

IN THE NEUTRAL ZONE

News and Events of the Sport Dispute Resolution Centre of Canada



www.sdrcc.ca

October 2019

Sport Law Connect Program: Winning on All Counts

by Eleni Siganos and Martin Gariépy

Disputes can arise in any sport organization at any level, yet resources to resolve them may be scarce. The SDRCC is proud to deliver its dispute resolution services to all sport organizations across Canada. While these services are free of charge only at the national level, thanks to funding from the Government of Canada, sport organizations at other levels may access the Centre's dispute resolution services on a fee-for-service basis.

Many of these parties and sport organizations, often with limited resources, cannot afford to hire legal experts or outsource their dispute resolution processes to the Centre, and therefore lack the capacity to handle internal appeals independently. Consequently, sports-related disputes at the provincial/territorial or club level can place a strain on sport administrators and volunteers who possess no legal training.

To mitigate this situation, the Centre has created the [Sport Law Connect Program \(SLCP\)](#), which enlists students with an interest in sport law from Canadian law faculties or alternative dispute resolution (ADR) programs, so that they may serve as dispute resolution resources for the broader sport community.

Through this program, provincial/territorial sport organizations (PTSOs) are connected with law students and mediators and arbitrators recently trained with the ADR Institute of Canada (ADRIC). In addition to increasing the Canadian sport community's access to affordable sport dispute resolution resources, the program also fosters the development of a new generation of sport mediators and arbitrators in Canada.

How it Works

The SLCP is offered in provinces/territories where a provincial/territorial multisport organization accepts the responsibility of promoting the program to its members and linking those members in need to SLCP participants.

Program participants assist sport organizations and their members in dealing with sports-related disputes on a voluntary basis, either by using their facilitation skills to informally facilitate the resolution of such disputes or by acting as panel members in disciplinary or internal appeal procedures.

These students in law or ADR are recruited and provided training directly by the SDRCC in the form of seminars to complement their academic programming. This training also serves to familiarize participants with the federated sport context so they are equipped to handle a large array of sports-related cases such as disciplinary issues, team selection, resource allocation (e.g. funding, facility sharing), governance, policy application, field-of-play protests, etc. Where a pool of interested students is in place in a given province/territory, a multisport organization is designated to serve as the clearinghouse for all requests from that region.

Monitoring of the SLCP

Minimum qualifications and a strict set of guidelines, policies, standards and agreements govern the administration and evaluation of the program to ensure quality control. These ensure that *(continued on page 2)*

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Sport Law Connect Program: Winning on All Counts *(continued)*

participants are acting in the best interest of the parties in a fair and unbiased way. To continuously improve the program, the SDRCC and the provincial/territorial multisport organization monitor feedback from parties and participants once cases are closed.

Launch of the SLCP

The SLCP was launched as a pilot project in British Columbia in January 2019 in partnership with viaSport BC, the ADR Institute of British Columbia (ADRBC), as well as students from the University of British Columbia and the University of Victoria. Training sessions were conducted by SDRCC and viaSport BC staff, in Victoria and Vancouver, to interested law students and members of ADRBC. Provincial sport organizations in British Columbia can now [submit requests](#) to viaSport BC to receive dispute resolution assistance from qualified participants. Over 30 participants attended the training sessions and volunteered to act as facilitators, members of an appeal panel and/or sole adjudicators.

A modified version of the SLCP was also launched in Quebec in February 2019 in partnership with Sports-QUÉBEC and the Université de Sherbrooke's Mediation Clinic. A training session was delivered by SDRCC staff to mediation students, who can now provide mediation services on a volunteer basis to provincial sport organizations in Quebec.

Program Expansion

Provincial sport organizations in Manitoba will be able to take advantage of the SLCP services as of the fall of 2019. The program is launching in partnership with Sport Manitoba and the ADR Institute of Manitoba (ADRI), with law students from the University of Manitoba and members of ADRI invited to participate.

Who Can Benefit?

Law students with an interest in sport law are able to apply their legal knowledge in the context of sport as facilitators or members of a three-person panel. Where an equivalent course covering facilitation or appeals was not yet completed as part of their university curriculum, students are trained directly by the SDRCC.

ADRIC members with the Q.Med or Q.Arb designation have the opportunity to gain practical experience towards obtaining their C.Med and C.Arb certifications.

By acting as a facilitator, sole adjudicator or member or chairperson on a three-person panel, Q.Med and Q.Arb members involved in the SLCP have the unique opportunity to hone their professional skills in a sports-related setting.

Potential mentorship opportunities with C.Med and C.Arb are also available to the SLCP participants. The program also allows participants to expand their network with local sport organizations while benefiting from training and continuing education opportunities on sport ADR, as well as relevant experience for résumé-building.

“The Centre’s goal for the SLCP is to eventually launch it in every province and territory...”

PTSOs will benefit from this affordable service, which gives them access to individuals who are trained in ADR to help resolve some of the disputes that may arise within their organizations. The SLCP will help to relieve some of the pressure their staff and volunteers face when disputes arise, further increasing the Canadian sport community's access to ADR.

Are there any Fees Associated with the SLCP?

The SLCP was created with the goal of providing affordable services to sport organizations with typically limited amounts of resources. SLCP participants are providing their services on a volunteer basis to the Canadian sport community.

The only costs borne by the PTISO are out-of-pocket expenses necessarily incurred by a participant for the purpose of delivering the services under the SLCP. PTSOs are encouraged to conduct proceedings and meetings by teleconference as a means to minimize the costs associated with using the SLCP.

Extending Dispute Resolution Services Nation-Wide

The Centre's goal for the SLCP is to eventually launch it in every province and territory, ensuring affordable access to dispute resolution services for local sport organizations across Canada. Based on the interest generated for the concept, the Centre is working to initiate discussions with potential partners in other provinces and territories. If you are interested in the SLCP, its availability in your region or would simply like more information regarding the program, please contact the SDRCC at education@crdsc-sdrcc.ca. ■



SDRCC Roster Member Profile: Learning More About our Arbitrators and Mediators

They come from every region of Canada and have extensive experience in alternate dispute resolution and sports-related issues, but how much do we really know about them? The SDRCC has an impressive list of 50 mediators and arbitrators and we will slowly be introducing you to some of them through our regular installments of “SDRCC Roster Member Profiles”. In this edition we would like to present **Janice D. Johnston, a Med/Arb Neutral from Toronto, Ontario.**



What Led You To a Career in ADR?

I started my legal career as in-house counsel. I practised employment and labour law on the employer side (as opposed to representing trade unions). After a few years, I realized that I did not enjoy the adversarial nature of the litigation process. When an opportunity to become a neutral Vice-Chair at the Ontario Labour

Relations Board came up, I was delighted to make the move. It was during my nine years as a Vice-Chair that I sharpened my adjudicative skills and my decision-writing abilities. I also had the opportunity to mediate complex cases on a regular basis. I realized that I enjoyed the work of a mediator/adjudicator.

Specialization/Area of Expertise:

My area of expertise is employment, labour and human rights law. I am currently self-employed as a labour mediator/arbitrator and have been doing this work for twenty years. I receive consensual appointments from a variety of public and private parties. I would estimate that the parties, with my assistance, settle 80% of the cases I deal with.

As a Med/Arb Neutral with the SDRCC, I...

...bring to the cases I deal with my 30 years of experience as a successful mediator/arbitrator. Although the issues are different, many of the dynamics between an individual athlete and a sport federation are similar to those between an employee and his/her employer. Often the parties have had a relationship spanning many years and will continue

to do so after the particular dispute is resolved. Therefore, it is important to help the parties resolve the dispute in a manner that will enhance their ongoing relationship. In the event we cannot settle or I am selected by the parties to arbitrate a dispute, I bring a fair and open mind to every case. I have also been a competitive athlete my whole life. I understand and enjoy dealing with the issues in sport that arise at the SDRCC and working with the parties to resolve them whenever possible.

Favorite Sport(s):

I played varsity basketball and continued to play basketball at a competitive level after that. I currently play ice hockey, tennis and cycle. I coached my daughter in hockey and basketball for many years. As such, I am familiar with the issues faced by athletes and coaches. I enjoy watching the Toronto Raptors and have been a long-time fan.

Dispute Prevention Tip for Athletes and Federations:

During my many years as a coach and player, I have come to understand the importance of open and transparent communications. Expectation management, both of athletes by coaches and coaches by the sport organization/federation, is a crucial piece in the process. Many disputes arise because of the miscommunication of expectations or no communication at all. I would also encourage sport federations to ensure the education of athletes with regard to banned substances. While clearly it is an athlete’s responsibility to ensure they are clean, the availability of ongoing education is important. ■

In our next edition, look for the profile of another SDRCC Roster Member.

Follow Us on Social Media: Stay current on the publications of new decisions while keeping up with the Sport Dispute Resolution Centre of Canada’s activities and newest educational publications!

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New Chairman and Board Members

The SDRCC welcomed six (6) new Board members last July. **Aaron Bruce, Brad Kielmann, Marisha Roman,** and athlete representatives **Alex Harvey, Sandrine Mainville** and **Lanni Marchant** began three-year mandates as directors. **William L. (Mick) Ryan** of Halifax also succeeded to David de Vlieger as Chairman of the Board.

Their impressive biographies can be consulted on the SDRCC Board's webpage: <http://www.crdsc-sdrcc.ca/eng/about-bod> ■

New SDRCC Staff Members



Caroline Torregrossa joined the SDRCC on August 7 as Administrative Assistant. She is responsible for the coordination of corporate affairs and technology and for assisting with the general administration of the SDRCC office. She graduated with a Master's degree in tourism and international hotel business at the University of Nice Côte-d'Azur. Caroline has experience in administration and relation with members at the French Chamber of Commerce in Canada and Tourisme Montréal. An amateur of many sports, Caroline likes to practice badminton during the week.

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Kirsten Whelan joined the SDRCC on August 26 as Assistant Case Manager. She assists with case management in the Dispute Resolution Secretariat. Kirsten is currently completing a law degree and has a background in sports journalism. Prior to joining the SDRCC, she worked in a labour union. ■

2020 PUBLIC CONFERENCE

REGISTRATION IS OPEN !!

In partnership with the Court of Arbitration for Sport, the SDRCC will hold public sessions at its Mediator and Arbitrator Conference that will take place at the **Hotel Bonaventure in Montreal, Quebec on Thursday, January 30, 2020.**

The preliminary program and registration form are now available at: <http://www.crdsc-sdrcc.ca/eng/public-conference-2020>

Places are limited and the deadline to register is January 8, 2020 but the "early bird" rate will expire on November 1st, 2019. ■



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Notable Dates:

- **October 8:** Presentation to law students at Western University (London, ON);
- **October 24-26:** Training sessions for SLCP participants in Manitoba (Winnipeg, MB);
- **November 7-9:** SDRCC Kiosk at the 2019 Sport Leadership Conference (Richmond, BC);
- **November 11-13:** Training sessions for SLCP participants in British Columbia (Vancouver and Victoria, BC);
- **November 14:** Workshop for Nordic Canada and Biathlon Canada's national teams (Canmore, AB). ■



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