

THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

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## **Manitoba Human Rights Commission Forced to Defend Pasternak Decision in Court**

The Manitoba Human Rights Commission will defend a recent human rights ruling that high school girls should be allowed to try out for the boy's hockey team at their school, whether or not the school has a girls' team. The Manitoba High Schools Athletic Association filed court documents on October 20, 2006 asking the Manitoba Court of Queen's Bench to review and overturn the decision.

The Association has not yet provided its legal grounds for the judicial review. In defending the Pasternak decision, the Commission will do whatever it can to have the court matter resolved on a timely basis.

Adjudicator M. Lynne Harrison had already ruled in June, in response to a preliminary challenge to her jurisdiction, that the Human Rights Code applies to the activities of the Association. In her ruling on the complaints released on September 22, 2006, Adjudicator M. Lynne Harrison wrote that the Manitoba High Schools Athletic Association's rule barring girls from trying out for their high school boys' hockey team was unreasonable sex discrimination that violated *The Human Rights Code*.

Dianna Scarth, Executive Director of the Commission, has reviewed the decision with the Commission's legal counsel. Ms Scarth said that the decision is very carefully reasoned and comprehensive. "It is based solidly in the law and the evidence presented at the hearing," she said.

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