

# Women's Hockey

## Heating up the Equity Debate

by Megan Williams

*Cet article examine les récents processus légaux qui tentent d'augmenter les chances de jouer au hockey des femmes et des fillettes canadiennes.*

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It is April 5, 1995 and inside Toronto City Hall Meeting Room Four, five male councillors sit around a long teak conference table. The concrete slabs that jut squarely out along one wall loom as grey as the atmosphere in the room. At the back of the room, concerned citizens sit squeezed into rows of chairs. They quietly await their turn to present their views to the City's Neighbourhood's Committee and, they hope, influence its recommendations to City Council.

The humdrum of the proceedings belies the significance of the next item on today's schedule. Spurred by community groups' demands that city owned rinks serve community members more fairly, the Toronto Parks and Recreation Department is firmly prodding its seven ice rinks to open their doors to girls and women. In requiring rink managers to respond to female needs—needs that have long been secondary to the dictates of male hockey—the municipality's action represents a rare move to help increase female access to ice rinks. But it is also a move that lacks explicit repercussions for those who fail to comply.

On today's agenda, the department has put forth a number of recommendations that request ice rink management boards to increase access for female hockey enthusiasts. This would involve rink owners to hand over ice time to female leagues before giving it to men and reporting

yearly on what has been done to increase female access. To many rink managers and male hockey players this is an unwelcome trend: women claiming their right to equal participation in Canada's national pastime.

Just outside the meeting room doors Fran Rider, the Executive Director of the Ontario Women's Hockey Association (OWHA), and Joey Gladding, a member of Toronto's Moss Park Women's Hockey League talk in hushed tones about their presentations. Rider and Gladding have come to City Hall to support the Parks and Recreation Department's recommendations. When the item is at last called by Committee Chair Kay Gardner, they slip anxiously into seats at the back of the room.

The first to make a presentation is Barbara Haber of the City of Toronto's Committee on the Status of Women. Haber makes reference to the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms where the argument for fair and equal access for women has its foundation. The reference is a pointed reminder to city councillors of potential human rights challenges, challenges that have been successfully launched in the past for individual girls. Rider speaks next, and uses the occasion to quietly stress the need to change the decades-old rule of automatically rebooking ice time for groups that used it the previous year. The rule has blocked female players from getting on the ice, she says. The move is particularly important for Toronto, argues Rider, because it is seen as the world leader in the women's sport, and as such must pave the way in increasing opportunities for girls. Joey Gladding then stands before the councillors and recounts her struggle to play organized hockey two years ago. Every hour her team gained was hard fought, she says, and often the members were

forced to play in neighbouring communities outside Metro Toronto at inconvenient hours.

As Gladding ends her deputation, Toronto City Councillor Pam McConnell springs from her seat along one wall and swings into a chair among the counselors. She is part of the Neighbourhood Committee, a mother of a girl who plays hockey, and she has come to present her concerns.

"I am very pleased about these presentations," she says, her voice carrying clearly through the room, "and that we're finally getting to the bottom of the issue of what happens to young women in terms of their bodies and physical health and looking at why so many are dropping out of sports at puberty."

McConnell goes on to say that she believes the high drop out rate of girls in sport is in part an issue of competitiveness, that girls are socialized to avoid overt competition. But, she continues, lack of facilities can also explain why so many young women leave sports.

"I can recall having to walk one and a half hours to get a chance to skate in an outdoor rink as a girl," she continues. "Then I'd have to put on those skates with picks on the toes that I was constantly tripping over. We girls were sort of like Bambi—shoved to the margins of the rink while the boys skated and played their hormonal games in the middle."

Chuckles bounce lightly around the room, and the councillors perk up, two exchanging quizzical looks of indignation over the jab at men's hormones. But McConnell has got their attention. Before heading back out of the room, she leaves them and the public with a the real question about the ice time issue: Who owns sports?

While the question of sports ownership and control underlies the strug-

gle for equity in all sports in Canada, in the case of hockey, it cuts to its core. Canada's "national pastime" has come to epitomize an almost gross caricature of maleness, and the thrust to groom boys for the professional leagues has allowed many male amateur hockey organizers to glide over girls' and women's appeal to play the game. Although female hockey has survived since the turn of the century, it has done so with virtu-

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ally no support—and indeed, much covert resistance—from supporters of the male game. Recently, however, a significant shift has occurred. Women's hockey is no longer just surviving, it is flourishing. Unprecedented numbers of women across Canada have laced up their skates and charged onto the ice. In the past five years alone, female participation in hockey has risen 200 per cent and now totals more than 25,000 registered players in Canada. Ontario, a hub of women's hockey in Canada, boasts almost 700 teams in leagues outside of schools—a dramatic rise from fewer than 200 in 1981. The surge of women into the sport has meant that for the first time in its 100 year history, women are refusing to accept leftover ice time and money with humble gratitude.

While the heat is on those whose attitudes towards women in sports lies frozen in the past, the cold wall of resistance is proving difficult to melt. Women and girls are continuing to be dealt fewer resources and programs, inferior facilities for competitions, and events scheduled at unsuitable times. They number few in administrative positions, have little voice in policy-making, and fill a tiny percentage of coaching positions across the country. In the media, they have been virtually overlooked. But nowhere is this lack of equity more apparent than in the allocation of ice time. Both large and small

communities have steadfastly resisted opening the doors of their rinks to women and girls. In some cases, the opposition takes the form of assigning a girls' team a one hour time slot late Friday nights. In other instances, it has triggered acrimonious debate in communities claiming to "protect" the ice time of boys who at least have a shot at the revered all-male NHL.

Although access remains the underlying problem, the focus of the legal debate has shifted over the past two decades from allowing girls on boys' teams, to securing sufficient ice time for girls' teams. When participation in women's hockey began to pick up in the early '70s, the dearth of female teams meant that for some girls to play, they had to join boys' teams. Three court cases of the late '70s, *Cummings v. Ontario Minor Hockey Association (OMHA)*, *Forbes v. Yarmouth Minor Hockey Association* and *Quebec (Commission des droits de la personne) c. Federation quebecoise de hockey sur glace Inc.* all involved girls seeking to play hockey on boys' teams.

In each case, the organization attempting to bar the girls from boys' teams claimed to be subject to Canadian Amateur Hockey Association regulations which limited members to "every male person." In the *Forbes* and the *Quebec* cases, the judges involved interpreted "services available to the public" broadly and ordered both hockey associations to open their programs to girls. The *Cummings* case was not as straight forward. After a Board of Inquiry decision that the Ontario Minor Hockey Association had discriminated against *Cummings*, the Ontario Divisional Court reversed the decision and held that the OMHA was private and did not provide a public service. The decision was upheld by the Ontario Court of Appeal.

It was not until 1986 when 12-year-old Justine Blainey and her mother took the Ontario Hockey Association (OHA) to task that this ruling was challenged. Blainey had successfully tried out for a boys' hockey team in the Metropolitan Toronto Hockey League, an affiliate

of the OHA. To register with the team, she needed a Canadian Amateur Hockey Association (CAHA) player's card, which could only be obtained through the OHA. The rules of the OHA restricted eligibility to males, however, and Blainey was banned from joining the team.

In her challenge, Blainey asked the Divisional Court of Ontario to find the OHA regulation contrary to the Canadian Charter of Rights and Freedom. On behalf of Blainey, The Canadian Association for the Advancement of Women and Sport (CAAWS), with the help of Women's Legal Education and Action Fund (LEAF) argued that provincial sport associations were subject to the equality provisions of the Charter just as government agencies were because they were heavily funded by the government. The court rejected this view, and held that both the CAHA and OHA were private, autonomous organizations that were not subject to the provisions of the Charter. Blainey also asked the court to declare section 19(2) of the Ontario Human Rights Code, which allowed athletic organizations to restrict activities to the same sex, contrary to the section 15 of the Charter. The court agreed that the Ontario Code did violate the Charter, but held that based on evidence of physiological differences, the impact to the local league in which

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Blainey played, and historical precedent, section 19(2) of the Ontario Code, and hence the rules of the OHA, were justified. Blainey appealed this decision to the Ontario Court of Appeal. This time the court found that section 19(2) was "grossly disproportionate to the end sought to be served" and struck it down. "In substance, it permits the posting of a 'no

females allowed' sign by every athletic organization in the province," J.A. Dubin said in the majority decision. The Supreme Court of Canada upheld the Ontario Court of Appeals decision, thus paving the road for girls to play on the boys' team.

The Blainey case achieved two important results: it eliminated an exemption in the Ontario Human Rights Code that had permitted sport organizations in Ontario to discriminate, and it established that a private sport organization was discriminating against girls in not allowing them to participate in its programs.

A less positive result of the case stemmed from the Divisional Court of Ontario's view that unlike government agencies, private sport organizations were not subject to the equality provisions of the Charter, regardless of how much government funding they received. This meant that overwhelmingly male organizations such as the CAHA had no obligation to include girls and women in their program. In 1987, the year that Blainey won her case, the CAHA received over one million dollars from Sports Canada, with an additional \$560,000 going to Hockey Canada to fund the men's national team. The Women and Sport category within the CAHA was blank for that year.

In hindsight the Blainey campaign was clearly aimed at broadening girls' opportunity to play hockey. For Blainey, playing on a girls team meant highly restricted ice time compared to her brother, and more traveling time to rinks at inconvenient locations and hours.

"I used to watch my brother's games and practices and realized that he was playing twice as often and getting more practices," recalls Blainey. "My practices would be at 5:30am, his would be at 11:00am. My tournaments would be a four-hour drive away, his would be close-by. Mine would be outside, his would be inside. And there was a huge difference of what was expected in terms of quality."

Despite the glaring inequities, Blainey's plight forged a bitter rift

among female hockey advocates. The Ontario Women's Hockey Association, barely a decade old, feared destruction of its fledgling league. If girls had the option of playing on boys' teams, President Fran Rider argued, the girls' teams would be drained of the better players—or worse, the majority of girls would quit if faced with mixed competition. The Canadian Association for the Advancement of Women and Sport (CAAWS), on the other hand, supported Blainey's aim, and fought hard to have the Ontario Human Rights Code changed.

Although Rider's concerns have proven to be unfounded, the Blainey victory hardly solved the access problem for female hockey players. Girls and women's teams continue to be squeezed into—or out of—schedules bursting with male teams' practices and games; community rinks still shirk women's requests for more ice time, claiming there is nothing they can do to alter decade-old rules of first come, first served.

"I was told by one community rink that the ice-time had been allocated like that since 1902," says Rider, appalled. "They said it worked for them, so they saw no reason to change."

Earlier this year, Rider and Phyllis Berck, Recreation Manager for Toronto's Parks and Recreation Department and the driving force behind its move to get ice time for female players, met with the rink owners to discuss the need for more ice time for girls. They came up against a stony wall of silence.

"It was basically a closed door," Rider recalls. "There was simply no dialogue possible."

This same wall of silence greeted the only women's hockey team in Parry Sound four years ago when its team members requested a change in ice time from Sunday evenings, when many of its members had family obligations, to a night during the week. When team representative Chris Cardy asked why a switch in time was not possible, Town Council told her that the men who played in that time slot "owned it." Getting nowhere with

local officials, Cardy and teammates launched a complaint with the Ontario Human Rights Commission. While the decision was pending, the team was obliged to drive a half hour out of town to a smaller rink that permitted them to play.

"It went on and on," says Cardy. "Every time we tried to set up a meeting in town, the guys would say, 'We can't have it then, that's hunting season, or that's when the guys work.' As if the women don't work!"

At one point a male hockey player attempted to launch a counter case, claiming that the men were victims of discrimination at the hands of women usurping their ice time.

"You know," Cardy comments wryly, "they only could play on three teams each, six times a week. Real tough."

After a three year wait, Cardy and teammates won the case last year and now claim Tuesday nights at 8:30 for their one-hour practices. But the resistance did not end with the Commission's decision. Harassment from male players who would leave their changeroom doors open, grabbing at their jock straps and leering, "Take this baby" did not abate until Cardy sent a letter of complaint to the arena management, copied to the police and Town Council.

Although examples of rink management and town councils refusing female players ice time are commonplace across the county, subtler forms of restricting time have been employed for years. While men's hockey enjoys three twenty-minute stoptime games, women have been given the short shrift with three ten-minute stop time periods. In past ten years, the elite athletes that compose the Central Ontario Women's hockey league at the senior AA level have been inched up to playing thirteen-minute periods. According to Fran Rider of the OWHA, for years male organizers claimed that shorter periods were all girls could handle, arguing female players did not possess the stamina to last three 20-minute periods.

"If there's a shortage of ice, people will come up with lots of different

reasons to turn women down," says Rider. "That was one you heard quite a bit."

Another tactic rinks have employed to justify refusing ice time is residency restrictions. Rider and others have opposed rules that would require women and girls to reside in the area in order to play at a particular rink because in some communities there are not yet enough women to form full teams. Women hockey advocates find themselves caught in a vicious circle of attempting to nourish the growth of the sport while being unable to provide players with facilities. Cheryl Harper, President of the women's Toronto Red Wings league faced this in 1994 when asked to launch a girls' house league in Toronto. She jumped at the chance and began at once to send out word that a league was forming. Before she could complete it, however, the arena changed its mind when they discovered there weren't enough players already in place.

"Sport develops with opportunity,"

says Phyllis Berck. "That's the catch 22 of women's hockey. People don't join hockey and then not have a venue to play."

Sue Scherer, former national team player and program consultant of FAME, (Female Athletes Motivating Excellence), says the source of the access problem is no mystery. It is directly linked to the push to get boys into what she calls "the biggest entertainment business in the country"—the NHL.

"Boys playing AAA or highest level from Novice (as young as six or seven) and up play 80 games schedules and average six hours a week of practice ice time," says Scherer. "When they [male hockey organizers] talk about not having enough ice time, it's not hard to figure out where it's all going."

Indeed it is not. And while lack of ice time is clearly a loss for girls and women who want to relish the simple joy of flying down the ice, it is also a loss of the game itself. For hockey is a game—one that can and should be enjoyed by all community members

who wish to participate. But the fierce drive toward the pro-leagues and the intense sense of ownership of many male hockey advocates have all but numbed Canadians to this fact. The game of our lives has really been the game of *their* lives, a game from which half the country have been coolly shut out. It is time to open the doors and welcome the ebullient female rush toward the ice. It is time for women and girls to claim *our* place in Canada's national pastime.

*Excerpted from the upcoming book, tentatively titled Breakaway: Women Making Hockey History, by Elizabeth Etue and Megan Williams, to be published in 1996 by Second Story Press (Toronto), and will provide an inside look at the lives of players, coaches, and the politics of women's hockey.*

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