

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

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Adjudicator makes interim decision

Adjudicator M. Lynne Harrison has concluded that she has jurisdiction to hear two human rights complaints against the Manitoba High Schools Athletic Association Inc.

In a preliminary hearing, Adjudicator Harrison dealt with three objections to her jurisdiction to hear these complaints. The first was that the complaints were directed at the wrong party. The second was that the MHSAA appeal process had not been exhausted. The final was that the MHSAA does not provide services to the public. She concluded that the MHSAA is properly named in the proceedings, that the issue at hand was whether the MHSAA rules were discriminatory and not whether any appeal was pursued and finally, that the services the MHSAA provides to high school students are public in nature, and therefore do fall within the scope of *The Code*.

In the original complaints, it is alleged that the Manitoba High Schools Athletic Association Inc., contravened section 13 of *The Human Rights Code* by subjecting Jesse and Amy Pasternak to differential treatment based on their sex (female). The sisters were denied the opportunity to try out for the high school men's hockey team because the MHSAA rules do not allow females to play male high school hockey if there is a female team at the same school.

The Manitoba Human Rights Commission is pleased with the interim decision. The hearing is scheduled to resume on June 19, 2006, 10:00 a.m. in Room 307, 175 Hargrave Street, in Winnipeg.

The decision is available on the Commission's website: www.gov.mb.ca/hrc

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