



A response on behalf of Canadian athletes to the second draft of the CADP

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Submitted to: Canadian Centre for Ethics in Sport
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Response to Draft

On behalf of Canadian national team athletes and the AthletesCAN Board of Directors, please accept our response to the Canadian Centre for Ethics in Sport's (CCES) second draft of the 2015 Canadian Anti-Doping Program (CADP).

We respect the dedication of the CCES to ensuring Canada is a world leader in the fight against doping and recognize the efforts needed to implement such a program. We recognize this feedback provided in our response is critical of the draft 2015 CADP, and while we respect the need to comply with the WADA Code and ensure a robust CADP, we believe that a much more effective approach in building clean sport is through early education of athletes, an effective monitoring program, and a positive sport culture.

Our Position

While we were pleased to read that CCES has removed proposed Rule 12.2 assigning hearing costs to athletes accused of committing a doping violation, and that it is now proposed that sport organizations without athlete members (like AthletesCAN) will be exempt from the adoption fee; we were disappointed to find that athlete contracts and the adoption fee still remain a part of the proposed CADP.

We appreciate CCES's commitment to building a world leading anti-doping program and we fully support clean sport and the tenants of a True Sport environment. With that in mind, the coercive nature of the new proposed CADP, especially proposed mandatory athlete contracts and adoption fees are clearly of great concern to the Canadian sport community and athletes.

Athlete Contract

As we discussed at our July 9th meeting and outlined in our June submission, we are opposed to the Athlete Contract. We believe it creates undue redundancies, infringes the rights of athletes, and may unlawfully extend the jurisdiction of the CADP.

CCES informed us that the proposed athlete contracts would be used to assign enforceable legal obligations to athletes who, under the current anti-doping model, are not aware that they have anti-doping responsibilities – so that arbitrators will have the added ability to sanction, for example, certain recreational and junior athletes in WADA signatory sport streams. While on its face this seems like a reasonable proposition, it does not address our redundancy concern, and suggests an ever-expanding CCES jurisdiction with alarming financial implications.

The current CCES funding shortfall strongly suggests that fewer athletes should be tested, and that the focus should be on testing elite athletes, and those in sports where there is a high risk of doping. The proposed athlete contract seems to go in the other direction, and bring anti-doping obligations to athletes who the anti-doping system should ignore.

National team and many provincial athletes are already bound to the CADP through the wide use of Athlete Agreements, which contain Sport Canada mandated CADP clauses, while education is addressed through Sport Canada AAP modules and CCES seminars. An athlete contract between CCES and athletes to the same purpose is redundant.

Further, outside of the consents required during the doping control process, we remain steadfastly opposed to the need for athletes to provide consent to CCES to use their personal information with law enforcement and border agencies to pursue doping investigations and intelligence gathering.

While we trust that the athlete's best interest and personal privacy would be of upmost concern to the CCES, the unknown and unintended collateral damage of such a proposal makes it impossible for us to support.

It is paramount that safeguards remain in place to protect the rights and privacy of athletes. We are especially concerned that this clause used in law enforcement and border contexts could allow police, WADA or CCES officials to ignore the *Charter* and warrant requirements.

Adoption Fees

While we are pleased that CCES has decided that sport organizations without athlete members (like AthletesCAN) will be exempt from the adoption fee, we still remain opposed to an adoption fee at all; and are disappointed that the adoption fee amount has increased significantly from what was originally reported.

While we appreciate that CCES is endeavouring to build on the current state of programming, the reality is that this method of coercion is an attempt to increase the organization's budget in absence of stakeholder choice or feedback and without proposing potential program cuts. Since virtually all NSOs have funding shortfalls of their own, the proposed adoption fee means that the least resourced stakeholders within the sport system, who bear the highest level of anti-doping liability - athletes - will now also have the significant financial burden of directly funding a portion of the Canadian anti-doping system through inevitable increases in athlete fees or self-funding in order to represent Canada and fulfil Canada's sport policy goals.

The implementation of a user fee will burden a system of users with exceedingly less resources than the CCES – allocation of finances to support this fee will come out of the pocket of athletes.

At the CCES Symposium it was stated that the CCES books were opened so that stakeholders could scrutinize operations and make suggestions on how to continue delivering an anti-doping system within current resources. In our scrutiny, we were surprised to learn that testing and laboratory work amounts to roughly 75% of the CCES budget. The rate of doping violations that are found from this work is staggeringly low.

Doping Control Statistics (www.cces.com)						
	Total Tests	Violations	Conversion Rate	Budget	Cost / Test	Cost / Violation
2012-2013	4232	19	0.004	\$5,300,000.00	\$1,252.36	\$278,947.37
2011-2012	3728	24	0.006	\$5,400,000.00	\$1,448.50	\$225,000.00

We suggest that the immediate and obvious action is to reduce the number of random tests performed and renew focus on targeted, intelligence based, testing and investigations. At the Symposium, Dr. Christiane Ayott finished her presentation on testing and analysis protocols by saying that "true doping will never be caught in a lab." Our analysis of recent SDRCC doping cases supports this concept and suggests that the majority of the very small number of infractions caught by the current testing-focused model is inadvertent or administrative errors by athletes – a clear minority deal with actual cheating.

Concluding Remarks

Thank you for the opportunity to provide feedback on the second draft of the 2015 CADP. As champions of True Sport, AthletesCAN strongly believes in the rights of our athletes to compete in a drug free environment that respects their rights and provides a fair and level playing field.

It is our position that implementation of an athlete contract and adoption fees are not effective measures to deter athletes from doping.

These measures place significant and undue burden on a sport system that does not have the resources to support CCES' financial shortfall.

We respectfully request that before producing a final draft CADP that CCES provide the Canadian sport community with a financial model that fulfils our WADA Code obligations, but does not go above and beyond our obligations. Once this model is received, the sport community should be given the choice of whether or not to fund CCES activity that exceeds WADA obligations.

We see serious risk that the drastic shift in policy outlined in our submissions to-date and the proposed financial implications are poised to significantly disrupt the Canadian sport system.

On behalf of Canada's national team athletes, we thank CCES for inviting feedback on the drafting of the 2015 CADP. This is an important opportunity, one that we wish to support you in by way of dynamic dialogue, to ensure the best possible outcomes for a thriving athlete pathway.

We are supportive of further discussion on this issue and other initiatives to promote and ensure a fair and level playing field through clean sport.

Yours in sport,



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