



PARKS AND RECREATION ONTARIO

**Consultation on Proposed Regulation under Rowan's Law
(Concussion Safety), 2018**

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About Parks and Recreation Ontario

Parks and Recreation Ontario (PRO) is a non-profit association that advances the health, social and environmental benefits of quality recreation and parks through evidence-based practices, resources and collaborative partnerships. We envision a future for Ontario where every person has equitable access to vibrant communities, sustainable environments, and personal health.

PRO represents over 6,500 members in municipalities and non-profit recreation and parks, health promotion, sport, public health, education, and related sectors. PRO's members provide recreation and park services and facilities to more than 85% of Ontario's population.

An established leader in quality, PRO's HIGH FIVE® Quality Standard is recognized across Canada and by the Ontario Government. HIGH FIVE provides training and resources to organizations that serve children and older adults, to help those organizations ensure that all participants have a positive experience.

PRO appreciates the opportunity to provide recommendations on the proposed regulations under Rowan's Law (Concussion Safety), 2018.

Introduction

PRO commends the government for introducing legislation and regulation to support concussion awareness, training and policy implementation. The recreation sector has a large role to play in this work and PRO is pleased to provide feedback on the current discussion paper on regulations under Rowan's Law.

As a key stakeholder, Parks and Recreation Ontario (PRO) meets regularly with staff at the Ministry of Tourism, Culture and Sport. PRO has actively provided input on concussion awareness and management to the Ministry. As well, PRO provides information, education and resources to sport and recreation providers about concussion awareness and management through the HIGH FIVE quality standard and at events like the PRO Educational Forum and Trade Show.

To prepare for this submission, PRO sought feedback from its membership through an online survey and key informant interviews. The purpose of the surveys was to:

1. collect feedback on specific questions posed by the Ministry in this posting; and
2. solicit ideas to support the implementation of the proposed legislation and future regulations.

PRO's membership includes municipal, non-profit, academic and for-profit providers of recreation and sport. This submission focuses largely on municipal recreation delivery. This is because municipalities own the majority of facilities used for local level sport and also provide sport and recreation programs for millions of Ontarians. Municipalities also play an important role in supporting local sport organizations beyond facility rental.

The survey yielded few responses due to the short timelines, but the key informant interviews provided PRO with additional important context and information.

PRO has focused its response on four key areas:

- 1. Definitions**
- 2. Age of Athletes**
- 3. Prescribed Activities and Exclusions**
- 4. Compliance and Implementation**

Sport in the Recreation Context

In 2018, PRO surveyed its membership to assess the types of programs offered that could include competitive sport and whether organizations had policies or procedures in place for concussion management. Over half of municipalities that responded provided sport and recreation programs which included some element of competition and a few ran sport leagues.

Many municipalities and other recreation providers offer programs that are focused on skill development and fundamental movement skills that may also have an element of competition. Additionally, drop-in sport programs, especially for youth, remain a popular offering in recreation.

Just over 50% of respondents indicated they already had a concussion policy in place. All those that had a policy also required concussion awareness training for coaches, leaders, etc.

Surprisingly, in the majority of respondents (90%) did not include a requirement for third party sport organizations to have a concussion policy as part of facility rental agreements. A number of factors could be related to this, such as requirements to be affiliated with a PSO/MSO that already requires a concussion policy. Wherever possible, the Act, regulations and guidelines should take into account the multi-layered system of sport delivery in Ontario.

Overall, PRO's stakeholders are supportive of enhanced concussion awareness and having access to free, online training and resources.

Theme 1: Definitions

Definition of a Coach

In the regulation, the term “coach” is not defined. PRO understands that creating a definition within regulations is problematic and may lead to unintended consequences. PRO also commends the government for focusing on the type of activities to which the regulation applies as opposed to titles, designations or qualifications/training.

However, stakeholders consistently reported that the term “coach” is not used regularly within the recreation context, even within programs that would meet the criteria for competitive sports. In recreation, titles such as leader, supervisor, trainer or instructor (especially used in competitive aquatic programs as designated by Red Cross and Lifesaving Society) are more commonly used.

Recommendation

PRO recommends adding language that reflects the recreation context. This could be done in the regulation or in guidelines.

Suggested amendment to the regulation:

1. (2) For the purposes of the Act, a reference to a coach includes any type of coach, including a head coach, assistant coach, leader, supervisor, trainer or instructor.

Suggested language for guidelines:

Competitive sport is offered in many settings and as such coaches may have different designations and training, and may be paid or a volunteer. Regardless of these factors, any individual who is functioning in the role of a coach, leader, supervisor, trainer or instructor of participants less than 26 years of age in a program meeting the prescribed criteria would need to follow the requirements of the regulation.

Definition of an Athlete

The terminology generally used within the recreation context is participant rather than athlete. While sector respondents to PRO's survey had generally no issue with the use of the term, PRO does recommend including clarification within guidelines.

Recommendation

PRO recommends that guidelines contain a further description of an athlete as any individual participating in a sport program.

Theme 2: Age of Athletes

Most respondents understood that the age of athletes impacted by the Act was supported by medical research. Within the recreation field, 18 or 19 years of age is usually the designation for adult programs.

Recommendation

Include the rationale for the age range within guidelines or other communications to stakeholders so that there is a full understanding of the evidence.

Theme 3: Prescribed Activities and Exclusions

Prescribed Activities

The list of competitive sports within the regulation is helpful and PRO stakeholders had no additions to this list. However, the list of prescribed activities (train, practice, compete) did not provide enough clarity for PRO's stakeholders, especially in the area of training. Here is an example provided by one municipality:

A dry land training program focuses on skill development, and not on competition. While skill development is the main goal of this program, the athletes are being trained to compete and all participate in another competitive program.

In this instance the municipality interpreted the regulation to mean that the program would be subject to the Act as the athletes are training to compete, even though the development of sport skill was the primary focus.

In addition, it was unclear if a program that graded participants on their achievements, such as a martial arts program, would be considered competitive.

Exclusions

In its previous submissions to government, PRO emphasized the need to ensure that the Act and its regulations do not limit opportunities for participation in recreational sport.

PRO's stakeholders generally agreed that the exclusions provided in section (4) 1. and 2. were well constructed and clear. Respondents reported that a number of their programs would not meet the threshold for exclusion. Here are some examples of types of programs given:

- Gymnastics Showcase: 27 week program working towards a competition at the end.
- House-league Softball: Participants form teams, have coaches, track results, ages are limited.

There are clearly programs within the recreation context that would be subject to the Act and its regulations, but in general stakeholders support the aims of the legislation. There was an identified need to provide additional information and examples of program types that would be excluded and those that would need to comply.

Recommendation

PRO highly recommends that the Ministry develop guidelines which provide examples of common program types offered in a recreation context. This should include examples of excluded programs as well as those that would be subject to the Act.

Recommendation

Work with PRO in the development of the guidelines and other work on implementation. **PRO is ideally positioned to help the government engage with stakeholders and enhance communication with the sector.**

Theme 4: Compliance and Implementation

All stakeholders were concerned about the timelines for implementation and compliance with the Act and regulations. Below are some of the main issues raised.

Concussion Code of Conduct and Return-to-Sport Protocols

Only about half of respondents currently reported having a Code or Protocols. This statistic remains unchanged from PRO's 2018 survey. Generally, stakeholders felt that the minimum requirements provided in the draft regulation for the Code were adequate, but that more people would be required to be involved or acknowledge understanding. This would include, but not be limited to, supervisors and managers in recreation organizations.

Overall, it was noted that especially within the municipal context, policy development and implementation can be a lengthy process involving various approvals.

PRO commends the government for providing free templates online, but municipalities especially felt that they would have to go through their own legal departments and policy development processes in order to ensure they are meeting the legal standard. This holds true even if the organization already has a policy or protocol in place.

As such, organizations were concerned that they would not be able to comply with this part of the regulation within the timelines outlined in the regulation.

With reporting and return-to-sport protocols, stakeholders also suggested that many types of recreation programs that offer a variety of programs would require longer in order to align their policies across the organization.

Recommendation

Provide a longer transition time for organizations to adopt new or adapt existing codes and policies related to the implementation of Rowan's law.

Training

The majority of respondents were supportive of training coaches and participants. When asked if others should be required to review concussion awareness resources on an annual basis, most reported that program supervisors and managers should also comply. This is because of the nature and structure of recreation providers, especially municipalities. Some municipalities have already implemented training for recreation staff in front line and supervisory positions.

Recommendation

No change should be made to the regulation, but best practices in risk management with regard to training on concussion awareness and implementation of policies should be shared in guidelines.

Implementation timelines

All respondents and key informants felt that the initial implementation targets of Spring/Summer 2019 were not achievable. As noted above, policy development and review will take time. As well, within a unionized environment additional training will have a financial impact on organizations that have already hired and trained staff for their summer programs.

For a municipality that might offer hundreds of programs, the review of programs to ensure all impacted programs will be in compliance, development or review of policies, training of staff and communication to parents/guardians could not be achieved by Summer 2019.

Recommendation

The government must consider a longer transition period to ensure that organizations have time to fully comply. Government should consult with PRO and its stakeholders on an appropriate implementation framework.

General Comments and Conclusion

In its previous submission to government, PRO outlined other issues of importance to the sector.

Communication

Recommendation for public awareness

Public awareness should emphasize that Ontario has a strong sport and recreation system that provides opportunities for safe, competitive play and how this legislation will continue to enhance this system.

Recommendation for sector communication

As noted above, the Ministry must create guidelines and communications that address specific scenarios within the recreation context. PRO is ready to partner with the government on this important work.

Considerations for Field of Play

The report from the expert panel included additional recommendations safety of the field of play and concussion management. As Ontario's largest provider of sport fields and facilities, municipalities must have a central role in developing any standards. Ontario municipalities are already facing fiscal challenges for the maintenance, retrofit and renovation of sport and recreation facilities. Additional standards could jeopardize community access.

Recommendation

If the government is considering establishing safety standards for field of play, PRO strongly recommends that it engage in a full consultation prior to development and that municipalities have a central role in the development of such standards in collaboration with sport organizations.

Conclusion

Parks and Recreation Ontario thanks the Ministry of Tourism Culture and Sport for the opportunity to provide this feedback and encourages the Ministry to engage broadly with stakeholders during the next phases of implementation.

PRO would be pleased to support further consultation with sector leaders and the development of resources as outlined in this submission.

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