

FOR EXTERNAL DISTRIBUTION

Questions and Answers

Rowan's Law (Concussion Safety), 2018 Implementation

** Please note that the following information is not legal advice. The information provided is for informational purposes only. Stakeholders should seek independent legal advice to understand their legal obligations.*

1. Will the webinar presentation be made available to participants after the presentation ends?

No. The webinar presentation is based on the obligations set out in the Rowan's Law legislation and regulation, so by referring to those two documents, sport organizations will have all the information they need. An outline document is available and has been provided to webinar participants to provide a high level overview for the requirements of Rowan's Law that are to be implemented for July 1st. In addition this overview document lists the sample templates that have been made available by the ministry to help support the implementation process. All sport should read the Rowan's Law legislation and regulations for a complete picture of the requirements.

2. Can an organization use the return-to-sport strategy and templates developed by Parachute?

The ministry will be releasing sample removal and return-to-sport templates on the government's website (Ontario.ca/concussions). When they are finalized this summer, they will be made available to support sport organizations with implementation of these sections of the Act and regulation by July 1, 2020. Parachute was selected through a competitive open-bid to develop the official Government of Ontario concussion sample removal-from-sport protocol, and return-to-sport protocol templates that will be made available on the government's website.

If sport organizations choose to use templates, made available on other organization websites, they are free to do so. However, it is up to the sport organization to ensure that they meet their obligations and the minimum requirements set out in Rowan's Law legislation and regulation, irrespective of the template they choose to use.

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3. When does the legislation come into effect?

Rowan's Law (Concussion Safety), 2018 received Royal Assent on March 7, 2018, and Section 5 of the Act, proclaiming a "Rowan's Law Day" was the only section that came into effect at that time.

The remaining parts of the Act and the regulation will come into effect in phases.

- The new rules requiring the confirmation of review of Concussion Awareness Resources and Concussion Codes of Conduct will come into effect on July 1, 2019. Athletes and parents of athletes under 18 years of age will not be permitted to register in a prescribed activity with a sport organization, as of July 1st, 2019, unless they have confirmed their review of the Concussion Awareness Resources and the sport organization's Concussion Code of Conduct.
- To support implementation by the sector, the regulation provides sport organizations with have a 'grace' period of 60 from July 1, 2019, to receive confirmation from coaches, team trainers and officials that they have reviewed the Concussion Awareness Resources and, from coaches and team trainers that that have received the sport organizations' Concussion Code of Conduct.
- The rules for Removal-from-Sport and Return-to-Sport Protocols will be in effect on July 1, 2020.

4. Can the parent of an athlete under the age of 18 register their child for a sport, without having the child present? Can the parent confirm the child's review of the Concussion Awareness Resources and Concussion Code of Conduct on their behalf?

Sport organizations must not register an athlete before they receive confirmation of review of concussion awareness resources/code of conduct from the athlete and the athlete's parent (if the athlete is under 18 years of age).

The Act requires 2 confirmations: one from the athlete; and one from the parent. The confirmation can be received at different times, but the sport organization must not register the athlete until both confirmations are received.

Sport organizations are encouraged to seek legal advice if they have questions about how to meet their obligations under Rowan's Law.

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5. How will the Ministry ensure sport organization compliance with Rowan's Law

The purpose of this legislation is to promote culture change and make participation in amateur competitive sport safer. There are no enforcement or monitoring provisions in Rowan's Law.

It is up to entities and individuals to ensure that they comply with the laws of Ontario. If organizations does not comply with the laws of Ontario, then the organization assumes any risk associated with non-compliance.

6. Can a sport organization use their existing return-to-sport protocol if it is stronger than the requirements set out in the regulation?

Yes, sport organizations can use or adapt their existing removal and return-to-sport protocols. However, it is up to the sport organization to ensure they meet their obligations and the minimum requirements set out in Rowan's Law legislation and regulation, once these sections come into effect on July 1, 2020.

7. Is sport organizations require to confirm review of the Concussion Awareness Resources and Concussion Code of Conduct before "registration" or before "participation"?

The obligation in the Act and regulation is connected to registration, as sport organizations must not register an athlete before they receive confirmation of review of concussion awareness resources/code of conduct from the athlete and the athlete's parent (if the athlete is under 18 years of age).

The Act requires 2 confirmations: one from the athlete; and one from the parent. The confirmation can be received at different times, but the sport organization must not register the athlete until both confirmations are received.

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8. What is the definition of fundamental movement skills?

This clause of regulation should be reviewed in its entirety and alongside the legislation/regulation to support interpretation and clarity of intent. The clause in its entirety reads: "activities focused primarily on the development of fundamental movement or sport skills and that are not focused on competition".

9. In a league consisting of multiple clubs, is the sport organization the club or the league? Who is the "sport organization"?

Rowan's Law defines a sport organization as a person or entity that carries out for-profit or otherwise a prescribed activity in connection with an amateur competitive sport, and that satisfies such other criteria as may be prescribed.

Each entity must determine if it is a sports organization under Rowan's Law and therefore may have obligations under Rowan's Law.

The sport organization is best placed to determine how best to meet their obligations under the Act based on their organizational structure. The legislation does not address arrangements that may be made between PSO and their members or between leagues and their clubs. Sport organizations are encouraged to seek legal advice if they have questions about how to meet their obligations under Rowan's Law. This includes seeking legal advice on how to move forward to meet their obligations when the obligations interact with their own organizational policies.

10. Will athletes who registered with sport organizations before July 1st, 2019 be required to re-register, or confirm review of the Concussion Awareness Resources and Concussion Code of Conduct?

No, sport organizations are only required to receive confirmation of review of these items from athletes and the athlete's parent (if the athlete is under 18 years of age) who register in a prescribed activity in an amateur competitive sport on or after July 1st, 2019.

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11. What is the procedure for confirming review of the Concussion Awareness Resources for sport organizations who will not be able to confirm their team officials until after the 60 day 'grace period'?

After the 60 day 'grace period' (on/after August 30, 2019), any officials serving for the sport organization must confirm their review of the Concussion Awareness Resources, prior to serving for the sport organization. Failure to do so means the official cannot serve.

12. Were sport organizations consulted in the development of the regulation for Rowan's Law?

Yes, the Government of Ontario held 3 public consultations regarding the development of the Rowan's Law legislation and regulation. The final public consultation on the regulation was held in March 2019, and sought public feedback on a draft version of the regulation. This consultation was viewed more than 3000 times and received 92 responses.

13. Will parents of officials or coaches under the age of 18 be required to also review the Concussion Awareness Resources and Code of Conduct?

No, there is no such provision in the legislation and regulation. Only parents of athletes under 18 years of age will be required to confirm their review of the Concussion Awareness Resources and the sport organization's Concussion Code of Conduct, with the sport organization

14. Do the requirements in legislation take precedence above all board policies?

It is up to entities and individuals to ensure that they comply with the laws of Ontario. Sport organizations are encouraged to seek legal advice if they have questions about how to meet their obligations under the law. This includes seeking legal advice on how to move forward to meet their obligations when the obligations interact with their own organizational policies.

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15. What defines a team trainer?

Under the regulation, a team trainer is an individual who is assigned by a sport organization to respond to athlete injuries.

16. What qualifications must an individual meet to be able to serve as a designated person?

Rowan's Law legislation and regulation do not set out minimum qualifications for individuals who will be identified as designated person(s) under a sport organizations' removal and return-to-sport protocol (which will come into effect on July 1, 2020). However, as of July 1, 2020, sport organizations will be obligated to receive confirmation from designated person(s) that they have reviewed the Concussion Awareness Resources prior to serving for the sport organization. Failure to do so would mean the designated person(s) cannot serve.

17. Do coaches, officials and team trainers have to review the Concussion Awareness Resources for all 3 age groups?

No. Coaches, officials and team trainers only need to review one Concussion Awareness Resource in the format, and age range that is best suited to them.

18. Will physicians and nurse practitioners serving at competitions be required to possess certain qualifications or credentials?

Rowan's Law legislation and regulation do not contemplate qualifications for physicians and nurse practitioners; however, the regulation defines a nurse practitioner as a registered nurse who holds an extended certification of registration under the *Nursing Act, 1991*.