



Olympic Ombudsman By Patrice Brunet

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Since the 1995 Pan American Games in Argentina, the Canadian Olympic Committee (COC) has reserved a position among its mission staff for a legal representative. Initially labelled *Athlete Advocate*, the title of the position was later changed to *Team Ombudsman*. After filling this voluntary role in 1996 and 2002, I had the privilege of holding the position for a third time during the most recent Olympic Games in Torino.

The role of team ombudsman is first and foremost one of legal support. The assistance provided generally focuses on difficulties encountered by athletes and mission staff or COC personnel. The primary task of the team ombudsman is to facilitate the resolution of real or potential problems within a collaborative team spirit.

My experience at three Olympic Games has allowed me to identify four key areas in which the services of the team ombudsman may be sought: international sport disputes, local criminal matters, internal administrative issues, and internal administrative sport disputes.

International sport disputes during the Olympic Games inevitably involve the services of the ad hoc Court of Arbitration for Sport (CAS). To this end, the ombudsman must have in-depth knowledge of arbitration procedures before the CAS, be familiar with the precedential summaries of CAS decisions, and visit the on-site CAS offices a few days before the opening ceremonies in order to make a copy of the rules of procedure in force during the Games. The COC may require the ombudsman to represent it before the CAS, should a request for arbitration be submitted. Within this context, it is essential that the ombudsman be familiar with international sport arbitration proceedings. The ombudsman must also closely monitor the decisions rendered by the ad hoc division of the CAS throughout the Games.

The COC sends hundreds of athletes, employees and volunteers to each Olympic Games. It is therefore to be expected that one or more of these members might experience difficulties with local authorities with the application of the country's laws. For this reason, it is important for the ombudsman, upon arriving at the Games, to make contact with a reputable legal office or lawyer in the city. In my case, 24 hours after my arrival in Torino, I had already met three lawyers who specialize in Italian criminal law. I was provided with their mobile phone numbers, and they made themselves available at all times throughout the Games on a pro bono basis.

The ombudsman may also be consulted on internal administrative issues, and his or her role is to put members of the Canadian team in contact with the right people, whether for matters involving insurance, transportation, or even claims related to the COC's various insurance policies. Upon arrival, the ombudsman must immediately identify the chef de mission, assistant chef de mission, CEO of the COC, COC sport director, and the COC communications director. Identifying these people and obtaining their mobile phone numbers are important preliminary steps that will help assure a prompt and effective response to any situation that might occur.



And finally, while unfortunate, it may happen that coaches and athletes become part of disputes requiring the application of the COC's harassment policy. The team ombudsman must guide each of the parties and ensure they remain well informed, while keeping in mind that the ombudsman role ends with the closing ceremonies and therefore does not extend beyond the Olympic Games.

The role of the team ombudsman is important in that it is a contributing factor to allow the Canadian team to perform to its full potential. A great deal of concentration is required by both athletes and their support personnel to earn medals, and external factors must be effectively eliminated to the greatest extent possible. Even today, the COC is one of the few National Olympic Committees to recognize the impact unexpected legal factors can have on a team's balance; in my opinion, our ever-increasing medal is a tribute to the COC's vision and leadership.