

2021 Canadian Anti-Doping Program: Summary of Major Changes (Final)

The Canadian Centre for Ethics in Sport (CCES) has collected the views of the national and multi-sport community to help inform the 2021 Canadian Anti-Doping Program (CADP). The 2021 CADP incorporates all elements of the finalized 2021 World Anti-Doping Code (2021 Code) and comes into effect on January 1, 2021.

The following is a summary of major changes from the 2015 CADP to the final version of the 2021 CADP:

- The requirement that athletes must be subject to the CADP for six months prior to participation in an international event remains. However, the requirement has been made more flexible to allow for exceptions in instances where the strict application of this rule would be unfair or unreasonable. The comment includes the reasoning for keeping the six-month timeframe. (Part A, Section 4.4)
- The six-month requirement has been moved into its own subsection. (Part A, Section 4.4)
- Following any anti-doping rule violation, there is an automatic requirement placed on the Sport Organizations to conduct a review and to report the outcome and any steps for improvement to the CCES. (Part B, 5.3.i and 6.4.6)
- Athletes who join a sport organization are subject to the rules of the sport organization, and thus subject to the CADP (Part B, 6.4.1). In addition, national athlete pool (NAP) members who are subject to the CADP shall expressly agree in the Athlete Contract to remain subject to the CADP (regardless of their membership status in a Sport Organization) until they are removed from the NAP or they retire, whichever is earlier.
- There is a new requirement to have “designated Athlete Support Personnel” who are working with NAP members sign annual contracts to confirm the individual is subject to the CADP (Part B, Section 6.4.3). This only applies to a relatively small number of all the coaches and trainers and individuals assisting athletes in Canada.
- While Comment 23.2.2 of the 2021 Code permits International Federations to use data from a doping control test to monitor eligibility relating to gender verification and other eligibility rules, the 2021 CADP makes it express that the CCES will not use such data for anything other than legitimate anti-doping purposes. (Part C, Introduction; Comment to Rule 5.1)
- The new Athletes’ Anti-Doping Rights Act has been incorporated into the CADP Rules in Part C. The meaning of the three additional Recommended Rights has been expressed. (Part C, Introduction)

- There is a requirement to ensure that certain staff and volunteers at the CCES and within adopting Sport Organizations fall under the jurisdiction of the CADP. While these individuals will not be subject to testing, they will be bound by these anti-doping rules. (Part C, Rule 1.3.1)
- Retired athletes seeking an exemption to the rule which requires them to provide six months' notice prior to returning to international or national competition will not be permitted to compete until the decision to grant an exemption has been made by WADA and, if applicable, any subsequent appeal has been heard. (Part C, Rule 5.6.1)
- Wording has been updated throughout to better reflect terminology used by the Sport Dispute Resolution Centre of Canada with respect to Doping Tribunal, Doping Panel and Doping Appeal Panel. (Notably in Part C, Rules 8.1 and 13.2.2)
- Athletes can request a public hearing, which consists of a publically accessible audio link to the Doping Panel's proceedings. (Part C, Rule 8.2.2.3)
- The 2021 CADP includes a new approach to deal with results management hearings and appeals and the ability of the parties involved to seek reimbursement of certain expenses from the other party. (Part C, Rule 8.2.4.8)
- In an effort to hold sport organizations accountable for their participants, fines have been incorporated if significant doping is occurring in that sport and the Sport Organization fails to conduct the required internal review (or fails to implement recommended actions.) (Part C, Rule 10.12)
- The CADP includes a new category called "substances of abuse." Athletes who commit violations for these substances have the ability to reduce their sanction should they complete treatment programs. (Part C, Rule 10.2.4)
- In the normal course, three arbitrators shall hear all doping appeals. However, if all parties involved in the decision under appeal agree in writing, a single arbitrator may be appointed by the Doping Tribunal to sit as the Doping Appeal Panel. (Part C, Rule 13.2.2.1.1)