



110 Bloor Street West, Suite 802
Yorkville, Toronto, Ontario
Canada M5R 2E1
www.mgsportsolutions.com

**The House of Commons of Canada Standing Committee on Canadian Heritage
Meeting #78 “Safe Sport in Canada” — May 1, 2023
Opening Statement – Professor Richard H. McLaren, O.C.**

Link to Testimony:

<https://www.ourcommons.ca/Committees/en/CHPC/StudyActivity?studyActivityId=11764784#collapse-meeting-12159716>

Thank you for giving me the opportunity to share my observations pertaining to the critical issue of Safe Sport in Canada. McLaren Global Sport Solutions — or MGSS — focuses on investigations & governance reviews of organizations in Canada and globally. Our work relates to a variety of integrity issues including Safe Sport, the use of Performance Enhancing Drugs, Competition Manipulation, Fraud, other forms of Corruption, and the overarching Governance Integrity issues arising therefrom.

I hold appointments as the Independent Integrity Officer for the International Basketball Federation — aka FIBA, the International Boxing Association — or IBA, and as the Chief Anti-Corruption Officer for professional tennis worldwide. Also, I am the Independent Third Party for Table Tennis Canada. Over my career, I have led complex investigations involving corruption in international boxing, weightlifting, and many other sports including investigations for the World Anti-Doping Agency that revealed state-sponsored doping of athletes by Russia at the Sochi Olympics and in a number of Russian sports, particularly Athletics.

One recent example of my international work in Safe Sport involved a complex investigation of sexual abuse allegations against basketball and state officials in Mali, Africa following reports by Human Rights Watch published in the New York Times. My team conducted a comprehensive Independent Investigation focused on the systemic sexual abuse against members of young female basketball players. That Report as well as all our other reports are public and published on my company’s website.

My international experience is important to share with you because — unfortunately — Safe Sport is an international issue and not simply a Canadian one. Consider, for example, in the sport of gymnastics there have been no less than six major national reviews into the sport including those in the United Kingdom, Australia, New Zealand, Switzerland, the Netherlands, and — of course — the United States with which many are familiar.



Let me turn to two examples of recent work in Canada by MGSS, namely:

- our 2022 Independent Review of Canada Soccer – also referred to as the CSA;
- our 2023 Report on Gymnastics Canada; and
- we did a Report in 2021 on how to establish a national independent safe sport agency in Canada.

In Canada Soccer, we were tasked to review the institutional response to harassment allegations made in 2008 against former U-20 Women’s National Team coach, Bob Birarda. The members of this Committee are familiar with this saga through the courageous testimony of Andrea Neil and others. We found that Canada Soccer had fairly robust Safe Sport policies and investigation procedures at the time. However, there was little attention paid to Safe Sport amongst the executive ranks and the CSA who did not follow their own written policies. The joint investigation of Birarda conducted in 2008 by Canada Soccer and Major League Soccer’s Vancouver Whitecaps was severely flawed. For example, no written report was issued by the Investigator and no minutes were created of any of the processes or decisions made by the CSA’s Board of Directors. There was no transparency. A FLAW WE HAVE FOUND REPEATEDLY IN SPORT —REASONABLE POLICIES ARE NOT ENFORCED.

On the recommendation of the investigator, the CSA Executive Committee voted to terminate Birarda in October 2008. However, rather than terminate him, there was a negotiated “exit.” Birarda was allowed to resign, characterized as a “mutual parting of ways” by the CSA. The real reasons for his sudden departure were couched as “personal reasons” in a press conference where some of the female complainants were present and knew otherwise. Exits for personal reasons is the frequently used euphemism to hide improper conduct and to avoid follow-up actions.

Such an approach, regrettably, is common in Sport. Their record and the real reasons for termination are hidden thanks to the negotiated exit by resignation. It allows the perpetrator to inflict abuse in future positions.

When the abuse was uncovered swift action was taken by CSA in the form of a provisional suspension. However, the Harassment Policy was ignored and not used. As I stated previously this is quite common — often, the policies in sport are reasonable but remain unenforced. The CSA failed to impose appropriate disciplinary sanctions despite the Executive Committee vote to terminate him. The negotiated exit did not acknowledge the harassment. The ripple effect allowed Birarda to continue coaching, causing emotional distress for his accusers and putting more vulnerable athletes at risk. Lack of whistleblower policies and protections is also part of the problems we are speaking about.



Let me now turn my attention to the MGSS review of Gymnastics Canada. Our team received feedback from more than 1,000 voices representing the Canadian gymnastics community 442 of whom were gymnasts. Most gymnasts reported positive experiences. Nevertheless, examples of abuse and maltreatment persist at all levels. Coaches, judges, and staff have experienced maltreatment. While abuse can occur within any discipline, abuse and maltreatment of gymnasts is most pronounced in Women's Artistic Gymnastics and Women's Rhythmic Gymnastics. This is consistent with the findings of other international gymnastics reviewers referenced earlier. It is also important to acknowledge that abuse of male gymnasts also occurs.

We also heard from hundreds of coaches who are deeply concerned about being tarnished with the same stigma associated with abusive coaches. Let me be clear, the vast majority of coaches have an athlete's best interests at heart and can be important mentors and role models to young athletes. We heard this consistently in our reviews. However, many good coaches are considering leaving sport because they are being vilified as part of the national Safe Sport crisis that is before us. You should not lose sight of the impacts on good coaches.

MGSS recommended a comprehensive Culture Review of the sport of Gymnastics in Canada. We provided a detailed framework for such a review. Every level of the sport demands attention, from recreational to high-performance clubs to GymCan itself and how the sport is governed in Canada. Our report differs from other sports reviews in that it provided GymCan with an implementation plan and structure for change that reflects the concerns, priorities, and solutions expressed by the gymnastics community.

In summary, my observations are that sport organizations generally have reasonable policies and other tools to use in abuse and safe sport matters. However, the policies are typically unenforced. There is also limited accountability and a lack of courage to publicly state reasons for an individual's exit. Negotiated exits are the easy way out. They keep the dirty laundry hidden but have harmful ripple effects: athletes and parents, who know the truth, do not trust sport administrators; they fear retaliation and have little or no protections if they become a whistleblower and report abuse. Not to mention, the perpetrator leaving with a clean reputation.

This concludes my opening statement, and I would be pleased to answer any questions.

- End of Statement -