

*Private Members' Business*

Clearly one of the most dramatic examples we have seen in recent years is the Ben Johnson affair. When we look a bit closely at that, we see some of the problems that this motion is intended to address.

Ben Johnson clearly made a major breach of the rules under which he was expected to work. The penalty imposed upon him was not a penalty that had been promulgated for the offence he committed, for having been found guilty for the first time of use of banned substances. The government and, through the government, the sports organizations purported to ban him for life. Yet, the fact of the matter is that at the time the appropriate sentence that had been set down for a first offence was a two-year suspension. It is only now, two years later, that in this area justice has been restored to Ben Johnson.

This motion which is before us calls on the government to:

—consider the advisability of an independent review and arbitration process whereby disputes between athletes and sports organizations can be resolved, with power to investigate and direct such remedies as deemed appropriate.

The genesis of this motion which I placed on the Order Paper in April 1989 was a book entitled *Athletes' Rights in Canada* by Bruce Kidd and Mary Eberts. This book represents a comprehensive analysis of the situation facing athletes and coaches in our sports system across Canada. It was ironic perhaps that following the filing of this motion the Dubin inquiry, for totally different reasons, began to get into its deliberations.

I had an opportunity to present views to the Dubin inquiry and was appreciative of the acknowledgement of that by Mr. Justice Dubin. However, I was even more appreciative of his recommendation and conclusion. Mr. Justice Dubin concluded at page 556 of his report as follows:

As I have stated earlier in this report, the rights of athletes must be respected. It is apparent that athletes have a number of areas for potential disagreement with their sport-governing bodies, including not only doping infractions and eligibility to compete, but also the broad range of rules that govern the conduct of amateur athletes. At present there is no uniform method of resolving these disputes.

Mr. Justice Dubin, as he then was, went on to recommend in recommendation 38 as follows:

THAT all national sport-governing bodies establish within their own rules a grievance process through which athletes may receive a fair hearing from the sport-governing body itself, including a mechanism for arbitration by an independent arbitrator mutually acceptable to the parties.

I urge on the government and I ask this House to urge on the government an acceptance of that recommendation by Mr. Dubin. The recommendation is a very important one for natural justice to the thousands of athletes and coaches who compete and work in our system.

The model that is suggested by the very language is the model that comes from the world of labour relations. As Bruce Kidd has pointed out on a number of occasions, including in his evidence before the Dubin inquiry, the relationship of athletes and coaches to the sports organizations is in reality the relationship of employer and employee. However, the only rules that govern are those rules imposed by the sports organizations, often through contracts which the athletes are required to sign and the coaches are required to sign. Often those contracts are signed without any real bargaining power on the side of the athletes and coaches who have to sign them. They either sign them or they do not participate.

The labour relations model permits a process of conciliation as well as arbitration. In the world of courts and trials there is relatively little emphasis on that. The world of labour relations does permit an understanding that what really has happened in most of these cases is a breakdown of the relationship and that, therefore, there should be some real effort to mediate and resolve the underlying dispute. However, behind that there must be some independent capacity to make a decision which will be binding on the sports organizations so if someone is disciplined without just cause, or the length of the discipline is unfair, or if someone is not selected to a team outside the basic rules that should fairly apply or is de-selected, thrown off the team, or is ruled not eligible for funding, unfairly or improperly, not in accordance with the rules, the athlete or coach who is so treated will have some access to justice and to some independent ruling.

• (1710)

Some will be concerned that this is going to tie up things and is going to get lawyers and everybody else involved. It has been shown again in the world of labour