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Sport Dispute Resolution Centre of Canada More than a Decade of Passion for Law and Sport

by Julie Duranceau, SDRCC mediator



I was 24 when I decided to combine the practical with the enjoyable. The practical was my law degree and my fledgling career as a lawyer. The enjoyable was my passion for sports, for physical activity, for training. The year was 2000. It was the year that Denis Coderre, then Secretary of State for Amateur Sport, under Canadian Heritage, put together a work group of stakeholders

from the Canadian sport community to make recommendations on the best way to handle disputes outside of courts for amateur sport in the country. This initiative led to the establishment of the interim ADRsportRED program in 2002 and the Sport Dispute Resolution Centre of Canada (SDRCC) two years later in 2004.

My wish to build on both my career and my passion found its niche: I had the good fortune to join the team that took the first steps towards building what today has become a hugely positive asset to amateur sports in Canada. Indeed, the SDRCC is an increasingly well-known - and renowned-forum bringing together top Canadian and international legal experts in amateur sport. It offers mediation, resolution facilitation, arbitration and med-arb services in order to rapidly resolve disputes by applying the rules that

govern amateur sport in Canada. It is a place where the parties involved in a dispute can table their issues with complete confidence, knowing that the experts assigned to their cases regularly participate in a professional training program regarding amateur sport and work within a well-structured and recognized system. This assurance provides peace of mind for all parties.

The SDRCC is also home to a resource centre that focuses on the prevention of disputes and the dissemination of relevant information within the Canadian sport community, including doctrinal and jurisprudence databases. These online databases provide access to a wide range of publications and references on law and sport, as well as to all the rulings issued by the SDRCC arbitral tribunal. Parties dealing with a dispute can consult the rulings in the applicable domain, consider their own situation in light of the generally recognized principles that apply, and prepare their case accordingly. Once again, the SDRCC strives to offer a decision-making framework that is reassuring for all parties and that gives everyone access to the same information.

In addition to the databases, the resource centre enables members of Canada's sport community to consult model contracts and policies, to access a list of legal representatives with specific knowledge of amateur sport (some of whom work *pro bono*), and above all, call on the personalized ser-

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(continued from page 1) vices supplied by SDRCC employees when needed. Upon request, the SDRCC also offers conferences, workshops and direct assistance to members of the sport community to advise them and help them improve their conflict prevention and management approach and processes.

Of course, the SDRCC has evolved since its foundation 10 years ago. During its early days, the main goal was to raise awareness about the organization among members of Canada's sport community so that they use the service to its full potential. In 2015, this goal is still relevant, as new athletes, coaches, officials, managers and administrators continually join the ranks of top-level amateur sport, but the fundamental goal remain. The SDRCC's energy and resources can now also directed to other projects, one of which is the ongoing professional development of its arbitrators and mediators. In fact, since 2008, all of the arbitrators and mediators seeking to offer their services through the SDRCC must take part in the conferences held by the organization. These meetings are held approximately every 15 months and allow the experts to acquire new skills and

The SDRCC has made remarkable progress in its first years of existence. As recent speaking invitations show, its "virtual tribunal" model has become an example for Canadian administrative tribunals and also for sports tribunals around the world, including the Social Security Tribunal, the British Columbia Council of Administrative Tribunals and the International Federations Forum. The SDRCC's ability to hold dispute resolution procedures in an expedited fashion and at a reasonable cost is usually what attracts the attention of these groups. ■

knowledge, learn about the latest rulings and applicable regulations, and discuss issues that may arise in arbitration and mediation cases.

I could write at length about the progress achieved by the SDRCC since its creation and about the constructive and vital role played by such an organization in Canada. This is particularly true given that on a personal level, I was afforded an insider's view of the SDRCC, having worked internally as both the person responsible for the resource centre and as an in-house resolution facilitator. For a number of years, I was therefore a witness to the SDRCC's ambitions, reflections and advancements. As an accredited mediator who is now external to the organization, I am excited by what I see today. The SDRCC has taken off; it has established a solid foundation and is now focusing on the improvement of services, simplification of intervention methods, and the presence of stakeholders on the field. The organization is in constant motion, and this is a must in this sector. Members of the sport community are passionate about their sport, their successes and their achievements. Every person to his or her trade: those in the athletic world must be at the top of their game physically, and we in our field must excel mentally. For me, the SDRCC is a way to actively participate in an environment that captivates me, that would not otherwise be accessible. For more than 10 years, the SDRCC has enabled me to help equally passionate people follow their dreams with a minimum of legal obstacles. This is a wonderful opportunity for all involved. ■



The SDRCC Welcomes New Mediators and Arbitrators to its Roster

In 2014, the SDRCC published a call for applications for arbitrators and mediators interested in joining the SDRCC. A long and thorough selection process yielded a list of 44 qualified dispute resolution professionals dispersed from the Northwest Territories to Newfoundland and together capable of servicing the parties in both official languages. Their appointment is effective since November 8, 2014 and will remain until December 31, 2017. The SDRCC is proud to welcome 8 new members on its roster: Robert Armstrong, Thierry Bériault, John Curtis, Ian Johnson, Janice Johnston, James Oakley, Jeffrey Palamar and Carla Qualtrough.

Another nomination at the Court of Arbitration for Sport: Congratulations to Janie Soublière, SDRCC arbitrator, for her recent nomination as arbitrator for the Court of Arbitration for Sport. ■



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 44 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 to you, **Robert Décary, Arbitrator from Gatineau, Quebec.**



What led you to a career in ADR?

A combination of my interest in sports, my retirement after 20 years as a judge of the Federal Court of Appeal, my involvement as a volunteer at the 2010 Winter Olympics in Vancouver, and chance encounters with members of the sports community all led

me to being named to the Court of Arbitration for Sport and then to the SDRCC.

Specialization/Area of Expertise:

I have chosen to limit my post-retirement activities to sports arbitration, even though my 20 years as a judge allowed me to discover virtually all facets of the law. I wanted and needed to bring myself closer to real life, and what life is more real than that of an athlete.

As an Arbitrator with the SDRCC I...

...am completely captivated by the opportunity I've been given to help athletes and organizations, whose sole ideal is to improve the world of sports. At each arbitration, I dream of finding a solution of compromise and fairness that satisfies all parties. I try to help both sides understand that regardless of the outcome, it's important that they respect each other and accept my decision, which is sometimes

made with a heavy heart. Today's opponent may be tomorrow's partner and I draw a great deal of personal satisfaction from seeing parties, who had all but stopped talking to one another, resume a dialogue.

Favorite Sport(s):

I feel as if I was born with a goalie stick in my hands. And I have to say that retirement was not an easy decision for me. I played tennis and racquetball for many years. But with back problems and age creeping up on me, I've turned to snowshoeing in winter and hiking in summer. I also watch tennis tournaments and figure skating competitions at every opportunity, whether from the stands or from my living room.

Dispute Prevention Tip for Athletes and Federations:

I'd like to redirect that question somewhat and refer my advice to the coaches and parents of athletes. You are often the reason why disputes cannot be settled amicably. Some of you are so set on seeing your child or protégé excel that your own ambition becomes excessive or blind, you lose your sense of relativity and fairness, and you can become needlessly aggressive. There would be fewer sport disputes if some parents and coaches would get back to basics, relearn that what's important is participating, and repeat that to their children and protégés... ■

In out next edition, look for the profile
of an SDRCC Mediator

Notable Dates:

- **February 12 to March 1st, 2015** SDRCC kiosk at the 2015 Canada Winter Games (Prince George, BC);
- **March 16, 2015:** SDRCC presentation at University of Ottawa (Ottawa, ON);
- **March 24, 2015:** SDRCC workshops hosted by the Government of New Brunswick (Fredericton, NB);
- **March 25, 2015:** SDRCC presentation at Algonquin College (Ottawa, ON);
- **April 14, 2015:** SDRCC workshop by ViaSport BC (Vancouver, BC);
- **April 16, 2015:** SDRCC in a panel session at a conference of the American Bar Association (Seattle, WA).



The SDRCC to be Present at the 2015 Canada Winter Games

Thanks to a long-standing collaboration with the Canada Games Council, the Sport Dispute Resolution Centre of Canada (SDRCC) is proud to be part of the 2015 Canada Winter Games experience. As in previous Games, the SDRCC will offer **onsite dispute resolution services** such as resolution facilitation, mediation and arbitration, for any matter referred to it through the CGC Dispute Resolution Policy or through a provincial/territorial team appeal policy.

An important part of SDRCC's work is focused on **prevention of sports-related disputes**. Tools and resources will be distributed at the SDRCC kiosk in the Athletes' Village to help athletes, coaches, sport administrators, officials or volunteers have a better understanding of their rights and responsibilities as participants. All Games participants are invited to stop by and take advantage of our free print materials and promotional items. SDRCC staff will also be present to answer questions on dispute prevention and resolution as well as on SDRCC services. Come and get a copy of our newest publications: *Main Causes of Disputes and Prevention Strategies*, which contains key elements for a preventive approach in sport organizations and *Team Selection Policy Checklist*, a new tool to evaluate and help

The SDRCC kiosk in Prince George will be located in the lobby of the Civic Centre, in the heart of the Athletes' Village.

formulate constructive feedback on draft policies.

Similar to its presence at the Canada Games, the SDRCC can attend other sports-related events with its kiosk to distribute educational materials and promotional items. In addition, for teams that encounter disputes during the Games and may wish to review their existing policies to prevent reoccurrence for the next Games, the SDRCC is available to assist by offering suggestions to improve internal processes and reduce the risk of disputes. Provincial/territorial teams may also benefit throughout the year from workshops delivered to their team members by SDRCC staff on specific subjects such as team selection issues, internal appeal policies or processes, athletes' rights and responsibilities, good governance practices and more.

"We consulted the SDRCC staff in the development of our team selection criteria for the 2015 Canada Games" said Les Skinner, Hockey NWT President. "They were able to point out to us some possible sources of confusion; they helped us clarify the process and use more precise wording. Their feedback, coming from an external point of view, was much appreciated and proved very useful in finalizing our policy."

These SDRCC prevention and education services are free of charge and can be accessed at any time by members of the Canadian sport community. For more information, visit our website at www.crdscc-sdrcc.ca.



Team Selection Policy Checklist

The newest SDRCC publication is now available in a PDF format on the SDRCC website or can be ordered by the Canadian sport community. It is intended to help review draft team selection policies and look for potential gaps or inconsistencies that could cause conflicts if the policy was implemented as drafted. ■



The SDRCC is proud to announce its partnership with Club Excellence; a cooperative that offers a certification program aiming at improving governance and operations at all levels of sport in Canada. The SDRCC will contribute to developing and providing useful resources for sport clubs and associations working towards certification with the Club Excellence program, in order to strengthen the Canadian sport system. ■



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