

TRIATHLON ONTARIO Risk Management Policy

Purpose

In sport, the term 'risk management' usually has a narrow definition, referring to measures a sport organization takes to ensure safety in programs and to minimize liability through techniques such as waivers and insurance.

TRIATHLON ONTARIO recognizes risk management as a broader activity that encompasses all facets of the organization. Such an understanding of risk management recognizes that harm or loss (whether financial or otherwise) can arise from a range of activities and that minimizing such harm or loss requires careful management of all aspects TRIATHLON ONTARIO's operations.

Managing risks thus requires planning, foresight and diligence from Directors, staff and other representatives of TRIATHLON ONTARIO. This policy is the Association's first effort to formulate a guiding statement on risk management. Its purpose is to:

1. Reinforce an understanding of risk management as having a broad focus;
2. Draw attention to some of the key areas of risk facing TRIATHLON ONTARIO;
3. Provide regular benchmarks for review and updating key items relating to these risk areas;
4. Perform an educational function;
5. Over the longer term, contribute to enhancing a 'risk management culture' within the association.

This policy is not a replacement for TRIATHLON ONTARIO's existing policies and procedures, many of which contain risk management measures, but is a companion piece to these other documents.

Risk Area 1 - Governance and Policy

Importance to risk management:

A necessary step in risk management is 'getting the policy house in order'. Sound policies lead to informed and transparent decision-making, which in turn results in improved management of time, resources, disputes and risk exposures. These are the hallmarks of good governance and good governance is essential to managing risks.

Actions:

1. The Board of Directors will take steps to ensure that the TRIATHLON ONTARIO formerly Ontario Association of Triathletes Bylaws are reviewed routinely so that they remain current and reflect the Association's evolving needs.
2. TRIATHLON ONTARIO will provide a Board Orientation file for new Board members upon their election.

3. Included in the Executive Director's job responsibilities will be the maintenance of an up-to-date policy manual which remain in the TRIATHLON ONTARIO office.
4. As part of its commitment to sound policies and risk management, TRIATHLON ONTARIO will establish and maintain current policies to address: discipline, harassment, appeals, and dispute resolution. These policies will be reviewed on an annual basis to ensure they keep pace with legal developments.
5. The Executive Director will ensure that TRIATHLON ONTARIO fulfills all statutory requirements including compliance with privacy laws, employment laws, employment-related withholdings, and corporate filing and reporting requirements, and will report on these fulfillments regularly to the Board.

Risk Area 2 - Employment

Importance to risk management:

TRIATHLON ONTARIO has lasting contractual relationships with employees and contractors. These are important to risk management because of the considerable financial investment TRIATHLON ONTARIO makes in these relationships, because TRIATHLON ONTARIO will be vicariously liable for the fraudulent or negligent actions of these individuals, and because TRIATHLON ONTARIO may be liable for retroactive withholdings should a contractor be deemed by authorities to be in an employment relationship.

Actions:

1. All employees of TRIATHLON ONTARIO will have a written job description and all full time employees retained will execute a written employment contract with TRIATHLON ONTARIO
2. All contractor agreements will be drafted carefully by the Centre for Sport and Law to insure compliance with the current Employment Laws. Such agreements will include provisions to maintain confidentiality and privacy, and will include provisions to clarify TRIATHLON ONTARIO's ownership of intellectual property generated by the contractor.
3. If there is any uncertainty whether a relationship is one of employee or contractor, professional advice will be obtained.
4. Written employee job descriptions will be attached to all employment contracts.

Risk Area 3 - Programs and Activities

Importance to risk management:

The core of TRIATHLON ONTARIO's mandate is fulfilled through its programs. TRIATHLON ONTARIO conducts programs on its own accord and also does so in partnership with others, primarily independent race directors, coaches and the University of Guelph. To manage risks effectively, TRIATHLON ONTARIO must provide sound policies to guide its own activities as well as strong leadership to oversee the activities of other entities.

Actions:

1. TRIATHLON ONTARIO will review and update its Sanction Policy annually and will promote compliance with the standards.
2. TRIATHLON ONTARIO will make available the Waiver and Acceptance of Risk form recommended by the TRIATHLON ONTARIO insurer for all races and programmes.
3. TRIATHLON ONTARIO will maintain a Volunteer and Staff Screening policy for all TRIATHLON ONTARIO programmes, which will be reviewed and updated by the Board of Directors annually.
4. TRIATHLON ONTARIO will maintain and review annually standard operating procedures for all Clinics, Camps and Training Centres.

Risk Area 4 - Contracts

Importance to risk management:

Contracts are a common business tool that routinely identify and allocate risks among the parties to a contract. When TRIATHLON ONTARIO executes contracts, it exposes itself to risk in two ways: by assuming certain liabilities that are inherent in the contract, and by facing the possibility of liability should it be in breach of the contract, either intentionally or unintentionally.

Actions:

1. TRIATHLON ONTARIO will carefully review all contracts that it executes. Such contracts are deemed to generally fall into two categories (but will not be limited to):
 - Standard form contracts are routine business contracts such as those used to rent facilities, to book accommodations and food/beverage services at hotels or similar establishments, to rent vehicles, to lease office space, to procure products and services from regular suppliers, etc. These contracts may be reviewed by the Executive Director prior to signing.
 - Unique contracts are all other contracts including sponsorship and partnership agreements, as well as any contract drafted by TRIATHLON ONTARIO or for which TRIATHLON ONTARIO may negotiate specific provisions. The terms of these contracts will be approved-in-principle by the Board of Directors and may be reviewed by an external professional prior to execution.
2. TRIATHLON ONTARIO will not terminate any contract prior to its stated termination date without first obtaining professional advice.
3. On an annual basis, the Executive Director will inform the Board of all contracts currently in effect, as well as any new contracts executed and any existing contracts expired, since the previous year.

Risk Area 5 - Intellectual property

Importance to risk management:

Intellectual property refers to the intangible assets of TRIATHLON ONTARIO such as copyrights, trademarks, logos, confidential and proprietary information, and goodwill. Although it is difficult to measure a discrete value of these items, or to convert them into measurable revenue streams, without them TRIATHLON ONTARIO would not have the recognition, image and brand value that it presently has. Risk management involves protecting intellectual property assets from loss, theft or misappropriation.

Actions:

1. TRIATHLON ONTARIO will register its name and visual image (logo) as a trademark in order to improve the Association's ability to limit its use by others and protect its value.
2. Using employment contracts and other written agreements, TRIATHLON ONTARIO will ensure that copyright in creative works (magazine, website, manuals) is owned by the Association. Co-ownership with the creators of the work may be arranged and in such a case will be outlined in the employment contract.
3. TRIATHLON ONTARIO will consult with its web site host to ensure that its membership data, and other confidential information on the web site, is secure from unauthorized access.

Risk Area 6 - Crisis Management

Importance to risk management:

TRIATHLON ONTARIO may find itself in adverse situations that pose a risk of harm to members of the Association or the Association itself, or that have the potential to do so. These situations may call for well-informed and swift decisions and actions, as well as strategic communications to minimize the risk of harm to TRIATHLON ONTARIO's public image and goodwill.

Actions:

1. The President of TRIATHLON ONTARIO may declare a situation to be an emergency, subject to the provisions of this policy. Should this occur the President will designate a Crisis Management Team consisting of himself/herself, one other member of the Board, and the Executive Director.
2. The responsibilities of the Crisis Management Team will include:
 - Calling an emergency Executive Committee to authorize the necessary actions to address the situation;
 - Determining what outside professional services may be required to deal with the situation and making the necessary arrangements to secure those services;
 - Identifying a single spokesperson for TRIATHLON ONTARIO and ensuring that all external communications are made through this individual;
 - Carrying out any other directives of the Executive Committee to deal with the situation.

General

1. Each year as insurance is renewed; the Executive Director will review coverages with the insurance broker to determine if there are any emerging risks or issues to be addressed.
2. As part of the Association's commitment to Board training and development, all Directors will be provided with a copy of the Volunteer Canada publication *Legal Liability and Risk Management: A Handbook for Directors (2002)*.
3. This policy will be reviewed by the Board on an annual basis and be updated as appropriate. The Board may obtain independent risk management advice in this review.
4. The President and Executive Director of TRIATHLON ONTARIO will be tasked with managing the Risk Management Policy.