

Review

# One Step Forward, Two Steps Back: The Struggle for Child Protection in Canadian Sport

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**Abstract:** Millions of children and adolescents around the world participate in organized sport for holistic health and developmental benefits. However, for some, sport participation is characterized by experiences of maltreatment, including forms of abuse and neglect. In Canada, efforts to address and prevent maltreatment in sport have been characterized by recurring cycles of crisis, public attention, policy response, sluggish implementation, and active resistance, with very little observable change. These cycles continue to this day. Achieving progress in child protection in Canadian sport has been hindered by the self-regulating nature of sport, funding models that prioritize performance outcomes, structures that deter athletes from reporting experiences of maltreatment, and inadequate attention to athletes' recommendations and preventative initiatives. The culture of control that characterizes organized sport underpins these challenges to advancing child protection in sport. We propose that the establishment of a national independent body to provide safeguards against maltreatment in Canadian sport and to address this culture of control.

**Keywords:** sport; child; athlete; protection; Canadian; safe sport

## 1. Introduction

Concerns about the safety of young athletes in sport are as old as modern sports themselves. In the early 19th century, as teachers, social reformers, and players transformed the rough and ready games of the late medieval period into the rule-bound sports we know today, they sought to reduce the amount of unnecessary violence and injury, as well as to introduce the concept and rules of fairness to ensure that all participants could benefit from the experience (Elias 2000; Mangan 2012).

With the rapid growth of youth sport in post-WW2 Canada, efforts to make sport safer intensified. We have seen concerted campaigns to prohibit fighting and other forms of violence in hockey, eliminate boxing from schools and universities, teach coaches about injury prevention and fair play, discourage early specialization, mandate protective equipment, establish post-concussion return-to-play guidelines, outlaw doping, and recognize children's rights. However, none of these efforts has enjoyed complete success. When information about the injury or abuse of a young athlete is publicized, it results in an immediate flurry of media attention and public outrage. Sport organizations respond with changes to policies and practices, but attention often wanes; eventually, so does adherence to the new practices and policy changes, at least until the next case emerges. For decades, the Canadian sport landscape has been characterized by these recurring cycles of crisis, policy response, lethargic implementation, and resistance, with very little ultimate change. They continue to this day.

Until the past three years, there has never been a concerted effort to combat the full spectrum of maltreatment in Canadian sport—the subject of this paper. Here, we review the cycles of concern, response, and indifference that have characterized the struggle for the protection of young athletes in the Canadian sport system from physical, psychological and sexual abuse, and neglect. We argue that

one major obstacle to reform is the concerted attempt by some leaders in sport to resist independent oversight in favour of self-regulation. We also suggest that the funding model for sport has been a contributing factor to maltreatment, and we highlight the struggles by Canadian athletes to have their experiences and recommendations included in the policies that affect them.

## 2. The Canadian Context

In the Olympic sector, Canadian sport is directed, financed, and monitored by Sport Canada, a federal agency with legislative authority from the Physical Activity and Sport Act ([Government of Canada 2003](#)). The mission of Sport Canada is to enhance opportunities for all Canadians to participate in and excel at sport. Sport Canada supports the National Sport Organizations (NSOs) and Multi-Sport Organizations (MSOs, e.g., Canadian Olympic Committee, Canadian Paralympic Committee), provides financial assistance to high-performance athletes, and helps Canadian organizations to host sport events that create opportunities for Canadian athletes to compete at the national and international levels ([Government of Canada n.d.](#)). The Physical Activity and Sport Act states that:

“The Government of Canada’s policy regarding sport is founded on the highest ethical standards and values, including doping-free sport, 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.”

Sport Canada policies and programs are coordinated with those of the provincial and territorial governments through the Canadian Sport Policy, an agreement between federal, provincial, and territorial governments. The provincial and territorial governments support provincial and territorial sports organizations in much the same way Sport Canada supports the national bodies.

In response to the public concern expressed during previous crises, Sport Canada has created or assisted the development of a number of new organizations for the purpose of protecting and strengthening the values and fairness of Canadian sport. These include the Coaching Association of Canada (established in 1970), Canadian Women and Sport (formerly the Canadian Association for the Advancement of Women and Sport or CAAWS, 1981), the Canadian Centre for Ethics in Sports (established in 1992), and the Sport Dispute Resolution Centre of Canada (established in 2003). Athletes’ struggles to have representation on decision-making bodies in Canadian sport resulted in the 1992 establishment of the Canadian Athletes Association, which later changed its name to AthletesCAN. AthletesCAN is an independent association of national team athletes that seeks to provide a collective athlete voice in major decision-making and to bring about an athlete centred sport system (<https://athletescan.com/en/about>). The masculinist, capitalist, continentalist sports sector (e.g., National Hockey League, National Basketball Association, Major League Baseball, and Canadian Football League) operates outside this framework.

With respect to child protection, sport is the only child-populated domain in Canada that is completely autonomous and self-regulating. Unlike other domains in which children engage, such as day care and educational settings, sport lacks a regulatory body to oversee the health and well-being of children, which ensures persons in positions of authority and trust over young people are sufficiently trained and adhere to scope of practice, and apply sanctions to those who violate codes of conduct. Instead, sport organizations regulate themselves.

## 3. A Note about Terminology

The first policies developed to address the maltreatment of athletes focused exclusively on sexual maltreatment using the terms ‘sexual harassment’ and ‘sexual abuse,’ which were often used interchangeably. Many researchers have conceptualized harassment and abuse as existing on a continuum of harmful behaviours, with harassment referring to what may be considered less severe behaviours such as sexist comments or remarks and abuse used for more severe behaviours such as sexual assault ([Brackenridge 2001](#)). In practice however, distinguishing harassment and abuse on the

basis of severity is very difficult. For example, when does harassing behaviour become abusive? Do less severe harassing behaviours become abusive if cumulative or repeated over time? How do we account for individuals' interpretations of severity? Furthermore, researchers and athletes have advocated for a perspective on harassment and abuse that extends beyond sexual misconduct to include other forms of harmful experiences such as psychological misconduct, physical misconduct, and neglect (Crooks and Wolfe 2007; Miller-Perrin and Perrin 2012). Canada has responded to these calls by using the term 'maltreatment.' Maltreatment has been defined by the World Health Organization (2016) as "( . . . ) the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence, and commercial or other exploitation which results in actual or potential harm to the child's health, survival, development, or dignity in the context of a relationship of responsibility, trust, or power." In this way, maltreatment is an all-encompassing term that includes sexual, physical, and psychological abuse; neglect; bullying; harassment; and discrimination.

Safe Sport is a term that has recently emerged to encompass approaches aimed at promoting the holistic health and well-being of sport participants. Though a consensus on a universal definition is lacking, Safe Sport is typically used to refer to the prevention of harassment and abuse, as well as the promotion of the physical and psychological welfare of athletes (e.g., <https://www.olympic.org/athlete365/library/safe-sport/>). The U.S. Center for Safe Sport describes Safe Sport as "safeguard[ing] athletes from bullying, harassment, hazing, physical abuse, emotional abuse, sexual abuse, and sexual misconduct." This term is also used in Canada despite of the absence of a generally agreed upon definition.

#### 4. Theorizing Safe Sport

In theoretical terms, it is important to understand two related themes: the characteristics that render sport unsafe in terms of athlete maltreatment and the characteristics that sport shares with other institutions where child maltreatment has been found. As Bruyninckx (2011) pointed out, "Sports ( . . . ) take place in a sort of separate [autonomous] sphere, detached from normal rules and regulations in society." Organizations at all levels of sport, from the international to the local, professional and non-professional, have consistently asserted their autonomy, a right of self-governance and exemption from oversight by governments and judiciaries. Gruneau (2017) argued that the claim to autonomy in sports emerged alongside similar claims in the visual arts in the midst of the turbulent class and ideological conflicts of 19th century Britain. They are thus historically contingent and open to change. Nevertheless, despite the intervening transformations to sports, especially the worldwide assumption by publicly accountable governments for their financing at the highest levels of performance, sports bodies continue to assert their claims to autonomy. Such claims increase the risk of maltreatment to the athletes involved.

Several researchers (e.g., Donnelly and Young 2004; Atkinson and Young 2008) have described organized sport as sharing many characteristics with total institutions (Goffman 1961) and greedy institutions (Coser 1974) with their implicit and explicit cultures of control (Donnelly and Young 2004; Garland 2001). The culture of control exists mainly in prolympic sports, high performance and professional sports, but it also exists in the youth/developmental levels of many sports<sup>1</sup> (Donnelly 1996). Prolympic sports are defined by: an increasing emphasis on outcome (success, victory, excellence, etc.), an increasing emphasis on control (grounded in the paternal notion that athletes would not be as committed to outcomes without some external controls), and a decreasing ability on the part of athletes to determine the form, circumstances, and meanings of their participation.

Control has become a central organizing principle for prolympic sports and provides a context in which sports-related violence (Young 2012) and the threat of violence may come to be approved,

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<sup>1</sup> Youth/developmental levels of sport are frequently linked to prolympic sport by means of the widely-used Long-Term Athlete Development system. Available online: <https://sportforlife.ca/long-term-development/> (accessed on 29 April 2020).

normalized, routine, and/or rewarded. This is not to argue that the culture of control causes sports-related violence; rather, certain forms of violence are employed to maintain the culture of control, and, in turn, the culture of control creates a climate in which certain forms of violence are facilitated, expected, and accepted. Thus, the outcomes of power relations in this culture of control are sometimes violent, abusive, exploitive, and otherwise dehumanizing. In the culture of control of modern prolympic sports, sports-related violence and the threat of sports-related violence is routine. It includes various forms of self-abuse, as well as abuse imposed by authority figures (psychological, physical, occasionally sexual) that is disturbingly out of step with most modern western educational and work places (e.g., worker and student rights, workplace health and safety regulations, principles of due process).

Control is justified in various ways. For example, there is a paternalistic aspect of control (e.g., athletes cannot be trusted, so control stands in contrast to trust); [Howe \(2003\)](#) asked, for example, "... whether the athlete or the administrator has more control over the body of the sportsperson." Control techniques are sometimes used and justified in total institutions such as prisons, the military, and sport to establish an overall climate of control, as well as to assert rank and authority. Additionally, control techniques are also used and justified to sanction behaviours that are defined, sometimes arbitrarily, as not contributing to 'success.' The increasingly high-handed treatment of athletes is sometimes paired with increasing rewards for success.

As a result of this climate of control, many sports are quite regimented, authority is clearly delineated, and athletes are motivated by fear and punishment (e.g., being benched, traded, demoted, dropped, ridiculed, and losing pay or funding). Thus, athletes are manipulatable in this climate; they are controlled by fear of ostracism, disrepute, stigma, identity loss, career loss, isolation, and so on. The exploitation often persists because athletes are expendable as a result of the "reserve army of athletes attempting to play at the elite level" ([Connor 2009](#), p. 1369). Michael [Robidoux \(2001\)](#) exemplified this with his literal description of the American Hockey League as a 'farm system' for the National Hockey League (NHL): "[t]he players are literally cultivated on the farm; only those with suitable qualities are 'picked' to be used in the NHL market. The cultivation period, moreover, is limited, and those who do not develop sufficiently are eventually replaced with new 'stock'" (p. 190).

Thus, in the ideologically isolated, autonomous, conservative, and control culture of modern sport:

- Sport maintained its conservative nature throughout the liberation movements of the 1960s in North America and elsewhere, despite some athlete resistance.
- Sport has remained a bastion of masculinity when patriarchy faces serious challenge in many other areas of social and cultural life.
- Sport has maintained its 'right' to employ violent and abusive behaviours when such behaviours are now more severely controlled in other parts of society.
- Athletes submit to treatment by coaches, administrators, clinicians, and others that they would never dream of tolerating from authority figures in other areas of their lives.

The human rights of athletes are routinely violated, albeit at times with their consent. Much more egregiously, as [Donnelly and Petherick \(2004\)](#) and others have pointed out, up to half of the articles in the UN Convention on the Rights of the Child are occasionally or routinely violated in elite organized sports for children (those under 18 years of age in the UN definition). During discussions of recent years, we have regularly heard that punishments we defined as 'maltreatment' were considered 'just sport' by many of the coaches and officials in attendance. The autonomous and self-governing nature of sport raises the question of why sport organizations themselves, rather than organizations mandated to ensure child welfare and protection (such as the Children's Aid Societies in Canada and National

Society for the Prevention of Cruelty to Children (NSPCC) in the UK<sup>2</sup>) or the police, deal with cases of illegal and inappropriate behaviour (maltreatment) in children's and adult sport, respectively.

Given these characteristics, it is unsurprising that the maltreatment of children continues to occur in sport and that—according to many sources—it is rarely reported because the only means available to report maltreatment is to the organization within which the maltreatment was perpetrated. Additionally, in terms of the culture of control, it is evident that sport shares that characteristic with other institutions (e.g., the Catholic church and boarding/residential schools) that are frequently identified for their involvement in child maltreatment.

The remainder of this paper addresses the struggle for Safe Sport in Canada with a particular focus on child protection in sport. This struggle is characterized by recurring cycles of resistance by athletes and others to the prevailing culture of control on the one hand and reinforcement of this control by sport leaders on the other. In support of athletes' calls, we propose changes to the sport context that reflect congruence with the standards, norms, and approaches seen in other child-dominated contexts.

## 5. One Step Forward, Two Steps Back

In the 1990s, several international, high-profile cases emerged detailing experiences of sexual abuse of athletes at the hands of their coaches—persons in positions of authority who are entrusted with responsibility for athlete safety. In 1995, a British Olympic Swimming coach was charged with 15 counts of sexual assault and the rape of two teenaged swimmers (Reid 2012). Two-time Olympic rower Heather Clarke alleged that her long-time coach had sexually abused her, her sister, and two other rowers for many years. Additionally, at that time, Sheldon Kennedy, a player in the National Hockey League, revealed that he had been groomed and sexually victimized by his coach, Graham James, beginning when Kennedy was just 13 years of age (Kennedy and Grainger 2006; The Canadian Press 2015). In subsequent years, other hockey players coached by James also disclosed sexual victimization (e.g., Fleury and Day 2010). The 1997 arrest of former Maple Leaf Gardens (Toronto) equipment manager, Gordon Stuckless, preceded the announcement that a 'pedophile ring' had been operating at the Gardens between the mid-1970s and the early 1980s (Vine and Challen 2002).

In response to these revelations, there was an outbreak of public concern by Canadians. How could sport, an endeavour assumed to be healthy and growth-enhancing for young people, become a place where such harm could occur? The government at the time responded by engaging in a consultation process that led to new policies and systems of compliance that represented one of the most progressive examples in the world at that time to deal with harassment and abuse in sport. Specifically, in 1996, all National Sport Organizations that received public funding were mandated to: (i) develop and disseminate a publicly accessible harassment policy (the term used at the time), (ii) to designate arm's length trained Harassment Officers (one male and one female) with whom athletes and/or their parents and others could raise queries and to whom they could address complaints without fear of reprisal from coaches or other sport officials, and (iii) to annually report to Sport Canada on their compliance with these directives as a condition of continued funding (Christie 1997). These federal initiatives began to spread to provincial ministries responsible for sport and to Provincial Sport Organizations (PSOs), and they also began to be considered internationally. A progressive policy guide was produced by Canadian Association for the Advancement of Women and Sport (CAAWS) (1994) that assisted sport organizations through the development and implementation of mandated harassment policies. This guide continues to form the basis of policies used today in Canada and internationally.

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<sup>2</sup> The National Society for the Prevention of Cruelty to Children (NSPCC) established, with Sport England and others, the Child Protection in Sport Unit in 2001. However, that unit has advisory and educational functions, and it does not violate the autonomy of sports to carry out their own investigations and impose discipline in cases of child maltreatment.

### 5.1. A Failed Policy

Twenty years after these advances, [Donnelly et al. \(2016\)](#) conducted a study to assess the extent to which Canadian sport organizations complied with these requirements. By reviewing sport organizations' websites and contacting the heads of these organizations, they found that 86% and 71% of the NSOs and PSOs, respectively, had harassment policies. Of these, less than half were publicly accessible as required. The existing policies focused primarily or exclusively on sexual maltreatment, with far less content on psychological and physical maltreatment, neglect, bullying, harassment, and hazing. Only 33% of PSOs and 17% of NSOs addressed the inappropriateness of sexual relations between a coach and an of-age athlete. Only 27% of PSO and 39% of NSO policies mentioned a harassment officer, and far fewer stated that these positions included one male and one female who were trained, as recommended in the original CAAWS (1994) document. Of particular note is that none of the PSO and NSO policies identified the harassment officer as being at 'arm's-length' to the sport organization; instead, the CEO or another staff member of the sport organization was identified as a recipient of harassment/abuse concerns, contrary to the policy directives to have neutral, third party individuals receive concerns. We are not aware of a single sport organization that was denied funding for a lack of compliance with the Sport Canada mandates. Clearly, the 1996 policy to advance safety for athletes was not implemented effectively; sport organizations did not meet the requirements for funding, and Sport Canada did not ensure compliance. What had emerged since the 1996 policy was a system of self-regulation riddled with conflicts of interests.

In attempting to account for their failure to meet Sport Canada's requirements, sports organizations cite their lack of capacity—not their lack of will. They told us that they found it next to impossible to recruit, train and retain willing and qualified individuals to address complex cases of maltreatment. Potential investigators and adjudicators were discouraged by the difficult issues involved and the likelihood of costly legal proceedings. Given these difficulties and the lack of oversight by Sport Canada, sport organizations quietly ignored the requirements, with many regressing to a pre-1996 state without harassment policies or systems in place to address complaints.

At the same time, the emphasis on performance outcomes, reinforced by the existing system of funding of sport organizations in Canada, has been a significant barrier to addressing and preventing harassment and abuse. Sport organizations are funded primarily based upon the results (international medals, records, top-10 performances, and so on) attained by their athletes. As such, sports in which athletes earn high international standings are funded to a greater extent than those sports in which athletes do not perform as well; in fact, teams that drop in international rankings may experience funding cuts. For example, significant funding comes from a Sport Canada-funded organization, Own the Podium, which "( ... ) drive(s) Canada's high-performance sport system forward in a quest to help more athletes and coaches win more medals in future Olympic and Paralympic Games" (<https://www.ownthepodium.org/en-CA/About-OTP/Vision,-Mission,-Mandate-Goals>). Since the 2010 Winter Olympic and Paralympic Games in Vancouver/Whistler, Canada, the pressure for medals has intensified. We suggest that Own the Podium, driven by the relentless expectations of international success, pays inadequate attention to the means by which medals are earned and thus may enable athlete development methods that are inconsistent with athletes' rights and welfare. A vast body of literature in sport addresses the potential consequences of such a win-at-all-costs approach to sport, including overuse injuries, sport withdrawal, eating disorders, and maltreatment ([Coakley 2015](#); [Donnelly 1993](#); [Stirling and Kerr 2015](#)).

### 5.2. The Next Wave

A series of international and high-profile cases between 2010 and 2019 stimulated another flurry of activity and policy directives. In the United States, the 2011 Penn State University child sex abuse scandal emerged; this involved offences committed by a football coach, Jerry Sandusky, over a period of 15 years ([Smith 2016](#)). In 2018, Larry Nassar, a USA gymnastics team doctor was charged and convicted of sexually assaulting more than 150 minors over a period of two decades; he was subsequently

sentenced to up to 125 years in prison (Levinson 2018). At around the same time, Barry Bennell, a football (soccer) coach in the U.K. was convicted of sexual abuse of numerous boys from the 1970s to the 1990s. Bennell was sentenced to a prison term of 30 years. He was found to be part of a pedophile ring in U.K. football that victimized over 800 boys at 340 different football clubs (BBC News 2018). Between 2016 and 2018, Canadian sport was also shaken by cases of sexual abuse of athletes in the sports of alpine skiing, gymnastics, wrestling, speed skating, and swimming, amongst others (Heroux 2019; Heroux et al. 2018).

### 5.3. Recognizing the Role of Bystanders

These cases, in contrast to those in the 1990s, drew attention to and consideration of the role of bystanders. Specifically, they highlighted the complicity of adults in positions of power and authority who are entrusted with the care and safety of athletes. We find it hard to countenance that perpetrators can harm so many individuals over such an extended period of time without someone knowing about the abuse or, at a minimum, suspecting abuse may be occurring. In fact, in the 2011 Penn State University child sex abuse case, evidence indicated that at least four other adults in positions of authority at the University were aware of the allegations and had “total and consistent disregard...for the safety and welfare of Sandusky’s child victims” and “empowered” Sandusky to continue his acts of abuse by failing to disclose them (Freeh Sporkin and Sullivan 2012). Similarly, in the Larry Nassar case, the athletes did in fact disclose their abusive experiences to others, but their disclosures were ignored or dismissed based upon the prestige and reputation held by Nassar and the performance success of the U.S. women’s gymnastics team (Raisman 2018a; 2018b). Their complicity enabled Nassar to continue with his abuses.

The critical role of bystanders in abuse cases was poignantly summarized by Mitch Garabedian<sup>3</sup>, a lawyer for some of the survivors of abuses by Catholic priests in Boston, who stated, “If it takes a village to raise a child, it takes a village to abuse one.” The focus of sexual abuse cases had clearly shifted from a sole focus on the perpetrator to inclusion of the critical role of bystanders, as well as the failure of adults in positions of responsibility for the care of young people to enact their duty to act when knowledge or suspicions of child abuse emerge.

As a consequence of their failure to act on their responsibilities to care for these young people, the President, Athletic Director, and executive Director of Alumni Relations of Michigan State University where Nassar was employed either resigned or were required to leave. The University also agreed to a settlement of \$500 million (Jesse 2019). As a result of the Nassar case and associated legal costs, USA Gymnastics—a powerhouse of a sport organization—declared bankruptcy (Axon et al. 2018). In contrast to cases that emerged in earlier years, the trial of Nassar included seven days of testimonies from athletes who were survivors of Nassar’s abuses (Raisman 2018b). This represented a shift in sexual abuse cases, with survivors having an opportunity to tell their stories and call for changes—a shift that was inevitably influenced by the broader #MeToo movement.

### 5.4. Renewing a Failed Policy

At the same time, Canada was dealing with cases of sexual abuse of female teenage alpine skiers by the national coach Bertrand Charest, who was sentenced to 10 years imprisonment upon appeal (The Canadian Press 2019); infractions within wrestling (Bennett 2018); and the allegations of sexual misconduct by the 2016 Olympic Women’s Artistic Gymnastics Coach, David Brubaker. In response to the Nassar case in the U.S. and the Charest and Brubaker cases in Canada, there was, again, a flurry of public and scholarly attention paid to the abuse of athletes. The federal Minister of Science and Sport at

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<sup>3</sup> ‘Mitch’ Garabedian is a Boston lawyer who represented a number of victims of Catholic church sexual abuse. The words in this quote, referring to the code of silence in the Catholic church, were spoken by actor Stanley Tucci, who played Garabedian in the 2015 film *Spotlight*.

the time, Kirsty Duncan, herself a former athlete, drew additional attention to the abuse of athletes by declaring that addressing abuse of athletes was a priority of her office. She announced that: “national sporting organizations will lose their federal funding if they don’t immediately disclose to her office any allegations of abuse or harassment that occur within their ranks” and “Effective immediately, funding agreements also require sporting associations to establish an independent third party to investigate all allegations of abuse and have mandatory prevention training in place as soon as possible and no later than 1 April 2020” (Rabson 2018). Though these mandates caused a flurry of activity in sport organizations, the Minister’s requirement to report cases and to establish an independent third party to investigate allegations of abuse or harassment were hardly new. On the contrary, these requirements had been in place since 1996 and had simply not been implemented or enforced. Despite the stirring words of priority, these mandates represented a retreat to a 20-year old policy that neither the sports bodies nor Sport Canada had been able to implement; this was two steps back.

The commitment to address abuse, harassment, bullying, and discrimination in sport was explicitly reinforced by the Red Deer Declaration for the Prevention of Harassment, Abuse and Discrimination in Sport (Sport Information Resource Centre 2019). Led by the Federal Minister, the group of Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity and Recreation, met to endorse the Declaration. Specifically, they agreed to work together to reinforce and build on the existing work and commitments to activate the values of the Canadian Sport Policy; to foster a collaborative and coordinated relationship with sport organizations, participants, and stakeholders; and to engage relevant experts to identify effective approaches to prevent and respond to incidents of harassment, abuse, and discrimination.

The Minister also directed the development of a Universal Code of Conduct for stakeholders in sport. The Code was written to identify prohibited behaviours and be applicable to all members of the National Sport community. As part of the process of developing this Code, a series of Safe Sport Summits were held across the country in 2019. These summits gave stakeholders the opportunity to contribute to the definition of prohibited conduct and potential sanctions for egregious behaviour. Disturbingly, the summits, which were led by the Coaching Association of Canada, were framed by the assumption that sexually abusive behaviours were the most egregious behaviours, ignoring the compelling evidence from the vast body of research on child maltreatment indicating that all forms of maltreatment are deleterious to a child’s health and wellbeing (Glaser 2002; Matthews 2004; McCoy and Keen 2014). In spite of the evidence that psychological abuse, physical abuse, and neglect are just as, or in some cases, more damaging than sexual abuse to a child in the short- and long-term (Horwath 2013), many in the sport community insisted on limiting the scope of their responsibility to sexual abuse.

It could be said that the preoccupation with sexual abuse was justified given the media focus at the time. In addition to a long history of media attention on sexual abuse in sport, a 2019 study by the Canadian Broadcasting Corporation indicated that at least 222 coaches involved in amateur sports in Canada were convicted of sexual offences in the previous 20 years, involving more than 600 victims under the age of 18 years. Cases involving another 34 accused coaches were before the courts at that time (Ward and Strashin 2019). The focus on sexual misconduct at the National Summit was reflected in the heated discussions and a lack of consensus on whether or not sexual relations between athletes over the age of 18 years and a person in a position of authority should be prohibited. Regarding this specific scenario, athletes were clear in their responses that the power differential was so great between athletes and persons such as coaches, sport administrators, and sport science personnel that consent was not possible, and sexual relations should therefore be prohibited. The views of other stakeholders were not as consistent. At the time of writing this paper, we have yet to see whether the athletes’ recommendations will be implemented.



### 5.5. Expanding the Focus Beyond Sexual Abuse

The exclusive focus on sexual abuse by many in the sport community was challenged by the 2019 release of a prevalence study of maltreatment among Canadian national team athletes that highlighted the frequency of experiences of various forms of maltreatment (Kerr et al. 2019). These findings provided a new understanding of the experiences of athletes. Specifically, they broadened the focus on sexual abuse to include the psychological abuse and neglect of athletes. Of 1001 athletes, 17% of current athletes and 23% of retired athletes reported repeated experiences of psychologically harmful behaviours, and 15% of current athletes and 22% of retired athletes reported repeated experiences of neglect. These were followed by sexual harm (4% of current athletes and 7% of retired athletes) and physical abuse (3% of current athletes and 5% of retired athletes).

Despite the preoccupation of the media and sport organizations with cases of sexual abuse of athletes, these findings signaled that other forms of maltreatment are far more prevalent and may be just as damaging to athletes' health and well-being. The preponderance of psychological abuse has been supported by other prevalence studies conducted in the UK (Alexander et al. 2011) and the Netherlands and Belgium (Vertommen et al. 2016). More recently, the prevalence and impact of psychological abuse has been highlighted by several male, high-profile National Hockey League players who have described training in psychologically toxic environments (Prewitt 2019). The findings of the Canadian study also indicated that statistically significant relationships existed between all forms of maltreatment—psychological abuse, physical abuse, sexual abuse, and neglect—and disordered eating/eating disorders, depression, and suicide ideation. As causality cannot be ascertained from this analysis, the short and long-term effects of maltreatment on athletes remain a direction for future research.

### 5.6. The Athletes' Voices

A particularly disturbing finding from the Canadian prevalence study was that fewer than 15% of the responding athletes who had experienced maltreatment submitted a formal report of their experiences; furthermore, less than half of the current and retired athletes ever told anyone about the harmful experiences. The athletes shared that they did not report because they did not know who to report to, they did not have a safe and confidential place to report their concerns without fear of negative repercussions for their athletic careers, and they did not have confidence in their sport organizations to address their concerns in a fair and transparent manner. In the words of some of these athletes: "I would never feel comfortable going to my National Sport Organization if I were harassed in any way and would 100% need an independent body to report the harassment to. I would be far too scared to say anything to my coach or my HPD [high performance director]" and, "Asking sport organizations to deal with abuse in their ranks is like asking them to incriminate themselves."

The athletes' widespread fear of reprisal makes 'self-regulation' an inadequate policy response. Canadian women wrestlers were very public in their concerns about the self-regulating nature of sport: "(...) at times it doesn't feel safe or comfortable for an athlete to come forward because we don't want to put our goal, our lifelong dream of making an Olympic Games, in jeopardy. Sometimes it's this fear of keeping the status quo, because there's been no independent body that we can go to and feel safe;" "We want the minister to know that athletes support an independent body to handle safe sport issues," Jasmine Mian, a 2016 Olympian and chair of Wrestling Canada's athlete council, said in a press release. "It's not only in the best interest of athletes but also in the best interest of the NSO. What constitutes safe sport should be consistent across Canada" (Ewing 2018).

The findings of the national prevalence study, together with discussions at the Safe Sport Summits held across the country, culminated in a National Safe Sport Summit in 2019, which was led by the Coaching Association of Canada (Coaching Association of Canada 2019) and included over 300 stakeholders in sport. Informed by the individual Summits and the National Prevalence Study data, recommendations were presented for all egregious conduct to be included in the Universal Code of Conduct. The most powerful moment of the National Summit came in response to the athletes'

presentation of their recommendations to advance Safe Sport, a presentation that was met with a standing ovation. The athletes clearly and courageously argued for the Canadian sport community to:

1. Address all forms of maltreatment.
2. Implement mandatory education for all stakeholders.
3. Prohibit sexual relations and forced intimacy between athletes and persons in positions of authority.
4. Enhance the focus on athletes' holistic wellbeing.
5. Strengthen accountability measures.
6. Ensure that supports and resources are available for victims of maltreatment.
7. Implement an independent body to receive, investigate, and adjudicate complaints, as well as to apply sanctions.

The peer solidarity demonstrated by the athletes in communicating a common message to the Canadian sport community was a display of resistance against the dominant culture. Athletes exerted agency in voicing their demands for healthier sport experiences and more opportunities to contribute to the decisions that affect them. Their unified call for an independent Safe Sport agency was a public challenge to the existing culture of control.

#### *5.7. Development of the Universal Code of Conduct for Addressing and Preventing Maltreatment*

After the National Summit, work began on a Universal Code of Conduct designed to be applicable to all stakeholders in sport—athletes, coaches, sport administrators, officials, sport science personnel, and volunteers. Progress was achieved in expanding the focus to include all forms of maltreatment, as the athletes had insisted. Additionally, advances were realized in terms of holding adults in positions of authority and trust over young people accountable for reporting knowledge or suspicions of maltreatment. In addition to reinforcing the legal duty to report any suspicions of child maltreatment, the Code also makes persons in positions of authority responsible for reporting inappropriate conduct that may not reach the threshold of a criminal offence. This latter addition was important for prevention given the known trajectory from inappropriate conduct to all forms of maltreatment ([Canadian Centre for Child Protection n.d.](#)).

The development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport was not without its challenges. Some members of the sport community insisted that the following clause be included in the Code:

“Conduct and coaching methods that are acceptable to Canadian standards for skill enhancement, physical conditioning, team building, rule enforcement, or improved athletic performance [would be exempt from descriptions of maltreatment.]”

Given the research evidence illustrating the normalization of harmful practices such as the use of degrading, threatening, or humiliating comments, as well as the use of exercise as punishment, this clause was viewed by both athletes and researchers as problematic and indicative of efforts to maintain a punitive culture of control.

More than 20 experts were consulted; they represented a broad range of organizations and areas of expertise, including child protection, criminal law, police, under-represented groups, gender equity and gender-based violence, LGBTQ+ (Lesbian/Gay/Bisexual/Trangender/Queer/Plus), parasport and persons with disabilities, athletes and coaches, human rights advocates, and academics with expertise in child maltreatment and intimate partner violence. The goal of the consultation was to leverage extensive and diverse knowledge from independent experts and researchers to create an evidence-informed code that could protect all participants in sport in Canada from maltreatment. In response to the clause above, one researcher of child abuse stated, “The biggest risk factor to experiences of abuse in sport are that the practices are normalized as standard professionally-accepted methods for athlete development. I strongly suggest deleting this sentence as it completely undermines the purpose of the code of conduct and the expectation that this code will serve to safeguard athletes

from these harmful experiences.” The normalization of some harmful practices, especially with respect to psychological abuse, have been well-documented in the academic literature (Jacobs et al. 2017; Stafford et al. 2015). Another reviewer stated, “Often, longstanding customs demonstrate the failure of a profession or class of defendants to keep up with modern developments. The tainted blood cases in Canada illustrate this well. The Red Cross’ customary practices were found to be out-of-date in comparison to standards in the US. I would not rely on accepted practice in coaching/training methods to defend allegations of misconduct without making sure the conduct is a best practice.” An athlete added, “As long as this clause remains, abuse will continue unchecked.” The Code was released in 2019 without the inclusion of the contentious clause (Sport Information Resource Centre 2019).

#### *5.8. Establishment of a Helpline and Offering Independent Investigators*

In 2019, the Minister of Science and Sport also established a Canadian Sport Helpline at <http://abuse-free-sport.ca/en/>. This was intended to provide a triage service, guiding people with concerns to either the police and child protection services or to their sport organization. While this initiative may have the appearance of representing progress in child protection, the fact that most complaints fall under the criminal threshold means that most complaints are directed back to the sport organization for resolution. Again, this leaves the complainant facing a system that is ill-equipped to address complaints, in addition to athletes’ complaints being forwarded to persons who are in conflicts of interest. The value of the helpline is thus questionable.

In 2019, the Minister at the time also contracted an existing body, the Sport Dispute Resolution Centre of Canada, to provide independent investigators to assist sport organizations in addressing complaints. Some of the larger, better-funded National Sport Organizations appointed their own ‘independent’ investigators. While incorporating independent investigators was undoubtedly a step forward, the complaint system remains riddled with conflicts of interest. Employees of sport organizations, in most cases the CEO or the ‘independent’ Safe Sport Officer, make the initial decision about whether or not a complaint warrants an investigation. Furthermore, the report completed by the independent investigator is typically submitted to the sport organization itself for implementation and the application of sanctions. If the independent investigator recommends that the complaint proceeds to a hearing, the sport organization is responsible for selecting the members of the hearing panel, again representing a conflict of interest. Finally, if sanctions are recommended, the sport organization bears responsibility for their implementation—or not. In the words of one CEO of a large sport organization that has been through this process, ‘the lawyer for [the respondent] is claiming conflict of interest as the independent investigator was paid for by [sport organization] and the hearing panel itself is not independent because [the sport organization] pays those bills as well!’ (Kerr 2020).

Numerous problems exist in the current system of complaint management in addition to the conflicts of interests identified above. Most importantly, the current system fails to address the athletes’ concerns and recommendations for a truly independent system that exists outside of and without the involvement of the sport organization. In our view, no new mechanism for realizing safe sport in Canada should be developed without the direct involvement of athletes in each stage of the process, nor should one be approved without the full support of elected athlete representatives, as represented by AthletesCAN. It is instructive that the Canadian anti-doping policy implemented in the wake of the Ben Johnson scandal in the early 1990s was only implemented after it was approved by a special meeting of elected athlete representatives convened by AthletesCAN.

## **6. The Next Steps**

Currently, a coalition of athletes, researchers, sports bodies, and other organizations is pushing for a truly independent body, one that ensures due process for all parties involved and involves four fundamental components. First, in an independent system, a complaint would be filed with a body that is completely separate from the sport organization and Sport Canada. There would be no conflicts of interest between the recipient of the complaint and the sport organization. This independent

body would serve a triage function, determining whether the complaint should be directed to the police or child protection services, to an independent investigator, or to another body if the complaint is not relevant to maltreatment. Second, an independent investigative process would be created. Any complaint that is identified as a potential violation of the Universal Code of Conduct would be directed by the independent body to an independent investigator to initiate an investigation. The independent investigator would have no relationship with the sport organization or any other conflicts of interest, perceived or otherwise, in relation to the complainant, respondent, or any other member of the sport organization. Third, independent adjudication processes would be created. If the independent investigator concludes that a complaint should be examined through a hearing or adjudication process, members of the hearing panel must have no relationship with the sport organization or any conflicts of interest, perceived or otherwise, in relation to the complainant, respondent, or any other member of the sport organization. The adjudication of sanctions appropriate for findings of a breach of the Universal Code must occur without input or involvement from the sport organization. Fourth, anyone affected by experiences of maltreatment should have access to educational, legal, and psychological supports and resources, including clear information about the expectations of the Universal Code of Conduct and the process of reporting a complaint (Kerr et al. 2020).

It should be noted that the Canadian government, through Sport Canada, has already established two independent agencies where athletes and sport organizations are able to realize due process: the Sport Dispute Resolution Centre of Canada, which functions as a national version of the International Court of Arbitration for Sport, and the Canadian Centre for Ethics in Sport, which manages Canada's anti-doping system. In our view, and those of the athletes, the safety and protection of children in sport warrants a similar independent agency (Donnelly et al. 2019). A single, independent, pan-Canadian body for Safe Sport would investigate, adjudicate, and ensure compliance with and consistency in the application of the Universal Code of Conduct to Address and Prevent Maltreatment in Sport. Fair, transparent, independent, and accessible processes would be assured to all athletes, regardless of sport, geographical location in the country, or the availability of external supports and resources. Furthermore, such a body would provide consistent, equitable support and expertise to sport organizations, both large and small, thus freeing capacity and resources within sport organizations to pursue their primary endeavours. Finally, it would have and deserve the trust of all participants in sport and be able to deliver on the promise of Safe Sport in Canada.

To advance Safe Sport, we also need to address sport leaders' concerns about the challenges to their leadership presented by an independent body to address complaints. Funding will be required to establish such a body, and sport leaders are concerned that this funding will be extracted from funding otherwise allocated to performance enhancement—which remains their primary mandate. Finally, we will need to address the 'issue fatigue' that many sport leaders experience. Over recent years, sport leaders have been challenged to, in addition to pursuing their core mission of achieving performance outcomes, adapt to drug testing, be more inclusive of athletes with diverse identities, concussion prevention and intervention, and, now, maltreatment. Supporting sport leaders through these adaptations will be necessary to achieve progress in advancing Safe Sport. However, we are confident that these concerns can be fully addressed.

To date, the efforts to advance child protection in sport have been devoted to articulating egregious behaviours and identifying complaint mechanisms to address these behaviours when they occur. The current landscape of Safe Sport in Canada may be best characterized at this time as being reactive—addressing maltreatment once it occurs but remaining relatively silent on prevention and the underlying influences that encourage or enable maltreatment in sport. Specifically, the efforts to-date have failed to address the culture of sport as it relates to healthy child development, including the development of athletic talent in young people. Nor have the funding structures that encourage performance success over all else been addressed in any substantial manner. Important opportunities to realize the potential and promise of sport will be lost without attention to these underlying cultures and structures. Researchers have problematized the autonomy of sport, funding models connected to

performance success, win-at-all costs attitudes, and authoritarian coaching and leadership; however, their critiques have not altered the culture of sport in significant ways.

To advance child protection in sport, we need to challenge the prevailing culture of control that perpetuates the autonomous nature of sport, as well as associated assumptions that the sport context is somehow different from other domains in which young people reside. In fact, sport is the only child-populated domain in Canadian society that is completely autonomous and self-regulating. Traditionally accepted and prevalent coaching methods, such as the use of punishments, degrading and humiliating comments, and environments characterized by one-on-one interactions with young people, would not be tolerated in other domains populated by young people, such as educational settings. Normative conduct in sport needs to be aligned with the standards and norms of society at-large, including the adoption of the assumption that optimal performance results from health and well-being, not at the expense of health and well-being. As illustrated in educational settings for youth, traditional authoritarian teaching styles and the use of punitive strategies have been replaced with child-centred approaches, recognizing that when teaching is based on the child's developmental needs and when children feel supported, optimal learning occurs. Youth in sport would benefit from a similar shift in approach. Abandoning traditional approaches to coaching and leadership for approaches that have, at their core, the developmental needs and rights of young people would not only help to prevent experiences of maltreatment but would also facilitate performance.

Ideally, funding structures need to reflect such a focus. Imagine the outcomes for young people if coaches and sport administrators were evaluated on the basis of their athletes' physical and psychological health, as well as athletes' assessments of the quality of their sport experiences, both during and after their athletic careers. With such a funding model, adults in positions of trust for the care of young people would have an extended responsibility to consider the influence of sport experiences on young people long after sport participation has ended. Furthermore, we posit that optimal athletic performances are realized only when athletes are healthy, have a strong sense of self, exert autonomy, and feel well-supported. In conclusion, only with independent oversight and a funding model and educational programmes that prioritize the promotion of athlete development, health, and well-being will we advance Safe Sport and realize the potential and promise of sport.

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