

THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

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Dianna Scarth the Executive Director of the Manitoba Human Rights Commission says “it is unfortunate that the Manitoba High School Sports Association has decided to file for judicial review regarding the Decision by Adjudicator Lynn Harrison.

Adjudicator Harrison found that the MHSSA was not justified in refusing to let girls try out for the boys’ high school hockey team.

Although the MHSAA argued during the hearing that women’s hockey would suffer should the girls be allowed to play on a boys’ team, Adjudicator Harrison found that there was no objective evidence that women’s hockey would suffer, that boys would take over girls teams or that boys would end up being disadvantaged as a group when it comes to opportunities to play hockey. The same issues arose in 1988 when the Ontario Women’s Hockey Association prohibited Justine Blainey from playing for a men’s team and similar concerns were expressed at that time. Adjudicator Harrison wrote that she “expected to hear evidence to indicate that such concerns had been shown to be justified over time.” She noted that this evidence was not introduced.

According to Ms. Scarth a judicial review can be filed but the grounds for doing so are very narrow. They include errors in law, jurisdiction or unfair process and jurisdictional argument was dealt with last June.