

## Twins win last word in right-to-play case

By [PAUL TURENNE](#), SUN MEDIA

The Manitoba High Schools Athletic Association says it will change its policies concerning female athletes in the wake of a court decision yesterday that upheld a previous ruling stating girls should be allowed to try out for boys' hockey teams.

Court of Queen's Bench Justice Joan McKelvey released a decision yesterday upholding a previous human rights tribunal ruling that found identical twin sisters Amy and Jesse Pasternak had been discriminated against when they were prevented from trying out for the West Kildonan Collegiate Institute boys' hockey team in 2004.

The MHSAA appealed for a judicial review of the original ruling, arguing among other things that allowing girls to try out for boys' teams would be detrimental to women's hockey.

### CASH AWARD

McKelvey refuted that claim and upheld a recommendation that girls be allowed to at least try to make boys' high school hockey teams in Manitoba. She also upheld a cash award of \$3,500 to each sister for personal damages.

In her judgment, McKelvey wrote that being evaluated on the basis of one's merit is "the essence of substantive equality" and that the MHSAA denied the Pasternaks that chance based on their gender.

"While our initial response is disappointment, we need to carefully consider the ruling and the impact that it will have on high school sports in Manitoba," MHSAA executive director Morris Glimcher said in a prepared statement. "This decision will change how we administer and organize sport programs in Manitoba high schools. The MHSAA will make whatever accommodations and/or adjustments necessary to comply with this ruling."

Glimcher did not go into detail yesterday in terms of what changes would be forthcoming or how many sports it might affect.

The original human rights tribunal decision applied only to hockey, but noted the MHSAA should be open to examining the circumstances of each particular sport if and when similar concerns arise.

The Pasternak twins were unavailable for comment yesterday.