended to fulfill her mandate as Minister of Canadian Heritage. During this meeting, her intention to establish a public inquiry, repeated at a press conference on 11 May 2023,<sup>605</sup> was discussed.

When asked about the lack of announcement of an inquiry during her mandate as minister of Sport, Minister St-Onge replied: "When I said those words, it was my intention to follow through... Unfortunately, there was a cabinet shuffle, and I was unable to continue the work."<sup>606</sup> She added that, in her view, such an exercise would make it possible to develop "innovative solutions"<sup>607</sup> to improve safety in sport and to involve provincial and territorial governments in the discussion.

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604 Canadian Heritage, [\*Backgrounder: Minister St-Onge announces new measures to improve accountability and foster a safe and sustainable culture change in sport\*](#), 11 May 2023.

605 CPAC, [\*Minister Pascale St-Onge Announces Measures to Reform Sports System\*](#), 11 May 2023.

606 CHPC, [\*Evidence\*](#), 30 November 2023, 0930 (Hon. Pascale St-Onge).

607 *Ibid.*, 0930.



Department of Canadian Heritage officials said they were continuing to implement the measures announced by Minister St-Onge in May 2023. The Deputy Minister of Canadian Heritage, Isabelle Mondou, is confident that the investigations currently being carried out by the SDRCC and OSIC will contribute to “greater transparency”<sup>608</sup> when it comes to safe sport.

In July 2023, the Honourable Carla Qualtrough was appointed Minister for Sport and Physical Activity. The minister’s mandate letter states that she is to ensure the “effective launch and implementation”<sup>609</sup> of the [Independent Safe Sport Mechanism](#). On 12 December 2023, Minister Qualtrough appeared before the Committee to explain how she intends to fulfill her mandate and make the sport system safer.

With regard to Hockey Canada specifically, the minister expressed satisfaction with the progress made by the organization’s management:

They have published their financial statements, signed on to the UCCMS and undertaken an independent governance review. They are actively implementing the recommendations, and Sport Canada is working very closely with them.<sup>610</sup>

Hockey Canada meets quarterly with the Department of Canadian Heritage to “report on advancing the different aspects of the Cromwell report.”<sup>611</sup>

Minister Qualtrough expanded on the measures announced on 11 December 2023, the day before her testimony, to “ensure all participants enjoy a safe, inclusive and welcoming sport experience.”<sup>612</sup> Over the coming months, the Department of Canadian Heritage will implement the following measures:

- Transition OSIC and the Abuse-Free Sport Program out of the SDRCC to ensure greater independence.

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608 CHPC, [Evidence](#), 30 November 2023, 1000 (Isabelle Mondou).

609 Office of the Prime Minister of Canada, [Minister of Sport and Physical Activity Mandate Letter](#), 10 November 2023.

610 CHPC, [Evidence](#), 12 December 2023, 1155 (Hon. Carla Qualtrough).

611 *Ibid.*, 1145.

612 Department of Canadian Heritage, [Building a safe sport system for Canada](#), News release, 11 December 2023.

- Ensure that athletes play a key role in the decision-making process by elevating the Sport Canada Athlete Advisory Committee<sup>613</sup> to the Ministerial Athlete Advisory Committee (AAC). This committee will be chaired by the Minister of Sport and will aim “to ensure that athletes’ perspectives and advice inform Sport Canada’s activities.”<sup>614</sup> A call for at-large applications will be issued to ensure athlete representation on this committee.
- Strengthen the accountability of NSOs and multisport organizations by introducing a new risk-based funding framework.
- Develop a sport integrity framework that will consolidate all sport integrity policy and make it accessible for all athletes, coaches, officials, administrators and parents. New policies on safeguarding, specifically safeguarding children, will be developed within this framework.

Also discussed during this meeting was the mandate of [The Future of Sport in Canada Commission](#) (the commission) announced by the minister. This is an “independent and impartial”<sup>615</sup> commission, not a public inquiry established under the [Inquiries Act](#).

The commission is mandated to make recommendations on the following issues:

- improving safe sport in Canada, including trauma-informed approaches to support sport participants in the disclosure of and healing from maltreatment; and
- improving sport in Canada, including but not limited to policy, funding structures, governance, reporting, accountability, conflicts of interest, systems alignment, culture and legal considerations.<sup>616</sup>

Minister Qualtrough said that there was an “individual consultation on my part with sport organizations, survivors, athlete groups, athletes, people from within sport, experts from outside of sport, the Canadian Women’s Foundation and the Canadian

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613 The Sport Canada Athlete Advisory Committee had been created in [June 2022](#) by the previous sport minister.

614 Department of Canadian Heritage, [Safety in sport](#).

615 Department of Canadian Heritage, [Backgrounder: The Future of Sport in Canada Commission](#), 11 December 2023.

616 Ibid.



Centre for Child Protection.”<sup>617</sup> The principles guiding the minister’s thinking was that the process has to be human rights-respecting and trauma-informed. The model of a public inquiry under the *Inquiries Act* was not chosen, as it runs “counter to the trauma-informed, victim-focused, victim-centred aspects of the principles we were trying to move forward with.”<sup>618</sup> According to Minister Qualtrough, the approach taken by the Truth and Reconciliation Commission was the best way to bring about a “culture change”<sup>619</sup> in sport and respect victims:

I landed on the truth and reconciliation model because it served a vulnerable population that was previously traumatized in a system that did not protect them. It was forward-looking. It was expressly not a public inquiry and it did not compel evidence and witnesses, so it felt to me, and to us as a government, that this was the best way forward to achieve the outcome we want, which is better, safer sport.<sup>620</sup>

In addition, holding a public inquiry would mean having to “negotiate the terms of reference”<sup>621</sup> of the commission with the provincial and territorial governments. The minister said that such negotiations would have delayed the start of the commission’s work and would not guarantee that they would agree to a public inquiry. However, the minister did encourage them to “collaborate and participate”<sup>622</sup> in the commission’s work.

The commission is expected to produce “a preliminary report with preliminary recommendations.”<sup>623</sup> After that, “people from inside and outside of sport”<sup>624</sup> can weigh in on these preliminary recommendations. There will then be “a final report informed by all of that.”<sup>625</sup> Minister Qualtrough said that the federal government will respond to the commission’s recommendations “within six months”<sup>626</sup> and that an action plan based on them will be drawn up.

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617 CHPC, *Evidence*, 12 December 2023, 1150 (Hon. Carla Qualtrough).

618 Ibid.

619 Ibid., 1235.

620 Ibid., 1150.

621 Ibid., 1255.

622 CHPC, *Evidence*, 12 December 2023, 1300 (Isabelle Mondou).

623 CHPC, *Evidence*, 12 December 2023, 1210 (Hon. Carla Qualtrough).

624 Ibid.

625 Ibid.

626 Ibid., 1225.

Minister Qualtrough will work with the provincial and territorial governments on other sport safety issues. For example, the Canadian Sport Policy, “which is driven by values, including safe sport,”<sup>627</sup> is to be renewed and adopted by all governments in 2024.

The creation in 2024 of a national registry “with the abuse-free sport program,”<sup>628</sup> accessible to the public, also requires provincial and territorial collaboration. Minister Qualtrough believes that creating of a single national registry is preferable to establishing “14 different registries.”<sup>629</sup>

## Committee’s Recommendations

For almost two years, the Committee has heard testimonies from across the sports sector about the failures of the system that was meant to protect athletes from abuse and mistreatment. Witnesses who courageously shared their stories with the Committee have unanimously asked for change.

Throughout this study, the Committee has observed firsthand the gaps in the system which have allowed for these unacceptable situations to occur. It has also directly witnessed some of the governance issues affecting many NSOs across Canada.

With its recommendations, the Committee hopes to create positive, long-lasting and immediate change to the Canadian sport system. The 21 recommendations in this report intend to increase protection for athletes and to improve governance standards for all organizations involved in the Canadian sport system. In addition, the Committee recognizes that this study might not have uncovered all the issues inherent in the Canadian sport system. Therefore, the Committee recommends a public inquiry in order to shed light on all aspects of Canadian sport and to bring solutions based in survivors’ realities. In addition, two of its recommendations are aimed at implementing audits through the Office of the Auditor General of Canada.

As such, the Committee recommends:

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627 Ibid., 1140.

628 CHPC, [Evidence](#), 12 December 2023, 1150 (Isabelle Mondou).

629 As noted above, the registry was launched on 28 March 2024. See: CHPC, [Evidence](#), 12 December 2023, 1150 (Hon. Carla Qualtrough).



### **Recommendation 1**

**That all organizations in Canada receiving federal money require a vulnerable sector police check for all volunteers, coaches and employees in contact with athletes and that an audit mechanism be set up to prove that such checks have been carried out.**

### **Recommendation 2**

**That the government of Canada amend the *Physical Activity and Sport Act*, and that all aspects related to physical activity be the responsibility of Health Canada, with the aim of greater accessibility to sports and the promotion of healthy lifestyle habits.**

### **Recommendation 3**

**That the House of Commons ask the Office of the Auditor General to:**

- **Conduct a comprehensive audit of the programs of Canadian Heritage pertaining to sports;**
- **Grant a mandate for a special examination of the responsibilities it finances and delegates to “Own the Podium”, the Canadian Centre for Ethics in Sport, the Sport Information Resource Centre, the SDRCC, and the OSIC.**

### **Recommendation 4**

**That the Government of Canada mandate NSOs to adopt increased financial transparency by comprehensively disclosing all funds at their disposal along with a description of their usage. This measure aims to promote responsible financial management within sports organizations, thereby enhancing trust among the public, partners (sponsors), and all stakeholders. Complete fund disclosure will also contribute to ensuring equitable resource distribution, fostering greater fairness within the Canadian sports community.**

- A. By adding an item to clearly indicate the amounts received in different types of funds:**
- **Government Grants: Federal, provincial, or municipal governments may provide grants to sports organizations to support specific programs, sports infrastructure, or talent development.**

- **Sponsorship and Partnership Funds:** Sports organizations can establish partnerships with businesses and sponsors that provide funds in exchange for visibility or other promotional benefits.
  - **Donations and Fundraising:** Sports organizations can solicit donations from the public, members, or local businesses. Fundraising events may also be organized for specific events or projects.
  - **Membership Fees and Registration Fees:** Sports organizations may collect membership fees from their members or registration fees to participate in competitions or sports events.
  - **Development Funds:** Some sports organizations may have access to development funds aimed at supporting training, coach education, and athlete development.
  - **Capital Funds:** These funds are often used for the construction, renovation, or maintenance of sports infrastructure such as stadiums, arenas, or training facilities.
  - **Equity Funds:** Sports organizations can raise funds by issuing shares or stocks, allowing investors to own a part of the organization.
  - **Public-Private Partnership Funds:** Some sports infrastructure projects can be funded through public-private partnerships, where the private sector invests in the project in collaboration with the public sector.
- B. By adding an item to clearly inform members of funds used for legal services and advice.
- C. By transparently disclosing elements of the payroll and salaries of top executives.
- D. By adding to their websites the list of all contractors who have carried out third-party independent mandates, a declaration of the absence of conflicts of interest, the granted amount, and the hourly rate.



### **Recommendation 5**

**That the Government of Canada mandate NSOs to publish on their website a complete copy of the members' master insurance policy so that members can better understand the coverage provided for their sports activities.**

### **Recommendation 6**

**That Sport Canada require organizations receiving funds from the federal government, particularly those administering programs on behalf of Sport Canada such as "Own the Podium," "Safe Sport" or any other program like the Canadian Centre for Ethics in Sport, the Coaching Association of Canada or the Sport Information Resource Centre, to proactively disclose contracts over \$5,000, travel expenses, conference fees, travel and hospitality expenses, and salaries of their executives. This would enhance the level of transparency and accountability.**

### **Recommendation 7**

**That the Office of the Auditor General of Canada conduct a special audit of Sport Canada's 2019 directive, which requires national sports organizations to integrate for-profit private firms as independent third parties in the complaint processes involving athletes and their sports organizations, and the audit should consider the following:**

- **The belief that "sport is unable to govern itself."**
- **The poorly recognized and documented role of third parties in these processes.**
- **These actors wield influential roles in assessing an athlete's environment or deciding on an athlete's complaint.**
- **No independent and credible organization monitors the quality of their work, either through peer review or any other means to calibrate decisions.**
- **Given the legal standard of "balance of probabilities," investigators assume a quasi-judicial role, while prevention should prevail, and a level similar to that of a social worker or police officer would be more appropriate.**



- **The Committee deems the situation very concerning and requires an overall assessment, making public the agreed-upon parameters between sports organizations and their independent third parties.**
- **The Auditor General’s office should prioritize the examination of the complaint handling mechanism assigned to independent third parties by NSOs, compared to the mechanism established by the OSIC to handle complaints from participants included in agreements between the OSIC and sports organizations.**
- **Additionally, it should assess whether these mechanisms adhere to the highest ethical standards.**

**Recommendation 8**

**That the Government of Canada, in collaboration with provinces and territories, and sports organizations, include athletes in all bodies and all decision-making processes regarding safe sports in Canada.**

**Recommendation 9**

**That the Government of Canada require the board meeting minutes of all NSOs funded by the federal government to be transparent. They should be accessible to the public.**

**Recommendation 10**

**That the Government of Canada collaborate with NSOs to ensure that the safety and specific needs of young athletes are met, including promoting gender equity and diversity by:**

- **including more women, girls, Black, Indigenous, and racialized people in leadership and decision-making roles; and**
- **protecting players who disclose mental health challenges from retribution.**

**Recommendation 11**

**That the Government of Canada make available increased funding for safety in sport initiatives.**



### **Recommendation 12**

**That the Government of Canada work to improve harmonization with provinces and territories in relation to safe sport initiatives, including common messaging and principles.**

### **Recommendation 13**

**That the Government of Canada continue discussions with all levels of government across Canada to resolve jurisdictional issues and allow for a more transparent safe sport system.**

### **Recommendation 14**

**That the Government of Canada work to improve international engagement around the world and work to become a leader in safe sport.**

### **Recommendation 15**

**That the Government of Canada establish a formal process to investigate sexual and physical abuse and maltreatment in Canada's sport system, through a trauma-informed, survivor-focused lens.**

### **Recommendation 16**

**That the Government of Canada strengthen whistleblower protection in the sports sector through the following actions:**

- **Making the use of retaliatory legal action against those who report abuse illegal by establishing anti-SLAPP (Strategic Lawsuits Against Public Participation) legislation; and**
- **Implementing initiatives that encourage reporting while ensuring the safety and confidentiality of those who come forward.**

### **Recommendation 17**

**That the Government of Canada mandate the immediate establishment of a national public registry of coaches, officials and other staff who have been proven to have violated the UCCMS. This registry must:**

- **Be searchable and comprehensive;**

- **Include names, number of complaints and number of arrests and convictions; and**
- **Be easily accessible to anyone involved in the Canadian sport system.**

#### **Recommendation 18**

**That the Government of Canada suspend all federal funding given to NSOs who have not signed on to the Abuse-Free Sport program with the Office of the Sport Integrity Commissioner until they become signatories.**

#### **Recommendation 19**

**That the Government of Canada mandate NSOs to adopt guidelines regarding the appropriate and transparent use of reserve funds such as Hockey Canada's National Equity Fund and Participants' Legacy Trust Fund. NSOs must also be made to clearly display their expenditures and use of federal funds both to Sport Canada and to the public. These expenditures must:**

- **Be made freely available online; and**
- **Indicate how much is spent on bonuses and gifts, payments made in settlement cases, and funding allocations toward each program, fund, and initiative.**

#### **Recommendation 20**

**That the Government of Canada launch an independent public inquiry, pursuant to Part I of the Inquiries Act, to understand how existing sport structures have failed to ensure safe sports and led to abuse, discrimination, and maltreatment. The inquiry will:**

- **Gather survivor testimony to understand the scope of abuse and discrimination;**
- **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; and**
- **Develop recommendations, including legal and policy changes, such as the potential creation of a national sporting discipline registry.**



### **Recommendation 21**

**That the Government of Canada introduce legislation to ban the use of non-disclosure agreements for survivors who have reported maltreatment and that NSOs abide by this ban as a condition to receive funding from the federal government. The legislation will include but will not be limited to:**

- **providing transparency in hiring and firing practices if they require staff or coaches to sign Non-Disclosure Agreements (NDAs);**
- **removing any clauses within athletes' agreements that stop athletes from reporting sexual misconduct/abuse;**
- **enforcing the duty to report to allow criminal investigations to be opened;**
- **mandating NSOs to release survivors of sexual assault from NDAs so they can speak up and name perpetrators; and**
- **ensuring victims of sexual assault who received compensation are not required to sign binding NDAs.**

## APPENDIX A: LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<b>Department of Canadian Heritage</b> Hon. Pascale St-Onge, P.C., M.P., Minister of Sport Isabelle Mondou, Deputy Minister	2022/06/20	38
<b>Hockey Canada</b> Dave Andrews, Chair, Hockey Canada Foundation Tom Renney, Chief Executive Officer (Retired) Scott Smith, President and Chief Operating Officer	2022/06/20	38
<b>Department of Canadian Heritage</b> Hon. Pascale St-Onge, P.C., M.P., Minister of Sport Isabelle Mondou, Deputy Minister Michel Ruest, Senior Director, Programs, Sport Canada Branch	2022/07/26	40
<b>Henein Hutchison LLP</b> Danielle Robitaille, Partner	2022/07/26	40
<b>House of Commons</b> Michel Bédard, Deputy Law Clerk and Parliamentary Counsel, Legal Services, Office of the Law Clerk and Parliamentary Counsel	2022/07/26	40
<b>As an individual</b> Glen McCurdie	2022/07/27	41
<b>BFL Canada</b> Barry F. Lorenzetti, Founder, President and Chief Executive Officer	2022/07/27	41

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canadian Hockey League</b> Dan MacKenzie, President	2022/07/27	41
<b>Hockey Canada</b> Dave Andrews, Chair, Hockey Canada Foundation Brian Cairo, Chief Financial Officer Tom Renney, Chief Executive Officer (Retired) Scott Smith, President and Chief Operating Officer	2022/07/27	41
<b>Ligue de Hockey Junior Majeur du Québec</b> Gilles Courteau, Commissioner	2022/07/27	41
<b>Ontario Hockey League</b> David Branch, Commissioner	2022/07/27	41
<b>Western Hockey League</b> Ron Robison, Commissioner	2022/07/27	41
<b>As an individual</b> Michael Brind'Amour, Lawyer and Former Chair of the Board of Directors, Hockey Canada	2022/10/04	45
<b>Hockey Canada</b> Andrea Skinner, Interim Chair of the Board of Directors	2022/10/04	45
<b>Hockey Canada</b> Pat McLaughlin, Senior Vice President	2022/11/15	53
<b>Oilers Entertainment Group</b> Bob Nicholson, Chairman of Hockey	2022/11/15	53
<b>As an individual</b> Hon. Thomas Albert Cromwell, Senior Counsel, Borden Ladner Gervais LLP Nadia Effendi, Partner, Borden Ladner Gervais LLP Victoria Prince, Partner, Borden Ladner Gervais LLP	2022/12/13	61
<b>As an individual</b> Jennifer Fraser, Author and Educational Consultant	2023/02/16	66

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canadian Women and Sport</b> Allison Sandmeyer-Graves, Chief Executive Officer	2023/02/16	66
<b>Global Athlete</b> Rob Koehler, Director General	2023/02/16	66
<b>Office of the Sport Integrity Commissioner</b> Sarah-Ève Pelletier, Commissioner	2023/02/16	66
<b>Canadian Soccer Player's Association</b> Janine Beckie, Player Representative, Canadian National Soccer Team Player Quinn, Player Representative, Canadian National Soccer Team Player Sophie Schmidt, Player Representative, Canadian National Soccer Team Player Christine Sinclair, Player Representative, Canadian National Soccer Team Player	2023/03/09	68
<b>Canada Soccer</b> Paul-Claude Bérubé, Independent Director, Board of Directors, Canada Soccer Earl Cochrane, General Secretary, Canada Soccer Stephanie J. Geosits, Independent Director, Board of Directors, Canada Soccer	2023/03/20	70
<b>As an individual</b> Teresa Fowler, Assistant Professor, Concordia University of Edmonton Gretchen Kerr, Professor, Faculty of Kinesiology and Physical Education, University of Toronto Bruce Kidd, Professor Emeritus, Faculty of Kinesiology and Physical Education, University of Toronto	2023/03/23	71
<b>ALIAS Solution</b> Vicky Poirier, President and Chief Executive Officer Danny Weill, Executive Vice President	2023/03/23	71

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>ITP Sport and Recreation Inc.</b> Allison Forsyth, Chief Operating Officer Ilan Yampolsky, Chief Executive Officer	2023/03/23	71
<b>World Association of Icehockey Players Unions</b> Randall Gumbley, Consultant	2023/03/23	71
<b>As an individual</b> Wendy Glover, Secondary School Teacher and Athlete Development Consultant Ryan Sheehan, Co-founder, Gymnasts for Change Canada Kim Shore, Co-founder, Gymnasts for Change Canada	2023/03/27	72
<b>Athletes' Association of Canada</b> Robert Hedges, Secretary, Board of Directors	2023/03/27	72
<b>Scholars Against Abuse in Canadian Sport</b> MacIntosh Ross, Assistant Professor, Western University	2023/03/27	72
<b>As an individual</b> Nick Bontis, Former President, Canada Soccer Vittorio Montagliani, President, Confederation of North, Central America and Caribbean Association Football	2023/03/30	73
<b>Canada Soccer</b> Sean Heffernan, Chief Financial Officer	2023/03/30	73
<b>Charity Intelligence Canada</b> Kate Bahen, Managing Director	2023/04/17	74
<b>Coaching Association of Canada</b> Lorraine Lafrenière, Chief Executive Officer	2023/04/17	74
<b>Sport Information Resource Centre</b> Debra Gassewitz, President and Chief Executive Officer	2023/04/17	74



<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As an individual</b> Myriam Da Silva Rondeau, Olympian and Teacher Rachael Denhollander, Attorney and Victim Advocate Ciara McCormack, Whistleblower and Professional Soccer Player Andrea Neil, Former Canadian Women's National Soccer Team Player and Assistant Coach David Wallbridge, Lawyer	2023/04/24	76
<b>Fencing for Change Canada</b> Emily Mason	2023/04/24	76
<b>As an individual</b> Julie Macfarlane, Co-Founder of "Can't Buy My Silence", Professor Emerita of Law, University of Windsor Steven Reed, Former President, Canada Soccer	2023/04/27	77
<b>Alberta Council of Women's Shelters</b> Anthony Parker, Leading Change Facilitator Jill Shillabeer, Leading Change Call to Action Coordinator	2023/04/27	77
<b>As an individual</b> Shauna Bookal, Manager, Equity, Diversity, Inclusion and Student Experience, Ontario University Athletics Whitney Bragagnolo, PhD Candidate, Sport Governance and Anti-Corruption Consultant Joëlle Carpentier, Professor, School of Management, Université du Québec à Montréal Richard H. McLaren, Chief Executive Officer, McLaren Global Sport Solutions Inc.	2023/05/01	78
<b>Égale Action</b> Sylvie Béliveau, Director, Gender Equity	2023/05/01	78

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Laboratoire de recherche pour la progression des femmes dans les sports au Québec</b> Guylaine Demers, Professor and Director	2023/05/01	78
<b>Canada Soccer</b> Charmaine Althia Crooks, President	2023/05/11	80
<b>Canadian Centre for Ethics in Sport</b> Jeremy Luke, President and Chief Executive Officer Karri Dawson, Executive Director, Values-Based Sport	2023/05/15	81
<b>Own the Podium</b> Anne Merklinger, Chief Executive Officer	2023/05/15	81
<b>Sport'Aide</b> Sylvain Croteau, Executive Director	2023/05/15	81
<b>Canadian Fencing Federation</b> Yann Bernard, President John French, Vice-President David Howes, Executive Director	2023/06/01	84
<b>Canadian Olympic Committee</b> David Shoemaker, Chief Executive Officer and Secretary General	2023/06/01	84
<b>As an individual</b> Kelly Favro, Co-Founder, My Voice, My Choice Kristen Worley, Former Elite Athlete and Advocate	2023/06/05	85
<b>My Voice, My Choice</b> Jessica Gaertner, Advocate	2023/06/05	85
<b>Swimming Canada</b> Suzanne Paulins, Acting Chief Executive Officer	2023/06/05	85
<b>The Spirit of Trust</b> Rebecca Khoury, Founder	2023/06/05	85

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As an individual</b> Thomas Gobeil, Health Coach Kim Taylor, Player and Family Ice Hockey Advocate Lukas Walter	2023/06/08	86
<b>Boxing Canada</b> Christopher Lindsay, Executive Director	2023/06/08	86
<b>Québec contre les violences sexuelles</b> Mélanie Lemay, Co-founder	2023/06/08	86
<b>As an individual</b> Susan Auch, Olympic Medalist and Former Chief Executive Officer of Speed Skating Canada	2023/06/12	87
<b>Ban Ads for Gambling</b> Karl Subban, Committee Member	2023/06/12	87
<b>Bobsleigh Canada Skeleton</b> Tara McNeil, President Stephen Norris, Vice President	2023/06/12	87
<b>Rugby Canada</b> Nathan Bombrys, Chief Executive Officer Ashley Lewis, Director, Governance and Regulations	2023/06/12	87
<b>Skate Canada</b> Debra Armstrong, Chief Executive Officer	2023/06/12	87
Hon. Kirsty Duncan, P.C., M.P., Etobicoke North	2023/06/15	88
<b>Gymnastics Canada</b> Wendy Smith, Chair	2023/06/15	88
<b>Sail Canada</b> Don Adams, Chief Executive Officer Hugh McGugan, Chair	2023/06/15	88
<b>As an individual</b> Judge Rosemarie Aquilina, Circuit Court Judge, Michigan, United States of America	2023/06/19	89

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>House of Commons</b> Michel Bédard, Law Clerk and Parliamentary Counsel, Office of the Law Clerk and Parliamentary Counsel	2023/11/09	98
<b>Department of Canadian Heritage</b> Hon. Pascale St-Onge, P.C., M.P., Minister of Canadian Heritage David Dendooven, Assistant Deputy Minister, Strategic Policy, Planning and Corporate Affairs Isabelle Mondou, Deputy Minister Joëlle Montminy, Senior Assistant Deputy Minister, Cultural Affairs Thomas Owen Ripley, Associate Assistant Deputy Minister, Cultural Affairs	2023/11/30	102

## **APPENDIX B: LIST OF BRIEFS**

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The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

**ALIAS Solution**

**Ban Ads for Gambling**

**Bragagnolo, Whitney**

**Dean, Paul**

**Donnelly, Peter**

**Favro, Kelly**

**Fitzsimmons, Jay**

**Gaertner, Jessica**

**Graham, David**

**Gymnasts for Change Canada**

**Kerr, Gretchen**

**Kidd, Bruce**

**McLaren Global Sport Solutions Inc.**

**Pink Larkin**

**Ring, Anne**

**Ring, Barry**

**Ross, Lisa**

**Scholars Against Abuse in Canadian Sport**

**World Association of Icehockey Players Unions**

**Worley, Kristen**



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 38, 40, 41, 45, 53, 61, 66, 68, 70 to 74, 76, 77, 78, 80, 81, 84 to 89, 92, 93, 97, 98, 99, 102, 108, 109 and 123) is tabled.

Respectfully submitted,

Hon. Hedy Fry  
Chair





## **Conservative Dissenting Report on Safe Sport**

*The House of Commons Standing Committee on Canadian Heritage*

On behalf of the Conservative members of the Standing Committee on Canadian Heritage, we submit this dissenting report on safe sport in Canada. We believe strongly that the current government has the capacity and responsibility to further safeguard athletes and ensure a culture of safe sport is fostered in Canada.

Hundreds of athletes and advocates stepped forward from across the country to share their concerns about the sport system in Canada. While the committee's main report on safe sport highlighted much of what we heard from these witnesses, four key recommendations were omitted and we believe they require careful consideration and action if sport culture in Canada is to improve: 1) Sport Canada must hold National Sports Organizations accountable; 2) The Office of the Sport Integrity Commissioner must investigate complaints in a timely and impartial fashion and enforce consequences for non-compliance 3) Sport Canada must work with provincial and territorial governments to ensure provincial and post-secondary sport organizations are held accountable; and 4) Sport Canada must establish a public registry.

### **1. Sport Canada must hold National Sports Organizations accountable**

In 2018, Hockey Canada faced allegations of sexual assault involving members of the 2018 World Junior team. It came out in committee that Hockey Canada used a special fund, financed by registration fees, to settle the claims quietly, avoiding public disclosure and formal investigations. This fund, intended for uninsured liabilities, was used to prevent the allegations from becoming widely known, thereby shielding the players and the organization from scrutiny. The cover-up came to light in 2022 and only after months of public backlash, Sport Canada withdrew its funding from Hockey Canada and said it would be reinstated when certain terms were met. Three of the requirements were self-reported with no real accountability and the fourth was to sign the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), developed by the Office of the Sport Integrity Commissioner.

According to an access to information request, Sport Canada, under Minister St-Onge, reinstated funding only 10 months after suspending it and without any real evidence of change within Hockey Canada. Conservatives question why the Government of Canada re-established funding when Hockey Canada failed to meet the terms set by the Government of Canada and multiple allegations of sexual abuse by players remain unsettled at the time of writing this dissenting report.

Ciara McCormack, a former professional soccer player and whistleblower offered these remarks concerning the lack of action from Sport Canada: “when you don't do something, you are complicit, and that is a huge part of the abuse. It's enabling abuse every time you don't say something or do something, and you have the power to, and the abuse continues.”

## **2. The Office of the Sport Integrity Commissioner (OSIC) must investigate complaints in a timely and impartial fashion and enforce consequences for non-compliance**

OSIC was established in 2022 to ensure the integrity of sport by addressing and resolving issues related to abuse, harassment, discrimination, and other forms of misconduct within the sports community. OSIC is responsible for receiving complaints, conducting independent investigations, and implementing measures to promote safe and inclusive sporting environments.

Many witnesses expressed that they do not trust OSIC to take their concerns seriously, act in an impartial investigative manner, and enforce compliance. Kim Shore, a former gymnast, said:

I believe that we need a complaint mechanism run outside of sports. OSIC was developed by long-tenured sport academics and sport leaders, etc., and they are all in sports. It's being funded by Sport Canada, which is problematic right there, so take it outside of sport.

The committee heard expert witness testimony from Justice Rosemarie Aquilina, Circuit Court Judge, Michigan, USA on June 19, 2023. Her testimony supports timely investigations and consequences for non-compliance, both of which are lacking in OSIC's approach. Justice Rosemarie Aquilina said the following:

... Why aren't you having deadlines? If they're going to respond to a letter, they should have seven or 10 days, or whatever it is. If they don't, they have to have an explanation or they have to ask for an extension, and then if they don't, they cough up the money. If they keep paying, money eventually talks. Why is the federal government handing out money for abuse? They're partnering with abuse, and they need to be called out on that abuse.

We heard similar testimony from Rachael Denhollander, an attorney and victim advocate, who stated:

If any institution is truly serious about preventing child abuse, the single most important thing it can do is pursue honest and transparent assessments. Far too often, when an abuse crisis occurs—whether it is in the athletic community, the religious world or universities—the response of leadership is to attempt to simply move forward with education and reform. “Let's move our organization into the future.” This is a critical error for two reasons. First, when harm has occurred, it is the responsibility of the organization and the leadership to aid in the healing.... Second, honest and transparent assessments are critical for child protection, because you cannot fix what you will not accurately diagnose.

### **3. Sport Canada must work with provincial and territorial governments to ensure provincial and post-secondary sport organizations are held accountable**

The committee heard that the establishment of OSIC under Sport Canada failed to consider the fact that athletes and coaches generally move from provincial or university teams to national teams. Therefore, to properly address abuse in sport, greater transparency and accountability are needed at the lower levels.

One witness, Robert Hedges, contended that “OSIC, or a form of it, needs to be nationwide. There needs to be a reporting mechanism for the grassroots. We can’t have it just at the national level.” He went on to explain the danger of the current system:

There needs to be some sort of reporting mechanism for all levels, so that we don't have, as was mentioned before, coaches or staff members who are working at a club somewhere and then leave—because nobody wants to prosecute them—and go join a club across the country. Those types of reporting mechanisms need to happen so that there is a paper trail or a registry of some sort, so that we can now eliminate those people from the sports system.

Currently, all athletes participating outside of NSO’s are left vulnerable. We know from athlete testimony at our committee that athletes do not trust the current processes in their organizations and desire greater transparency and accountability enforced by an outside body operating across all levels of sport.

### **4. Sport Canada must establish a public registry**

The committee heard from athletes and advocates that Sport Canada must immediately establish a searchable and accessible public registry of coaches who have been proven to have violated the UCCMS. It is the recommendation of the Conservative members of the committee that the registry include the names of the guilty, number of complaints made about them, number of arrests, and the number of convictions.



## **COMPLEMENTARY REPORT ISSUED BY THE BLOC QUÉBÉCOIS**

"What athletes are asking for is an independent public inquiry into abuse in sport, so that their voices can be heard, and concrete solutions can emerge from this process. The Trudeau government made this commitment last May, but has yet to follow through, preferring to play with words and create mechanisms that are far removed from the simple, clear demand of the sporting community: an independent, public inquiry, now! The independent commission that the Minister announced today is a voluntary process that does not oblige anyone to testify or obtain documents from the various sports federations or the Ministry itself, unlike a true independent public inquiry", Sébastien Lemire, MP for Abitibi-Témiscamingue, December 11, 2023.

### **HOCKEY CANADA, A CASE OF INACTION FROM THE START, NEGLIGENT LEADERSHIP, AND COVER-UP!... THE TOXIC CULTURE POISONS SPORTS!... A PUBLIC INQUIRY INTO ABUSE AND MISTREATMENT IN SPORTS MUST BE LAUNCHED - SO WE CAN PIVOT AND CHANGE COURSE!**

Over the past two years, we have conducted this study with determination and humility, in collaboration with several colleagues from all parties. Although many, both within and outside the Canadian sports movement, have described our mandate as a significant challenge, we believe we have succeeded in achieving our goal thanks to the extraordinary efforts of everyone involved. This success is notably since parliamentarians were able to utilize their powers to summon and compel the transmission of documents.

Let us remember that this study led to the departure of several senior executives from national sports organizations in Canada, as well as several members of their boards of directors. The committee allowed athletes to be heard, to speak freely, and to be understood, thereby fostering profound change in our society.

Several athletes contributed their expertise and many years of experience within the Olympic Movement, its institutions, and its practices. We also wish to express our deepest gratitude to the elite athletes for sharing their stories, thus inspiring our approach. Their courage and determination to make their voices heard have been essential in ensuring that abuse in sports is recognized and addressed seriously. Thank you to them for their invaluable contribution to this vital cause.

The staff who supported us accomplished remarkable work, ensuring a thorough and comprehensive study despite limited time and resources. We are grateful for their tireless efforts, of which this report is a testament.

We also wish to thank the members of Parliament who unanimously supported the following motion of the Bloc Québécois motion of June 22, 2022:

"That the House call for an independent inquiry into Hockey Canada's handling of the events of June 2018, in order to determine whether this was an isolated event or whether there are

deficiencies in Hockey Canada's handling of reported complaints of sexual assault, sexual harassment and other types of misconduct."

Which mandated the Standing Committee on Canadian Heritage (CHPC) to investigate the alleged incidents reported by journalist Rick Westhead, involving major junior-level players from Team Canada 2018, Hockey Canada, and the Canadian Hockey League (CHL). This led to the broader study on abuse and mistreatment in other national sports organizations, including Gymnastics Canada, Soccer Canada, Fencing Canada, Sailing Canada, Skate Canada, and several other disciplines.

**The main recommendation of this report, now adopted by the Standing Committee on Canadian Heritage (CHPC), remains the call for a public and independent inquiry into sports, particularly regarding why athletes have not been supported in the process of lodging complaints against their abusers and why these abusers operate with impunity; and to examine the actions (or lack thereof) of national sports organizations and Sport Canada. The Government of Canada should initiate this inquiry in accordance with Part I of the Inquiries Act.**

It would be crucial to include in this inquiry quasi-governmental multisport organizations such as the **Canadian Centre for Ethics in Sport (CCES)** and the **Sport Dispute Resolution Centre of Canada (SDRCC)**, as well as marketing entities like the **Canadian Olympic Committee (COC)**. We should examine the close ties they have with **the "Own the Podium" program and Sport Canada**. The "win at all costs" strategy has exposed the abuse suffered by athletes and its detrimental effects on the overall development of sports, which no longer has a place in the Canadian sports system. The inaction and lack of willingness to implement necessary reforms are concerning.

In response to a question, asked during the study of the committee meeting of December 12, 2023, regarding the reasons for her refusal to introduce a bill in previous terms and her current term, Minister Qualtrough replied: **"I choose not to do so."** Another admission from this same minister: **"You know, Kristen Worley's case was very difficult. I perhaps should have intervened more. I think that's all I can say about that. I apologize if I should have done more."**

Why then? What is being concealed? Why was the safety of athletes and children not prioritized? These are some reflections on other avenues to explore in future work.

### **ATHLETES DO NOT TRUST THE COMPLAINTS MANAGEMENT MECHANISMS.**

**Athletes openly criticize the inequalities in terms of safety and believe that the system facilitates the concealment of violations that threaten the safety of athletes and other participants.** The report raises several important concerns regarding how the federal government has integrated human rights, entrusted investigations management, and

established reporting procedures. Broadly speaking, it addresses persistent challenges related to a lack of trust, confidentiality, and governance.

With justification, athletes have identified that the government allows sports organizations to operate outside the Canadian judicial system. As a result, the "**Bangalore Principles of Judicial Conduct**" and United Nations resolutions, which emphasize fundamental values such as independence, impartiality, integrity, and equality, are not fully integrated. It is impossible to guarantee fair and effective access to justice for athletes.

Several experts have identified, as a significant challenge, **the lack of experience and competent professionals within the Office of the Commissioner for Sport Integrity (BCIS)** in investigations, support systems, reporting mechanisms, and governance reviews. The report highlights that the lack of specific and relevant qualifications can compromise the entities' ability to effectively handle cases of misconduct. Gaps in these areas compromise the credibility and effectiveness of redress processes. **It is imperative to engage specialized professionals in human rights, sports governance, and ethics to ensure a fair process that respects the rights of all participants.**

Another point raised in the report concerns **potential conflicts of interest within these entities related to national sports organizations.** Moreover, potential conflicts of interest can compromise the objectivity and impartiality of investigations and redress processes.

**Unfortunately, the changes imposed by the federal government over the past two years do not adequately address the demands made to impose sanctions on wrongdoers in sports.** The gaps in the system have had serious consequences, notably creating an **atmosphere of impunity** where perpetrators of abuse or mistreatment are not properly held accountable for their actions – which discourages victims from reporting abuse for fear of not being heard or taken seriously.

**We have heard from the victims that the process is retraumatizing. The system that has been developed forces everyone to go through a very lengthy arbitration process, with multiple possibilities for appeals. This gives the respondent more rights than normally exist in an employer-employee relationship, and the process involves more steps than even a criminal trial.**

#### **Recommandation:**

**That the federal government take note of the public's loss of confidence in its "Sport Safe/Safe Sport" program, particularly due to its growing backlog of cases, unresolved cases for extended periods, and a policy of administratively closing many cases; and recognize the need for more efficient and transparent case management to restore stakeholders' trust.**

**That the federal government acknowledge that the way in which the SDRCC and the BCIS have conducted themselves has harmed the credibility of abuse and mistreatment**

case management, and has had a deterrent effect on athletes from coming forward to lodge complaints.

That the federal government reflect on how the lack of clarity in the code regarding abuse and mistreatment can make it difficult to determine appropriate actions to take in case of an incident. Vague or ambiguous definitions of inappropriate behavior can lead to varying interpretations and inconsistent decisions in handling complaints.

That the federal government assures us that the necessary resources will be allocated to a complaints process, including trained personnel to conduct thorough and impartial investigations. Furthermore, it is crucial to clarify and specify the rules and procedures regarding abuse and mistreatment, so that stakeholders can act consistently and fairly when handling complaints.

The fact that **resistance is still perceived** within the sports system is a sign that not everything is set in stone and that there is still a long way to go. This requires a firm commitment from sports organizations, regulatory authorities, and stakeholders to establish robust mechanisms for prevention, reporting, and responding to incidents in order to ensure a healthy and respectful sports environment for all.

**Nevertheless, we have been deeply concerned by the fact that a key accountability process towards the public seemed, for Sport Canada, to be - at best - an undesirable burden.**

**Despite repeated requests, the Minister of Sport did not appear before the Committee to answer questions about current sports policy and explain why Sport Canada was unable to unveil a new sports policy in February 2023. It is difficult to imagine real change when conversations take place behind closed doors.**

**THE TOXIC CULTURE OF SPORTS, AS WE KNOW IT TODAY, IS STRONGER THAN THE WILL TO TRULY CHANGE THINGS!**

The federal government's **abrogation of state responsibility in the realm of sports** raises significant concerns. State responsibility in the governance and operation of a country is a fundamental notion that encompasses various areas such as protecting citizens' fundamental rights, promoting equality and social justice, public safety, managing national resources, and ensuring the general well-being of the population. This also entails implementing effective policies and measures to address the needs and challenges faced by society as a whole, while ensuring transparency, accountability, and integrity in the actions taken by government institutions. **State responsibility is therefore essential to ensure the proper functioning of a nation and the respect for the rights and interests of its citizens. Legally, there is no one to enforce consequences against those who did not act when they should have.** It is the government's responsibility to consider the necessary legislative changes.



Recommandation:

That the federal government respond to the call to action from national athletes to fully implement and assume state responsibility regarding matters concerning sports, and commit to ensuring that issues related to abuse and mistreatment in sports are not sidelined compared to other social or political issues deemed more urgent.

That the federal government should send a clear message to the sports ecosystem: the autonomy of sports in its current form will be examined. This colonial and Eurocentric vision is no longer a priority and must be pivoted to prioritize the activation of its population and implement a more humane and respectful vision of athlete well-being.

That the Auditor General of Canada should be mandated to examine the extent to which charitable organizations receiving funds from Sport Canada comply with program requirements and how they report on achieving their objectives. She should report on the use of these funds and review sole-source contracts with researchers from different universities. She should also provide an opinion on how the funds are distributed among provinces and territories.

That the federal government should acknowledge that it should have done more when informed about cases of abuse and mistreatment. There is still much to put in place to have a system that is adequate for athletes; it must propose a renewed legislative framework to ensure a healthier, more respectful, and positive sports environment where athletes can thrive without experiencing degrading treatment or inappropriate training.

**SPORT CANADA HAS NOT FULFILLED ITS RESPONSIBILITIES FOR MONITORING SPORT PROGRAMS - OTHERS ARE TAKING ON SEVERAL PUBLIC RESPONSIBILITIES ON THEIR BEHALF**

The report also highlights **the need for transparency and accountability in sports governance**, particularly regarding governance audits, reporting mechanisms, and responses to systemic issues. Robust governance and independent audits are essential to ensure ethical operations, protection of human rights, and prevention of manipulation and abuse in sports.

Recommandation:

That the federal government should entrust the Auditor General of Canada with the responsibility of conducting periodic audits of national sports organizations, using independent reviews of governance and audits to identify and address organizational and structural gaps within these organizations.

The report highlights specific concerns related to the hiring of key executives within the Office of the Commissioner for Sports Integrity (OSIC) and the Canadian Sports Dispute

Resolution Centre (CSDRC). Criticisms are focused on **the lack of democratic procedures in the hiring process**, with appointments that appear to have been made without competitive or transparent processes involving the Government of Canada, Canadian Heritage, or Sport Canada. These practices raise concerns about the legitimacy and transparency of appointments, as well as the relevance of the qualifications of the appointed executives for their respective roles. This issue is found across all multisport organizations and most likely at all levels throughout the sports ecosystem.

**Recommandation:**

**That the federal government mandates national sports organizations to implement a public and competitive hiring process, thus ensuring transparency, legitimacy, and professional competence of their executives.**

Over the past twenty years, the federal government has delegated many of its functions to sports charities. Organizations such as "Sport for Life" or the "Canadian Tire Jumpstart Charities," among others, have aligned their brand with that of sports. These organizations have taken on the traditional role of the government in promoting positive values in sports practice. The government has delegated to others the responsibility of promoting fairness and equality for all. Since these organizations do not report on the effectiveness of their initiatives, it is impossible to measure whether they are fulfilling the public responsibilities entrusted to them. The challenge for these organizations is that they rely on donations and government grants. As a result, they often escape scrutiny and accountability for their activities.

**Recommandation:**

**That the Auditor General examine charitable organizations in sports funded by Sport Canada and provide an opinion on their funding, including disclosure of donation sources, whether they are used efficiently, and in accordance with philanthropic goals.**

No independent evaluation of sports governance conducted by qualified professionals has been carried out for Canadian sports entities, raising concerns about transparency and the effectiveness of governance practices. This absence hinders a thorough assessment of progress and challenges in governance, professionalism, and risk management within these entities.

**Recommandation:**

**That the federal government strengthens oversight to ensure transparency, accountability, and consistent law enforcement at all levels. Without sufficient public scrutiny of organizations funded by Sport Canada, the government will not be able to ensure that these organizations fulfill the public responsibilities entrusted to them.**

## **FOREIGN INTERFERENCE BY THE INTERNATIONAL OLYMPIC COMMITTEE (IOC), A CONCERN FOR MANY NATIONS, INCLUDING CANADA**

We also wish to highlight the challenges posed by the interference of the International Olympic Committee (IOC) in Canada's sports policies and legislation. The inherent conflicts of interest in this situation have been a major concern. In order to preserve the independence and autonomy of national decisions in sports, the federal government will need to promote the strengthening of ethical and transparent practices.

As a major player among the signatory countries of the Olympic Movement, Canada finds itself navigating complex dynamics. This involves balancing its commitments to the IOC with the need to preserve the integrity of the Olympic Movement. Authenticating this movement is crucial as it ensures that the values of sportsmanship, competition, and fair play are upheld despite external pressures.

The strategic ambition in global sports towards the BRICS+ group highlights a shift in global influence within the sports arena. BRICS+, including Brazil, Russia, India, China, South Africa, Egypt, Ethiopia, Iran, and the United Arab Emirates, has emerged as a formidable geopolitical bloc. The influence of this group extends beyond the economy and politics to sports, challenging the traditional dominance of Western countries in global sports governance. As BRICS+ nations heavily invest in sports infrastructure and events, their impact on the international sports landscape becomes increasingly significant.

In this context, the term "dictatorship countries" often describes nations with authoritarian regimes where power is centralized and individual freedoms are limited. The presence of such countries in influential groups like BRICS+ raises concerns about the possibility of autocratic principles infiltrating global sports governance. The IOC, which upholds principles of democracy and fairness, faces the challenge of navigating these complex political landscapes while maintaining its core values.

Canada, however, finds itself caught in the complexities of the Olympic Movement, particularly due to the pervasive interference of the IOC in its national sports policy. This interference often compromises Canada's ability to independently implement policies that align with its own values and priorities, which has been successfully challenged in the Canadian judicial system, outside of the protection of the autonomy they heavily rely on. The imposition of external directives by the IOC can hinder the development of a unique Canadian approach to sports governance, highlighting the need for the IOC to respect national sovereignty and allow countries to develop their own sports policies without undue influence.

The presence of the IOC in funding the World Anti-Doping Agency (WADA) by 50% and operational control every other Olympic cycle, funding safe sport hubs globally, and the lack of expertise in the current safe sport structure in Canada are significant issues.

Furthermore, perceived conflicts of interest in the current safe sport program further complicate the situation.

**These factors collectively underscore the many reasons why Canada should consider withdrawing from the Olympic Movement. The heavy involvement of the IOC in these areas not only compromises the autonomy of Canadian sports policy but also raises questions about the effectiveness and impartiality of these initiatives.**

By withdrawing from the influence of the IOC, Canada will be able to develop and implement policies that truly reflect its national priorities and ensure a fair, transparent, and autonomous sports environment. This decisive action will enable Canada to protect its athletes, promote sportsmanship beyond the autonomous Olympic Movement system, and contribute to the global sports community on its own terms, ensuring higher participation rates at all levels of play, creating measurable sports opportunities that reflect Canada's integrated diversity, which will result in enriched experiences, increased individual and local community activation, as well as long-term health and well-being for all.

### **CHALLENGES AND SOLUTIONS FOR QUEBEC SPORTS**

Interference in Quebec's jurisdiction over sports is a major concern for the province. Indeed, the federal government sometimes tends to overstep provincial prerogatives by imposing policies and programs that encroach on Quebec's jurisdiction. This creates tensions and friction because Quebec wants to preserve its autonomy in managing its sports infrastructure, development programs, athlete support, and promotion of its distinct sports culture. Such interference can hinder the full flourishing of Quebec sports and compromise local efforts to promote sporting excellence while respecting the particularities of Quebec society.

**Some recommendations from this report have been adopted by the majority of the members of the Committee, but we believe that the thinly veiled intention of the federal government is to interfere in an area where Quebec has clearly taken the lead and developed cutting-edge policies and mechanisms.**

In the division of jurisdictions, the federal government is responsible for certain key competencies such as national defense, foreign affairs, and internal security. Provinces and territories are responsible for competencies such as education, health, and recreation. Responsibility for sports is shared between the federal government and provincial and territorial governments.

The financial realities of provinces and territories vary from one another. This results in some facing more significant budgetary constraints than others, limiting their ability to invest in sports infrastructure, development programs, and athlete support. Additionally, political priorities may differ among different levels of government. Some governments may prioritize funding for sports less than other sectors such as education or health.

**Types of obstacles to access to sports and recreational facilities.**

Obstacles for Children	Obstacles for Parents	Facility-related Obstacles	Environmental Barriers
<ul style="list-style-type: none"> <li>• Child's age (e.g., too young)</li> <li>• Child's health (e.g., disabilities, other health issues)</li> <li>• Children's preferences (e.g., not interested in sports; prefers artistic programs)</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of time/busy schedule</li> <li>• Work schedule</li> <li>• Inconvenience</li> <li>• Lack of parental interest</li> <li>• Non-public transportation-related transport issues</li> <li>• Lack of knowledge or parenting skills (e.g., doesn't know how to get visitation rights)</li> <li>• New to the community</li> <li>• Single parent</li> </ul>	<ul style="list-style-type: none"> <li>• Cost</li> <li>• Programming issues (e.g., lack of programs for child's age; type of programs offered)</li> <li>• Overcrowded/busy</li> <li>• Poor facility quality (e.g., outdated, old, inaccessible to disabled individuals)</li> <li>• Low program capacity (e.g., always full, unable to get into a program)</li> <li>• Operating hours</li> <li>• Lack of advertising</li> <li>• Membership required</li> <li>• Staffing issues (e.g., lack of personnel, poorly trained staff)</li> </ul>	<ul style="list-style-type: none"> <li>• Distance</li> <li>• No facilities available (or insufficient facilities)</li> <li>• Lack of public transportation</li> <li>• Weather conditions (e.g., closed in winter)</li> <li>• Security (e.g., lack of supervision, dangerous)</li> </ul>

Indeed, these are all reasons that explain disparities in sports investments. Over time, the lack of investment in sports has led to detrimental consequences, including **reduced access to sports facilities, diminished athlete development programs, and a decline in sports competitiveness at the national and international levels.**

**Recommandation:**

**That the federal government allocate additional funds, distributed equally per capita, to provinces and territories to enhance support programs for the development and renovation of sports infrastructure, particularly to facilitate participation in sports activities. These programs support the presence of sports and recreational facilities in good condition, increase their accessibility to the population, and promote physical activity.**

**That the federal government develop a Sports policy that takes into account barriers to children's access to sports and respects the priorities of each province and territory. Since Quebec has not signed an agreement with the federal government, the government should transfer a portion of the funds it allocates to its programs aimed at improving children's health, for example, the share of a program aimed at providing equitable access to sports resources and supporting the development of young talent. These initiatives will contribute to shaping a new generation of highly skilled and competitive athletes.**

## **LACK OF DATA ON SPORTS TO TRACK THE IMPACT OF PUBLIC POLICIES IN SPORTS:**

The lack of data on sports is a major obstacle to evaluating the impact of public policies in this area. It is essential for the federal government to take the initiative to report certain statistics regarding national sports organizations, the evolution of executive and athlete incomes.

These pieces of information would allow for a clearer and more detailed understanding of the sports landscape.

### **Recommandation:**

**That the federal government should report certain statistics regarding national sports organizations, the evolution of income for executives and athletes, and also create an Accessibility to Sports Index.**