

Women Ski Jumpers' Legal Position 'Misstated' by VANOC Vancouver – The legal position of the women ski jumpers seeking to participate in their sport in the 2010 Olympics has been 'misstated' by VANOC in its response to their appeal arguments, according to Ross Clark, Q.C., legal counsel for the athletes and a partner with Davis LLP in Vancouver.

“There are two fundamental constitutional concerns at issue in this appeal,” Clark explained with reference to arguments filed recently with the BC Court of Appeal. “But oddly VANOC does not address those concerns – rather its arguments continue to address what it perceives the ski jumpers want. This misstatement of what the athletes want is a common thread throughout their various arguments.

“Our position is unambiguous. The women ski jumpers say VANOC’s hosting of ski jumping events only for men denies them their right to the equal benefit of the law on the basis of their sex,” he pointed out. “We appreciate that VANOC does not have the authority to add a women’s event, but this does not relieve VANOC of its obligation, as an entity carrying out a governmental activity, to comply with the Charter.

” Clark explained that VANOC’s argument asserts that because the International Olympic Committee decided to include only men’s ski jumping and because the contracts oblige VANOC to comply with the IOC’s decision, there is no Charter violation.

“With respect, that begs the real question: do VANOC’s mere contractual obligations to a foreign entity, not accountable to Canadians, trump VANOC’s constitutional obligations as an organization carrying out a government activity?” Clark said. “The answer is clearly ‘no.

”” Ski jumping is the only Olympic sport that does not have both men’s and women’s events. In 2008, 15 elite women ski jumpers launched a lawsuit against VANOC seeking to participate in the 2010 Olympics. The case was heard in April 2009 and that decision – which acknowledged the gender discrimination and VANOC’s status as a government entity – will be appealed in the BC Court of Appeal Nov. 12 and 13.