



PRIVATE & STRICTLY CONFIDENTIAL

Summary Report Prepared for the

CANADIAN OLYMPIC COMMITTEE

On the Results of the Independent Review
Constituted under Terms of Reference dated October 6, 2015

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1. INTRODUCTION

On October 5, 2015, I was retained by the Board of Directors of the Canadian Olympic Committee (the “COC”) to lead an independent review (hereinafter referred to as the “Review”) which followed allegations of sexual harassment on the part of the former President of the COC, Marcel Aubut (the “President”).

On September 25, 2015, the COC received a formal complaint about the President pursuant to the COC Policy Statement and Guidelines on Discrimination and Harassment (the “Policy”). Pursuant to the Policy, an external investigator was appointed by the COC to investigate this complaint, but the President resigned from his position with the COC on October 3, 2015, and, as a result, with the consent of the complainant, this investigation was discontinued.

On October 2, 2015, and in response to media reports making reference to further allegations of sexual harassment involving the President, the COC issued a press release confirming that they would be expanding their inquiries “to fully examine any complaints, formal or otherwise, that are brought to our attention.” This Review was established in fulfilment of that commitment.

Also in the days leading up to the President’s resignation, there were media reports referencing a letter dated June 13, 2011, which was provided to the President by the COC regarding his conduct. The COC Board of Directors was interested in obtaining more information regarding the circumstances surrounding the presentation of this letter to the President in 2011 and so an inquiry into this issue was also included in the Terms of Reference (“ToR”) for this Review (attached at Appendix A).

The purpose of a review is to collect information and documentation, analyze that material and extract any possible learnings from the information in order that necessary changes can be made to address certain issues identified. A review is not a fact finding exercise which would involve an investigation into conflicting information in order to determine exactly what happened in any given situation. Rather, it is an opportunity to take the pulse of an organization and collect the subjective experience of individuals who participate. In a review, individuals against whom allegations are made are not interviewed or given an opportunity to respond to the allegations made. Organizations that undertake reviews are typically looking to improve their functioning on a go-forward basis, as opposed to looking to hold specific people accountable for incidents in the past, and the former is my understanding of the COC’s objective in undertaking this Review. As such, the description of allegations made by interviewees has not been tested and, for the purposes of this Report, the allegations are unproven.

The full Report in this matter was delivered to Tricia Smith, President, and Richard Pound, a member of the COC Board of Directors, the week of January 4, 2016. In fulfilment of paragraph 5 of the ToR, this Summary Report has been prepared which sets out all of the key learnings and observations, as well as all of the Recommendations, which are contained in the full Report.

Glossary

This Summary Report makes reference to the following entities and categories of individuals:

“COC”	The Canadian Olympic Committee
“COF”	The Canadian Olympic Foundation
“President”	referring to Marcel Aubut, the former President of the COC
“Board”	The Board of Directors of the COC
“HR”	Those currently employed by the COC responsible for Human Resources
“SLT”	Those employees considered to be on the Senior Leadership Team of the COC – specifically the Chief Executive Officer (“CEO”), Chief Marketing Officer (“CMO”), Chief Sports Officer (“CSO”) and the Executive Directors of the COC
“C-Suite”	Collectively the CEO, CMO and CSO
“ToR”	Terms of Reference for this Review, attached as Appendix A
“Policy”	The COC’s “Policy Statement and Guidelines on Discrimination and Harassment”
“COC Participants”	As defined in various COC policies referred to throughout this Report as: <ul style="list-style-type: none"> (a) COC directors, members and volunteers; (b) COC employees and persons under contract with the COC; (c) all athletes eligible for nomination to, or forming part of, any team participating in sport competitions over which COC has jurisdiction; and (d) all persons working with those teams or athletes, including coaches, medical and paramedical personnel, sports federation representatives, and other support persons.¹

¹ I note that the “Policy Statement and Guidelines on Discrimination and Harassment” does not make reference to “sports federation representatives” as is referred to above in (d).

2. INFORMATION COLLECTED FROM THOSE INDIVIDUALS WHO CAME FORWARD VOLUNTARILY TO SHARE THEIR EXPERIENCES

This section includes the key learnings and observations which flowed from the information shared by Review participants in the confidential interviews conducted pursuant to paragraph 1 of the ToR.

Key Learnings and Observations

During the course of this Review, interviewees described either witnessing or experiencing conduct which, if proven, would constitute both sexual and personal harassment². I make no findings in relation to these allegations; however, I note for the purposes of this Review that:

- A majority of COC staff interviewed reported experiencing or witnessing harassment (both sexual and personal) during the President's tenure, both inside and outside of the COC's offices.
- Some non-COC staff who were interviewed also reported witnessing the President engaging in harassing behaviour (either sexual or personal) outside of the COC's offices in situations in which he was acting as a representative of the COC.
- There exists a perception amongst the COC staff that the Board and the SLT were aware of information that suggested that harassment was occurring in their workplace and they were unable or unwilling to take steps to address it. As such, many COC staff feel that the Board and the SLT failed in their obligation to provide a safe environment for COC employees.
- There are occasions when certain managers or members of the SLT admitted to being in possession of information that suggested that harassment was occurring for COC staff. These same managers and members of the SLT admitted that there were times when they either (i) did not do anything with this information (in some cases because they either did not recognize the behaviour in question as legally problematic, or they did not know what to do with the information); (ii) took steps to try and mitigate or minimize the behaviour for the employee in question, but did not take steps to try to stop the behaviour from occurring; or (iii) passed the information along to someone else but it is unclear as to whether this information was ever acted upon.

² The term "personal harassment" is a term that is commonly used to reflect offensive behaviour which is known or ought to be known to be unwelcome but which *is not* tied to any prohibited human rights ground of discrimination, as would be the case with, for example, sexual harassment.

- Many COC staff are not familiar with the contents of the Policy, were unsure where to find it, and no one recalls having ever been trained on the Policy. There is confusion on the part of COC staff about what constitutes inappropriate workplace behaviour, and the mechanism for complaining about concerns of this nature.

3. INFORMATION RELATING TO THE LETTER OF JUNE 13, 2011 AND VANOC

Following the receipt by the COC of the employee complaint on September 25, 2015, it was reported in the media that the President had been provided with a letter about his conduct, dated June 13, 2011 (hereinafter referred to as the “Letter”). The ToR included a mandate at paragraph 3 to specifically review the circumstances which led to the preparation and delivery of the letter of June 13, 2011 (the “Letter”), in order to understand what steps were taken and why.

The Board subsequently expanded this mandate and further asked that it be determined what, if any, information the Board and/or members of the SLT had about the circumstances leading to the preparation and delivery of the Letter. To the extent that it was discovered that any member of the Board or SLT had information about the Letter or the circumstances leading thereto, the Board asked that it be determined how or from whom that information was obtained, who the member of the Board or SLT may have told, and what, if any, steps the member of the Board or the SLT may have taken as a result of having this information.

In addition, following my retainer, an article was published in the Globe & Mail on October 6, 2015 which reported on complaints which had allegedly been made to VANOC in 2009 regarding the President’s conduct. Specifically, the article reported the following:

“...sources say VANOC’s senior management was sufficiently concerned to conduct an internal human resources investigation in the summer and fall of 2009. There were multiple reports, but in the end no one decided to pursue a formal complaint. However, the findings were shared with the COC’s top brass, former VANOC officials said.”

Given the reference in the above article to the “COC’s top brass”, it was further decided that inquiries would be made in order to determine what, if anything, the Board knew about complaints made to VANOC about the conduct of the President.

The key learnings and observations flowing from the interviews conducted in the Review relating to the above aspects of the ToR are set out below.

Key Learnings and Observations

- Although the decision to present the President with the Letter was prompted by one particular employee issue brought forward in April of 2011, there is information in the COC HR file regarding concerns about the President’s behaviour dating back to 2008 which contributed to the decision.

- In reaching its decision to provide the President with a Letter in 2011, it appears that representatives of the COC sought to balance the interests of the individuals who had come forward with information and who did not wish to make formal complaints and were afraid of retribution, and the obligation to ensure a harassment-free workplace. Consideration also appears to have been given to the fact that a previous message about the President's behaviour which was delivered to him at a lunch with the then CEO in 2008 was vague, did not reference specifics and was not followed by anything in writing.
- Those who presented the President with the Letter did not advise the Board at the time.
- With the exception of an employee engagement survey done in 2014 and a more recent survey in September of 2015, no monitoring was done of the President's behaviour after the presentation of the Letter, despite what appears to be recognition on the part of the certain COC representatives that such monitoring was necessary.
- No training was done on the Policy at any time, and specifically after the presentation of the Letter, despite advice having been received in this regard. Had training been provided to staff back in 2011, employees would have had a far better understanding of the types of behaviour that are prohibited in the workplace and would have better understood how to address these issues if they were occurring. At a minimum, conducting training of this nature sends a message to all staff that a workplace that is free of discrimination and harassment is important to the organization, and this was a lost opportunity on the part of the COC to communicate this message to its employees.
- Following provision to the President of the Letter, certain members of the SLT did have information regarding alleged behaviour which, if true, could constitute harassment on the part of the President and other COC employees. There appears to have been no meaningful steps taken in response to receipt of this information.
- Two COC executives and three members of the Board received information about the VANOC matters, most of which was non-specific and incomplete. This information was never documented and was not shared with the Board as a whole.

4. POLICY REVIEW

In fulfilment of paragraph 2 of the ToR, I reviewed the Policy and certain related policies set out below. In addition, information was collected throughout this Review relating to the implementation and administration of the Policy and related policies in the COC. The key learnings and observations flowing from this collective information gathering and analysis are set out below.

Key Learnings and Observations

- The Policy, while technically sound, should be enhanced in order to make it clearer and more accessible to COC staff, and to clarify an obligation to report incidents of harassment or discrimination.
- The Policy should also be enhanced to provide for mechanisms for reporting and resolving issues as an alternative to filing a formal complaint. Although a formal complaint mechanism is an important component of an effective harassment policy, exclusive reliance on formal complaints can be problematic for various reasons. In this case, those at the COC who were attempting to deal with concerns which were brought to their attention appear to have found the language in the Policy to be restrictive when the person bringing forward the concern was unwilling to initiate a formal complaint.
- There is currently no consistent process or procedure in place which ensures that employees of the COC are familiar with, have read or understand the contents of the Policy.
- There has been no training on the Policy since at least 2001, and nothing since 2011 when the President was presented with the Letter.
- There are opportunities to further reinforce the required standards of behaviour within the COC in both the “Policy Statement and Guidelines on Ethics” and the “Policy Statement and Guidelines on Whistleblowing” (hereinafter referred to respectively as the “Ethics Policy” and the “Whistleblowing Policy”).

5. GOVERNANCE

A full report prepared by Watson Inc. (“Watson”), the governance experts retained to assist the Board with a review of certain key governance issues flowing from this Review, including recommendations, has been provided to me and Tricia Smith, President of the Board. I have reproduced all of the key governance learnings and observations from the Watson report below:

Key Learnings and Observations

- There was no explicit provision in COC's governance framework for Board oversight of human resources and the workplace environment.
- COC's governance framework did not set out a comprehensive approach to standards of conduct, and specifically of standards applicable to directors and officers.
- There was no explicit mechanism within COC's policy framework for individuals to raise issues of concern regarding a director's conduct to the Board other than through a formal complaint under the Policy.
- There was lack of clarity in COC's governance framework between the role and authority of the Board versus the role and authority of the President which enabled the President to exercise significant control.

6. RECOMMENDATIONS

As per paragraph 4 of the ToR, I was asked to make recommendations to improve the COC's working environment, improve the experience of those individuals who might interact with representatives of the COC, and to take steps to ensure that the COC continues to provide a safe and harassment-free environment for all.

I have carefully considered all of the information that was shared by the voluntary participants in this Review process. Individuals who came forward voluntarily to participate in this Review were asked for their recommendations and much of what they shared is reflected in the recommendations set out below, along with other recommendations which flow from the Review and the key learnings and observations above.

Recommendation #1 – Policy Enhancements

As indicated above under "4. Policy Review," the Policy, while drafted in a manner which includes all of the technically required components, is not achieving its stated intention to ensure that COC Participants are able to work in an environment which is free of discrimination and harassment. To better achieve this objective, I recommend that consideration be given to enhancing the Policy to take into account the following:

- Include a definition of "personal harassment" and/or "bullying" to make clear that such behaviour (although technically a form of harassment as it is currently defined under the Policy) is a unique subset of prohibited behaviour in the workplace, and to provide specific examples of types of unacceptable behaviour which fall under this heading.

- Include reference to the concept of a “poisoned work environment” in order to clearly communicate in the Policy that discrimination or harassment can have a negative impact on a group even when members of the group are not the target of the prohibited behaviour themselves.
- Include a definition of “workplace” and/or any geographic location where the Policy is intended to apply.
- Include specific reference to methods of informal resolution of issues raised under the Policy.
- Establish a separate mechanism for reporting complaints for employees that does not require a report to the CEO or President, ideally one which is more accessible for staff, such as reporting to the employee’s supervisor or manager and/or a new person tasked with responsibility for the Policy (see Recommendation #3).
- If a new reporting mechanism is included in the Policy which is specific to COC employees, ensure that there is always an alternate person to whom a report can be made, in the event that the primary person to whom the report should be made is the individual about whom the complaint is being brought.
- Confirm a “duty to report” as soon as someone becomes aware that behaviour may be occurring which contravenes the Policy, and provide a clear reporting mechanism for this purpose.
- Establish specific responsibilities that particular categories of individuals (such as employees, managers/supervisors, and/or members of the SLT) have for Policy-related matters within the COC and articulate these in the Policy in detail.

While I recommend that the Policy be updated annually to ensure compliance with the applicable laws in the jurisdictions in which the COC operates³, to the extent that Bill 132 is passed in the Ontario legislature, which we expect could happen in early 2016, I specifically recommend a Policy review at that time to ensure Bill 132 compliance.

Following any Policy enhancements, I recommend that steps be taken to ensure that all employees of the COC, and all Board members, have reviewed, understand and agree to abide by the terms of the Policy. I further recommend that COC employees and Board members be required to sign a document confirming that this is the case (such as a document similar to the

³ This is currently a statutory requirement in Ontario pursuant to subsection 32.0.1(1)(c) of the Occupational Health and Safety Act, RSO 1990, c o.1.

Letter of Agreement which has been prepared to accompany the Ethics Policy), and that such a document ideally be signed annually. Such a measure will communicate the importance of establishing a working environment that is free from discrimination and harassment. It will be necessary to have a formal process in place to ensure that all such documents are signed, that signed documents are maintained for record keeping purposes, and that documents are updated as new employees or Board members join the COC.

Once any Policy enhancements are implemented, and the necessary steps have been taken to ensure that all employees have reviewed, understand and agree to abide by the terms of the Policy, I also recommend that, in addition to the training recommended below, the Policy generally be made more accessible to COC staff. Currently, it is extremely difficult to find on the COC's intranet, "SharePoint," requiring multiple steps which are not necessarily intuitive. Providing a convenient means for staff to access the Policy internally (other than through otherwise publicly-available means like the COC website) will signal to staff the applicability of the Policy to them in particular and reinforce to staff the importance of the Policy and its ideals to the COC.

In addition to staff, the Policy is intended to apply to other COC Participants. Prior to this Review, the Policy was not made available to COC Participants other than through the COC's Member website which is only accessible to COC Members through individual log-in information. In this way, the Policy was not broadly available to all individuals to whom it is intended to apply. I acknowledge that the Policy has been posted on the COC website since the commencement of this Review, and recommend that this practice be continued.

I also recommend that consideration be given to making the following enhancements to the Ethics and Whistleblowing Policies:

- Include explicit reference in the Ethics Policy to standards of behaviour required of COC Participants, either by way of an incorporating reference to the Policy or by inclusion of more explicit language consistent with that contained in the Policy;
- Make wider use of the Letter of Agreement which has been prepared in the newly revised Ethics Policy with other COC Participants, including employees specifically.
- Ensure that a mechanism is in place to confirm the signing of necessary Letters of Agreement, and the storage and retention of signed Letters of Agreement.
- Revise the language in the Whistleblowing Policy to make explicitly clear that individuals are entitled to make use of the process described therein (anonymously, if they wish) in order to report an incident of discrimination or harassment occurring within the COC.

Recommendation #2 – Training

Having identified the gaps which currently exist between the contents of the Policy and any clear understanding on the part of employees as to what constitutes prohibited harassment (both sexual and personal) in the workplace, I recommend that the COC implement a training program to familiarize all staff with these key concepts. Specifically, I recommend that training be done on the Policy following any enhancements undertaken in response to the recommendation set out above. This training should be tailored to the unique COC environment and include specific examples of situations which may arise for COC Participants. In order for employees to fully understand these concepts, I recommend a training model which allows them to ask questions. Finally, it is important that any such training be mandatory for all staff, and be conducted on a regular basis to ensure that all staff (including new staff and contractors brought on for event-specific work) continue to be trained.

I further recommend that specific training be provided to COC managers in order to help them understand the applicable harassment concepts. Based on the information that came out of the voluntary Review participant interviews, such training is important so that managers understand what harassment is, not only from the perspective of potentially being on the receiving end of such behaviour, but to assist them in recognizing this behaviour when they see it, or when staff come to them to discuss their own concerns about behaviour occurring in the workplace. It is also important for managers to understand the additional responsibility that they have for taking action to address such behaviour when it occurs. Specialized managers' training can provide managers with a clear understanding of their roles and responsibilities under the Policy and the specific part they play in contributing to a workplace that is free from discrimination and harassment.

I recommend that a form of record keeping be implemented in order to document the fact that employees of the COC have attended the mandatory training, including management training.

In addition to mandatory staff and management training, Board members should also be provided with training on the Policy. The information collected in this Review suggests a level of interaction between Board members and COC staff, and certainly between Board members and COC Participants, which I believe merits efforts to ensure that Board members are familiar with the contents of the Policy and the COC standards of acceptable behaviour when representing the COC. In addition, I understand from Watson that, from a governance perspective, Board members are responsible for ensuring that an organization complies with all applicable laws. While a measure of this will be achieved by ensuring a Policy review as recommended above, specifically targeted training which (i) includes a review of examples of situations in which Board members may find themselves dealing with issues of workplace discrimination and harassment, (ii) helps familiarize the Board with applicable laws and explain their corresponding obligations to enable them to ensure compliance with laws and the Policy, and

(iii) provides them with the tools they need in order to do so, will go much further in helping the COC to provide a harassment and discrimination free environment for all.

Given the broader application of the Policy to COC Participants, the COC may also wish to consider whether some other form of training could be made available to COC Participants as well in order to allow them to familiarize themselves with the Policy and its contents and to help them understand how to report concerns if they have them. Unlike the mandatory training recommended above for COC staff and the Board, this is training which could simply be made available to COC Participants as requested or required.

Recommendation #3 – Appoint an Individual with Overall Responsibility for Policy Implementation and Administration

I recommend that someone within the COC be appointed who has overall responsibility for administration of the Policy. At a minimum, this person should be responsible for the following:

- understanding the legal regime(s) in those jurisdictions in which the COC employs staff as it pertains to the principles covered by the Policy;
- ensuring that the Policy remains consistently legally compliant, and so for familiarizing himself or herself with future changes to applicable laws and regulations and ensuring that the Policy incorporates any such changes;
- ensuring that all employees of the COC are made aware of the existence of and have read the Policy, and have signed a document confirming that this is the case (as per Recommendation #1);
- ensuring that all necessary individuals of the COC are trained on the Policy (as per Recommendation #2);
- establishing and maintaining the record-keeping systems described at Recommendation #4;
- ensuring that review and monitoring of the COC's culture is done on a regular basis (as per Recommendation #7) to ensure that the Policy is working effectively within the COC; and
- taking all other steps necessary to create and maintain a culture within the COC whereby COC Participants feel comfortable making use of the Policy and reporting issues.

I further recommend that consideration be given to appointing an individual to this role with the time and skill to fulfil the above responsibilities in order to best ensure that the objective of providing a harassment and discrimination-free environment for all is achieved.

Recommendation #4 – Establish a Record Keeping System

As stated above, I recommend maintaining signed documents confirming that applicable policies have been reviewed and are understood (as per Recommendation #1 above) and maintaining records confirming that the necessary individuals have received training on the Policy (as per Recommendation #2).

In addition, some formalized system needs to be established and implemented in order to record when employees or COC Participants bring forward issues or incidents to HR, COC management or the Board, regarding behaviour which, if true, would represent a violation of the Policy. This system should provide for the collection of information regarding the behaviour in question in some consistent manner, such as forms designed for this purpose. The system should also allow for record keeping of all issues raised or incidents identified, not just those which resulted in the initiation of a formal complaint pursuant to the Policy.

The information shared in the voluntary participant interviews also suggests that there was information received by COC managers alleging inappropriate behaviour in the workplace which was not passed along to HR for various reasons discussed elsewhere in this Summary Report. Even if an issue was appropriately addressed by a manager or member of the SLT, there is still a significant benefit to be gained from ensuring that such information is passed on to HR, as it allows HR to track potential ongoing issues involving specific individuals. As such, I believe that HR also needs to implement some system or mechanism whereby they can be satisfied that that information received by COC managers and members of the SLT will be passed along to HR and similarly recorded. In this regard, HR might consider implementing standing meetings or proactive outreach of some form to managers/members of the SLT with this objective.

Finally, I recommend that such a system allow for record keeping of specific steps taken in response to an issue having been brought forward and follow up within some reasonable period of time in order that the COC can ensure that issues raised are in fact resolved.

Recommendation #5 – Ensure a Means by Which Individuals can Lodge Anonymous Complaints

For a variety of reasons, including the unique nature of the COC organization, the breadth of COC Participants to which the Policy is intended to apply, and the fact that concerns were raised about the President who was perceived by many to have significant power, I believe that it is important for the COC to continue to have a mechanism whereby individuals can bring forward

complaints about discrimination and/or harassment in the workplace anonymously⁴, should they wish to do so.

Anonymous complaints are not ideal, insofar as they present certain challenges and sometimes barriers for those responsible for investigating the issues identified. However, where problematic issues exist within an organization and the issues would not otherwise be raised for fear of reprisal or other reasons, an anonymous complaint is preferable to no complaint at all.

I recognize that the COC has drafted a Whistleblowing Policy which would allow for the bringing of anonymous complaints. Some organizations establish a confidential hotline, or engage an external whistleblowing service, in order to offer an avenue for employees and others to anonymously submit concerns about harassment and discrimination in the workplace. I am not prepared to recommend that the COC put any of these processes in place at this stage, specifically because the Whistleblower Policy as it is currently drafted is intended to allow for individuals to bring forward anonymous complaints about harassment and/or discrimination.

However, because recent changes to the Whistleblower complaint mechanism have not yet been implemented, I recommend that this be done and that a reasonable period of time be allowed to pass (I recommend a minimum of twelve months from implementation and no more than twenty-four months) in order to measure the effectiveness of these mechanisms. After this period of time, I recommend that a review of these processes be conducted in order to determine whether these mechanisms are effectively providing an avenue for the lodging of anonymous complaints within the COC about harassment and/or discrimination. To the extent that these mechanisms are not achieving the objective of providing an effective means of submitting anonymous complaints, I recommend that consideration be given at that time to possible necessary enhancements to the Whistleblowing Policy, or an alternate means for reporting anonymous complaints, such as a through a confidential hotline or an external whistleblowing service.

Recommendation #6 – Consider Revising the Terms of Reference for the Ethics Commissioner to Establish an Independent Resource for Individuals to Bring Forward Concerns Relative to the Policy

Again given the reach of the Policy to all COC Participants and the stated desire on the part of the COC to create and maintain an environment which is free from discrimination and harassment both in the workplace and for COC Participants at all times, during the course of their work in sport and during other activities where their conduct may affect the sports community, I believe that there is a need for COC Participants and others to have access to someone independent of the COC as a resource for issues covered by the Policy. It would appear

⁴ By “anonymously”, I am referring to the ability on the part of an individual to bring forward an issue or concern without revealing their identity to the COC.

that the COC has already recognized the benefit of such an independent role through the establishment of the Ethics Commissioner pursuant to the Ethics Policy.

According to the existing terms of reference for the Ethics Commissioner, this is a position which is intended to be “independent and neutral” and to “assist and guide” the Ethics Committee and the Board in fulfilling their respective roles, while “maintaining a reputation for the highest standards of public trust and confidence.” Information received in this Review suggests that the Ethics Policy was intended to capture issues relating to inappropriate behaviour occurring within the COC, such as discrimination or harassment. If this is the case (and as per Recommendation #1 above, I believe that there are opportunities to communicate this more clearly), then it would seem reasonable that, with applicable revisions to the Ethics Commissioner’s terms of reference, a mandate could be provided to the Ethics Commissioner to additionally support individuals who require assistance, advocacy or guidance in understanding or accessing the Policy, or otherwise addressing issues of harassment or discrimination within the COC.

In this regard, I recommend that consideration be given to providing the Ethics Commissioner with this further mandate through revisions to the respective terms of reference. As in the case of the Whistleblowing Policy, I recommend that a review be conducted after a reasonable period of time, in order to assess the effectiveness of this role in making available a neutral, independent individual to support individuals with concerns about harassment or discrimination within the COC.

Should the COC decide that it does not wish the Ethics Commissioner to serve this function, or should they conclude following a trial period that this is not an effective means of providing COC Participants with access to an independent support/resource person, they may then wish to consider the establishment of an ombudsperson who could instead serve this function.

Recommendation #7 – More Emphasis on “Respect” and “Wellbeing” as Core Values of the COC for Employees

In an organization that is rooted in athletic excellence, is it all too easy for COC Participants to be guided by the “winning at all costs” philosophy that many Olympic athletes adopt to try to succeed on the world stage. While excellence is laudable, it cannot be the sole objective in a workplace where individuals’ health and safety must also be considered and protected.

The COC has committed to advancing the health and wellbeing of its Olympic athletes and others in its sports community and this must begin with the employees who work to serve the athletes and this community. I recommend that the values of the COC be reviewed with an eye toward placing equal emphasis on respect for COC staff and their own health and wellbeing. I further recommend that the COC continue to look for ways to reinforce these values through their communications and their actions, thereby demonstrating to employees that the COC’s

focus (as exemplified with programs like the #OneTeam campaign and the comprehensive wellness support system for athletes announced in 2015) is not just outward but inward as well.

Recommendation #8 – Continued Use of Surveys and Other Forms of Review to Monitor Culture and Confirm Effective Administration and Enforcement of Policies

Just because employees of an organization are not complaining about inappropriate behaviour in their workplace does not mean it is not occurring. The COC commenced an employee engagement survey process in the summer of 2015 in order to try and confirm whether information that had come to its attention through informal means regarding harassment in the workplace could be substantiated.

The preliminary results of the employee engagement survey referred to above did indeed reveal concerns about harassment in the workplace. Had some form of tailored survey or monitoring been undertaken by the COC following the provision to the President of the letter dated June 13, 2011, the COC would likely have learned of similar issues, if they existed, long before it received a formal complaint in September of 2015. When the existence of such issues is identified through surveys, reviews or other forms of monitoring, more formal processes to investigate these concerns can often be put in place and consequent steps taken to remediate issues if they are confirmed through any investigative process.

I recommend that the COC continue to make regular use of surveys, reviews or other appropriate monitoring tools in order to canvass the views of employees and possibly other COC Participants regarding the ability on the part of the COC to provide a discrimination and harassment-free environment. This should specifically be done following the implementation of any of the above recommendations in order to measure the effectiveness of any such initiatives.

7. CONCLUSION

The COC has an opportunity as an extension of this Review process to reaffirm its commitment to respect the health and wellbeing of *all* of its Participants, not just its athletes and stakeholders. Given the nature of the business of the COC - that is the participation in and, on occasion, the hosting of significant events, such as galas and Olympic and other games - much of its work is project-based with big budgets, firm deadlines and substantial pressure to perform at the highest levels. In light of this, I recognize that committing to respect the health and wellbeing of COC staff often will present (and has in the past presented) certain challenges.

COC staff made clear through their interviews in this Review process their strong belief in the Olympic movement and their willingness to sometimes allow their health and wellbeing to be secondary to other goals in the interests of supporting the COC in its achievement of excellence

in the short-term. However, employees have said that the pattern has developed of moving from event to event, with ever-increasing deadlines and pressure and no real opportunity to return to a health and wellbeing equilibrium in between. Unless the COC is prepared to take this opportunity to fully examine the way in which it does business and the manner in which it operates to fulfil its mandate, and make changes to lessen the human and health impacts on its staff, I believe that the problems which have led to this Review will continue, along with staff turnover, and the COC will not be able to achieve its full potential because of its inability to maintain staff stability.

Notwithstanding their noted commitment to the COC, many participants in this Review made clear in their interviews that, coming out of this Review process, they will be looking to the Board and the C-suite to take responsibility and assume the leadership necessary to effect substantial change. They say that, only by so doing, will the Board and the COC be able to rebuild the trust needed to take the COC forward in a positive direction and allow the COC to heal as an organization.

Date: January 4, 2016

A handwritten signature in blue ink, appearing to read 'Christine M. Thomlinson', is written over a horizontal line.

Per: Christine M. Thomlinson
RUBIN THOMLINSON LLP

Appendix A

Terms of Reference

Canadian Olympic Committee Independent Review Process

1. To receive and review information from individuals regarding their experiences interacting with representatives of the Canadian Olympic Committee (“COC”) or those acting on behalf of the COC, to the extent that those experiences may involve behaviour which appears or is thought to be inconsistent with the COC’s Policy Statement and Guidelines on Discrimination and Harassment.

This will include, but is not limited to a review of the results of the COC’s Employee Engagement Survey and Workplace Assessment, which is in the process of being completed.

It is anticipated that there will be a mechanism put in place whereby individuals can either submit their information confidentially in electronic form and/or they can volunteer to be interviewed in person.

2. To review the COC’s Policy Statement and Guidelines on Discrimination and Harassment and any related policy (collectively referred to herein as “the Policies”), as well as the implementation and administration of the Policies and the procedures contained therein, and assess all of the above relative to best practices and legal requirements.
3. To specifically review the circumstances which led to the preparation of and delivery of the letter to the then COC President, dated June 13, 2011, in order to understand what steps were taken and why.
4. To make any recommendations in respect of the foregoing which may be advisable and/or necessary in order to improve the COC’s working environment, improve the experience of those individuals who engage or interact with representatives of the COC, and/or ensure that the COC continues to provide a safe and harassment-free environment for all.
5. To report to the President of the COC’s Board on all of the foregoing. A summary report will be prepared which, without identifying any of the individuals who provided information in connection with this process, will set out the key findings from the above reviews and outline any recommendations for improvement. The Board commits to making this summary report available to the public.