

“Safety is the most basic task of all. Without sense of safety, no growth can take place.
Without safety, all energy goes to defense.”

Torey Hayden

S is for Sport, Safety, Success, Summer...

Summer is upon us, and the Games are on. Congratulations to our Paralympic and Olympic coaches and teams that will finally be competing in the Games in Tokyo! [Olympic Team Canada athletes and coaches here](#) At the time of release of this newsletter we did not have the final list of Paralympic coaches. We wish our teams a healthy, safe and successful Games experience.

Thank you coaches for completing The Coach Perspective: A Safe Sport Review Survey - over 500 coaches completed the survey and over 75 completed an interview. This is an exciting step forward for us to understand the landscape and build our service model for you. Look for an update on the review in our fall newsletter. Our role is to continue to provide meaningful and valued educational and supportive services for coaches in Canada. Contained within this newsletter are upcoming free webinars, our featured Rosetta Stone free service, legal corner, and a call to join our CAC License/Registration Committee and help shape the future of our Professional Coaching Program standards and build our community.

In case you've missed the announcement:

On July 6, the Minister of Canadian Heritage announced that the Sport Dispute Resolution Centre of Canada ([SDRCC](#)) has been selected to establish and deliver a new Independent Safe Sport Mechanism. The new agency will be named “[The Office of the Sport Integrity Commissioner](#)”. We anticipate that the office will become operational within a year. The role of the Sport Integrity Commissioner will be to address maltreatment in sport at the national level through a centralized, independent reporting process. The Office of the Sport Integrity Commissioner will, for participating organizations, oversee the complaint intake process, conduct preliminary assessments, initiate full investigations, and refer cases for mediation and adjudication by independent professionals. It will also be responsible for maintaining a sanctions registry and for monitoring and reporting on the implementation of safe sport policies, procedures, and sanctions.

The announcement of the new agency fulfills the requirements set forth by the sport community and the implementation of the [UCCMS](#), which requires all federally funded sport organizations to provide the following for all National level stakeholders: 1. Mandated Safe Sport Training; 2. Code of Conduct Policy with reporting, disciplinary and sanctions procedures (aligned with the UCCMS); 3. Independent third-party reporting mechanism for allegations of maltreatment (normally contained within the Code or accessible from the sport's website).

The SDRCC is a neutral and independent dispute resolution services provider which offers many resources to the sport community including the Canadian Sport HelpLine, appeal processes and a legal services [ProBono](#) Program, to name a few.

Upcoming Events for Coaches hosted by CAC



Not Another Safe Sport Webinar! with Lise Maclean on September 22 from 2:00 – 3:30 PM EST

[REGISTER HERE](#)

As part of our Safe Sport Talks series this year, this webinar will build on your basic safe sport knowledge with practical tips on real-life scenarios you may face as a coach. Where exactly is the line between acceptable coaching and maltreatment? What do you do if you witness an incident, or someone discloses maltreatment to you? Where can you go for help? What can you expect when a complaint is made against you? A scenario-based format will be presented for a discussion-based learning experience followed by a question-and-answer session.

Lise Maclean is a Human Resources specialist with over 20 years of experience and is a Safe Sport Officer for multiple National Sport Organizations. ([Safe Sport](#) | [Bullying](#) | [Harassment](#) | [Wiser Workplaces](#))

Exclusive to Professional Coaches: A two-part series on The Business of Coaching

COVID-19 has been devastating for sport and coaches. We have received an increase in access to our legal service and many questions related to employment contracts. This series will focus on supporting coaches in setting up preventive and protective measures and will help to address any burning issues you may have related to your practice. Topics can include changes related to safe sport, Rule of Two, Codes of Conduct, Employment contracts, performance reviews, athlete-coach contracts or agreements, interview guides, [insurance](#), debriefs, legal opinions.

If you have any topics, you would like addressed during the series, please add them [Here](#)

[The Business of Coaching Part 1](#) October 28 from 2-3 PM EST

[The Business of Coaching Part 2](#) December 15 from 2-3 PM EST

Call for applications to the CAC Licensing/Registration Committee

Application Deadline: August 2 @ 5 PM EST

2 Positions Available: Registered Coach (1 position) and Chartered Professional Coach (1 position)

Experience: You have a proven track record as a leader and professional coach, as well as a good understanding of the requirements for being a Chartered Professional Coach (ChPC) or Registered Coach. Your extensive experience and network within the coaching community will enable you to bring an informed approach to the development and application of professional standards and processes.

Time commitment: 4-5 hours per month, ~ 1 meeting per month, Three-year term

Use link below for more information and to apply.

English: <https://coach.ca/career-opportunities>
French: <https://coach.ca/fr/possibilites-de-carriere>

Featured Professional Coaching Service



Rosetta Stone Language Learning

Get one of 10 **free** annual licenses to learn French or English, available on a first-come, first-served basis. These licenses are rotated among interested coaches. Please email procoach@coach.ca if you have any questions regarding the Professional Coaching services.

Legal Corner



Is an employee layoff still a constructive dismissal during the COVID-19 pandemic?

Due to the COVID-19 outbreak and government mandated shutdowns, temporary layoffs shot up exponentially throughout 2020. Employers laid off staff in great numbers with the promise that they would return when the outbreak was lessened. In some provinces, we are still waiting.

On May 29, 2020, the Ontario Government issued the Infectious Disease Emergency Leave (“IDEL”) regulation under the *Employment Standards Act 2000* (“ESA”). The regulation provides that a temporary reduction or elimination of an employee’s hours and/or wages for reasons related to COVID-19 does not constitute a constructive dismissal. IDEL was meant in part to protect employers from claims for constructive dismissal by employees on temporary layoff. Under the ESA (and in the Canadian common law/judge made law), an employee is constructively dismissed if the employer makes significant changes to the employee’s terms and conditions of employment without the employee’s consent, including a reduction in hours or wages.

This IDEL legislation stopped claims for constructive dismissal under the ESA. It was unclear whether the legislation prevented an employee from claiming constructive dismissal under the Canadian common law against an employer when temporarily laid off during COVID-19.

In 2021, the Ontario Courts provided the first judicial pronouncement on the interaction between the IDEL regulation, the ESA, and common law remedies regarding constructive dismissal during COVID-19. The cases are conflicting. In the first case, the Plaintiff employee, employed by the Defendant, was advised that due to the impact of the pandemic, she would be placed on temporary layoff without pay. The Plaintiff employee brought an action against the Defendant employer seeking damages of \$200,000.00 for constructive dismissal.

There are both common law and statutory entitlements for constructive dismissal when there has been a temporary layoff without pay. Prior to the pandemic, the law was well established that a layoff without pay can constitute a constructive dismissal. In light of the pandemic, the Defendants argued that the law had changed - those temporary layoffs could not constitute constructive dismissal during COVID-19 pursuant to the IDEL regulation. The Court ruled that while it may be the case that the IDEL regulation prevented employees from claiming they were constructively dismissed under the ESA, the regulation does not affect civil remedies –

including the common law right to sue for constructive dismissal. As held by the Court, a unilateral layoff constitutes a constructive dismissal, even in light of the IDEL regulation. The Employer is liable for damages for wrongful dismissal.

For an employer, this is very bad news. Damages for constructive dismissal can include up to two years of wages in some cases. If an employer has laid off a few employees, this could be crippling. Two subsequent cases have been heard in Ontario: one agreed with this decision, and one did not. The matter is currently under appeal.

Across Canada, the pandemic has seriously impacted employment relationships and the pocketbooks of employers and employees. This is only one difficult issue of many created by the pandemic and the jury is still out in terms of liability.

Catherine Willson
GSNH LLP
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Sport Safety Resource



[Healthy Connections: Coach & Athlete](#) with Gayle Brown, Director Clinical at KidsHelpPhone.
(Click on title to access recording)

Delivered in April 2021, this presentation focused on communication strategies to use when working with young people in your life, which at times can be a challenge. Understanding some of the developmental hurdles and needs that athlete have can help you in creating a new space - a space with more open and improved communication and understanding.

Congratulations to the newest ChPCs™

The CAC would like to congratulate the following coaches for recently attaining their ChPC designation!

Cameron Stephen – Ontario (Alpine Ski)
Laura Brown – British Columbia (Cycling)
Remmelt Eldering – Alberta (Speed Skating)
Anthony Colin – Ontario (Canoe Kayak)
Stephen Dempsey – Ontario (Hockey)
Carly Clarke - Ontario (Basketball)
Joey Lombardi - Ontario (Soccer)
Stacey Colarossi - Ontario (Hockey)
Layton Keely – British Columbia (Judo)
John Desouza – Ontario (Field Hockey)
Jonas Haehlen – Alberta (Alpine Ski)
Gilles Emptoz-Lacote - Ontario (Diving)
Karen Thull – Saskatchewan (Softball)
Cheryl Jean-Paul – British Columbia (Basketball)
Ryan Giesbrecht – Manitoba (Badminton)
Chris Marshall - Ontario (Rowing)

Marcia Sier - Ontario (Squash)
Katie Bahain-Steenman – British Columbia (Rowing)
Brit L Townsend – British Columbia (Athletics)
Kelly Coulter – Alberta (Hockey)
John Mark Bomba – Ontario (Athletics)
Cameron Osborne - Ontario (Gymnastics)

If you have any questions, please contact us at procoach@coach.ca