

Injury, illness, pregnancy and the Athlete Assistance Program

By Amanda Kieswetter and Shane Henry, Sport Solution Program Managers



Injury, illness and pregnancy are factors of life and are realities in sport. When a health-related issue arises, it is important to understand the terms of the Athlete's Assistance Program (AAP) in order to maintain funding as a carded athlete.

What is covered?

Any long-term health issue which prohibits an athlete from maintaining full training and competition requirements for periods longer than four months.

What is the athlete required to do?

An athlete must notify their NSO in writing of an inability to maintain full training or competition following the onset of the original health-related issue. This notification must occur within the time period specified in their Athlete Agreement. This written document must be submitted to the NSO along with a certificate from a NSO-approved medical practitioner that outlines the specific nature of the health issue.

When should the athlete expect to return to training and competition?

Once the medical documents have been filed, the athlete is bound to return to high-performance training and competition at the earliest date possible. The set standard for return is within 8-12 months under minimal health risks and optimal training and competition conditions.

What if the athlete fails to meet the criteria?

An athlete who fails to meet the standards required for renewal of carded status for strictly health-related reasons may apply for re-nomination. In order to do so, it must be shown that the athlete has made a reasonable attempt to meet the qualification standards through training and rehabilitation. Applications may also be considered when the NSO and its recognized medical doctor agree that the athlete will meet the stated criteria within the next carding cycle.

Lessons learned from previous decisions

Canadian amateur sport case law suggests that athletes should be prepared to deal with health related issues. In *Vallee v. Canadian Olympic Committee & Canadian Yachting Association*, the arbitrator stated: "injury, just as equipment failure, is a part of sport". This can be interpreted to mean that injuries are not necessarily an unforeseen circumstance that can excuse a failure to meet qualification standards. It is for this reason that most NSO's provide several opportunities to meet the published qualification criteria. Athletes should expect to miss some time in each carding cycle due to health related issues and plan their training and competition schedules accordingly.

Conclusions

An athlete should plan their competitive season in advance to mitigate the consequences of a health related issue. If injury, illness or pregnancy does occur, an athlete should contact the NSO approved medical practitioner as soon as possible to document the issue. An athlete should work with the practitioner to establish and maintain a timeline for a return to high performance training and competition. Most importantly, an athlete should document their training and rehabilitation to the best of their abilities. This will provide tangible proof of the athlete's commitment and where applicable, to the harmony and growth of their NSO. By taking these steps an athlete will be able to provide a basis for awarding an injury card in the event that a health related issue arises. For more detailed guidelines on this topic please refer to Section 9 of the AAP Policies, Procedures and Guidelines.

For more information, athletes may phone toll free at 1-888-434- 8883 to receive free confidential advice. You can also reach the Sport Solution by fax at 1-519-661- 3886 or by

email at law.sportsolution@uwo.ca.

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