

Provincial Women's Softball Association 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.

The Provincial Women's Softball Association 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 of the Provincial Women's Softball Association's operations and relationships.

Managing risks requires planning, foresight and diligence from Directors and other representatives of the Provincial Women's Softball Association. This document is the Provincial Women's Softball Association's 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 the Provincial Women's Softball Association.
3. Provide timelines for reviewing and updating key items relating to this risk.
4. Perform an educational function for the Provincial Women's Softball Association.
5. Over the longer term, contribute to enhancing a “risk management culture” within the Provincial Women's Softball Association and the sport.

This policy is not a replacement for the Provincial Women's Softball Association's existing policies and procedures, many of which contain risk management measures, but is an accompanying piece to these other documents.

Responsibilities for Risk

As with any sport organization, the Provincial Women's Softball Association has three areas of responsibility. Failure to fill these responsibilities, either through direct measures or through leadership, can result in harm to persons and/or loss to the Provincial Women's Softball Association, or both. These responsibilities are:

- *To provide a safe environment* - this means having and implementing policies, standards and rules that promote safe programs in safe facilities, overseen by qualified personnel and trained volunteers.
- *To manage conflict effectively* - this means having and following proper policies and procedures when making decisions that affect members, and handling disputes that may arise from such decisions.
- *Protecting assets of the organization* - this means safeguarding money, equipment, facilities (where applicable), data and intellectual property (where

intellectual property includes trademarks, copyrights, confidential and proprietary information, patents, personality rights and goodwill).

As a governing body for the sport of women's softball in Ontario, the Provincial Women's Softball Association's responsibilities are not limited to its own activities.

In addition to having responsibilities for its own activities, programs and persons (over which it has direct control), the Provincial Women's Softball Association is also expected to demonstrate leadership in promoting risk management in the activities and operations of Softball Associations, clubs, leagues and teams (over which the Provincial Women's Softball Association does not have direct control).

Existing Policy Framework

The Provincial Women's Softball Association presently has the following policy documents that relate to risk management:

- Privacy Policy
- Confidentiality Policy
- Appeal Policy
- Police Records Checks
- Member Conduct
- Risk Management
- Social Media Policy
- Discipline/Suspension Policy
- Accessibility Policy
- Discrimination & Harassment Policy
- Inclusion Policy
- Safe Sport Policy

Risk Areas

An external risk management consultant, who has identified the following as priority risk areas, has reviewed the Provincial Women's Softball Association's operations. This is not an exhaustive list and over time, additional areas may be identified.

Risk Area 1 - Governance and Dispute Management

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, which are essential to managing risks.

Action:

1. The Provincial Women's Softball Association agrees to review and update its By-Laws annually to ensure that they remain current and reflect the Provincial Women's Softball Association's evolving needs.
2. The Provincial Women's Softball Association, along with the other Member Associations of Softball Ontario have executed a Letter of Agreement that outlines the terms and conditions of their working relationship, as well as their respective roles and responsibilities. This Letter of Agreement is not only conducive to good governance but is also a requirement of recognition and funding from the Government of Ontario *Ministry of Heritage, Sport, Tourism and Culture Industries*. Softball Ontario and the Member Associations will work in good faith to implement this Letter of Agreement and will ensure that it is reviewed and renewed for subsequent years so as to ensure the Association remains in compliance with provincial recognition and funding requirements.

The President will ensure that the Provincial Women's Softball Association fulfills all statutory requirements including compliance with privacy laws and corporate filing and reporting requirements, and will report on these fulfillments regularly.

Risk Area 2 - Programs and Activities

Importance to risk management:

The Provincial Women's Softball Association's mandate is fulfilled through its programs and competitions. To manage risks effectively, the Provincial Women's Softball Association must provide sound policies to guide its own activities as well as strong leadership to influence the activities of its Members.

Action:

The Provincial Women's Softball Association will implement and maintain, on a regular basis, risk management policies and practices that are consistent with, and equal to, those of Softball Ontario as required by the Letter of Agreement and the Government of Ontario *Ministry of Heritage, Sport, Tourism and Culture Industries*.

Risk Area 3 – Contracts

Importance to risk management:

Contracts are a common business tool that routinely identify and allocate risks among the parties to a contract. When the Provincial Women's Softball Association executes a contract, 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.

Action:

1. The Provincial Women's Softball Association will carefully review all contracts that it executes.
2. The Provincial Women's Softball Association will not terminate any contract prior to its stated termination date without first obtaining legal advice.
3. All contracts negotiated and approved for the Provincial Women's Softball Association will be signed by the President and the Treasurer or appointed alternate.

Risk Area 4 – Intellectual Property

Importance to risk management:

Intellectual property refers to the intangible assets of the Provincial Women's Softball Association 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 the Provincial Women's Softball Association 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.

Action:

1. Using contracts and other written agreements, the Provincial Women's Softball Association will ensure that copyright in creative works (publications, website, manuals) is owned by the Provincial Women's Softball Association, not be the creators of the work. To this end, all existing contractor agreements will be reviewed and new contractor agreements will be issued (when necessary) in such a way as to clarify the Provincial Women's Softball Association's ownership of all intellectual property generated by the contractor.
2. The Provincial Women's Softball Association will consult with its website host to ensure that its membership data, and other confidential information on the web site, is secure from unauthorized access.

General:

1. Each year as insurance is renewed, the Treasurer will review overages with the insurance brokers to determine if there are any emerging risks or issues to be addressed.
2. All Directors will be provided with a copy of the Volunteer Canada publication *Legal Liability and Risk Management: A Handbook for Directors. (2002)*.

This policy will be reviewed by the Board every three years and be updated as appropriate. The Board may obtain independent risk management advice in this review.

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