

## Ontario Enacts Canada's First Concussion Safety Legislation

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On March 7, 2018, the Legislature of the Province of Ontario enacted Canada's first concussion safety legislation known as *Rowan's Law (Concussion Safety), 2018* (the Act). The Act and its proposed regulations (the Regulations) impose a number of requirements on sport organizations in the province regarding concussion prevention, detection, management and awareness. These requirements include the creation, promulgation and implementation of: (1) concussion awareness resources; (2) Codes of Conduct; and (3) Removal-from-Sport Protocols.

### **Application**

The Act will apply to all "sport organizations" in Ontario, which are defined to include any person or entity that carries out an "activity" (to be prescribed under the Regulations) in connection with an amateur competitive sport. Although the Regulations under the Act have not yet been made public, the provincial government has proposed that post-secondary institutions be included in the definition of sport organizations. The Act allows for the separation of sport organizations into separate classes that will be subject to varying requirements, conditions and restrictions specific to the nature of their activities.

### **The New Requirements are Threefold**

#### ***1. Annual Review of Concussion Awareness Resources***

Under the Act, the provincial Minister of Tourism, Culture and Sport will be responsible for the creation and publication of concussion awareness resources concerning concussion prevention, and its detection and management.

Sport organizations will be required to ensure that individuals who wish to register for activities with them will have reviewed the concussion awareness resources within 12 months of the date of registration. In circumstances in which the prospective registrant is under 18 years of age, that individual's parents or guardian must also provide the sport organization with confirmation that they have reviewed the concussion awareness resources. The obligation to review the concussion awareness resources will also apply to coaches, officials or other persons involved in the activities of those sport organizations.

#### ***2. Code of Conduct***

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Codes of Conduct must be drawn and implemented for all organized amateur sport activities in Ontario, in compliance with the Regulations to be promulgated under the Act. These may be tailored to each sport activity and to each type of participant, including players, coaches, officials, organizers and parents. The Rowan's Law Advisory Committee has recommended that Codes of Conduct include zero tolerance policies for dangerous behaviour, and that each participant sign an annual acknowledgement of the Code of Conduct prior to participating in the corresponding sport activity as a player or in any other capacity.

### ***3. Removal-from-Sport Protocol***

Sport organizations will be required to design and implement a Removal-from-Sport Protocol for athletes who have sustained a concussion, or who are suspected of having sustained a concussion. The Protocol must require the immediate and safe removal of an injured athlete from the sport activity as well as the establishment of specific processes for the athletes to return to training, practice or competition. In addition, every sport organization must designate persons responsible for ensuring that the Protocol is followed and that all relevant persons are informed of the athlete's injury.

The Protocol regime will have far reaching effect. It is to extend to circumstances in which a sport organization becomes aware that one of its athletes has sustained or is suspected of having sustained a concussion, even if the injury is attributed to an activity unconnected with the activity engaged in by the sport organization.

### **We Can Help**

For more information on how Cassels can assist you with ensuring compliance with the new requirements under Rowan's Law and with the development of an applicable Code of Conduct and Remove-from-Sport-Protocol, please contact Stephen Selznick, Marco Ciarlariello, or another member of our firm's cross-disciplinary Sports Group.

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*This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.*