



WTF Taekwondo Association of Canada v. MTAI

Introduction

- Claimant:** WTF Taekwondo Association of Canada
- Respondent:** Manitoba Taekwondo Association (1982) Inc. (MTAI)
- Type of Dispute:** Interpretation
- Arbitrator:** Richard W. Pound, Q.C.
- Date of Decision:** December 18th, 2008



WTF Taekwondo Association of Canada v. MTAI

Dispute Summary

Following a dispute which lasted several years, the WTF Taekwondo Association of Canada suspended the voting and member privileges of the Manitoba Taekwondo Association Inc. (MTAI). The parties agreed to binding arbitration through the Sport Dispute Centre of Canada (SDRCC).





WTF Taekwondo Association of Canada v. MTAI

Background Facts

“It is clear that, over the years, far more heat than light has been generated on the issues germane to this proceeding.” Arbitrator, Richard W. Pound

Tensions existed for a number of years within the Manitoba Taekwondo Association Inc. (MTAI) and between MTAI and the WTF Taekwondo Association of Canada (TKD Canada). On numerous occasions, TKD Canada expressed concern with some of the conduct and activities of MTAI.

Specifically, there were several cases where qualified instructors were denied membership in the provincial association, which raised allegations of discrimination. TKD Canada had also expressed concern about an independent form of certification in Manitoba not recognized by the international federation.

For its part, the MTAI expressed a willingness to cooperate, but had not taken the necessary actions to address the issues.

At its Annual General Meeting on July 2nd, 2007, TKD Canada suspended MTAI’s voting and member privileges.

Background Facts

The parties agreed that the arbitration would focus on the following matters:

1. the structure of membership categories in MTAI and the related voting rights of members,
2. conflicts (or possible conflicts) of interest within MTAI and discrimination between classes of membership and
3. independent MTAI certifications.





WTF Taekwondo Association of Canada v. MTAI

Claimant's Position

TDK Canada's case was based on the following arguments:

- Several compelling cases where athletes were excluded from the provincial association's programs because their instructors were denied membership by MTAI;
- TKD Canada's perception was that the exclusions occurred after these instructors left the clubs of MTAI Board members to join other clubs;
- Membership decisions were a matter of subjective discretion exercised by MTAI, with no available guidelines; and,
- The current MTAI constitution continued to allow such practices to occur and TKD Canada had to intervene to protect athletes suffering from the exclusionary practices; and,
- Independent MTAI certifications did not comply with national or international standards.



WTF Taekwondo Association of Canada v. MTAI

Respondent's Position



The Manitoba Taekwondo Association's case was based on the following arguments:

- TKD Canada was prejudicial and biased in its handling of these matters;
- The national governing body “overstepped its boundaries” by incorrectly alleging that certain individuals had been denied membership in MTAI; and,
- Extensive representations that suggested progress was being made toward a solution and that a constitutional committee was to be struck to resolve the outstanding issues.



WTF Taekwondo Association of Canada v. MTAI

Arbitrator's Analysis

In spite of assurances to the contrary from MTAI, arbitrator, Richard W. Pound, Q.C., concluded that its constitution was inconsistent and incompatible with that of TKD Canada.

With regards to the allegations of discrimination, Mr. Pound determined, having heard the evidence and examined the documents produced, that there was active discrimination on the part of MTAI regarding the witnesses who testified at the hearing.

Finally, he sided with TDK Canada for its decision to suspend voting and membership privileges:

After several years of attempting to find solutions to the issues between it and the MTAI ... I have concluded that [TDK Canada] was acting within its rights ... and that its decision in that regard was not unreasonable."



WTF Taekwondo Association of Canada v. MTAI

Ruling

Mr. Pound ruled that TDK Canada's decision to withdraw MTAI's voting and membership privileges would remain in full force and effect until the required measures had been taken to resolve outstanding issues.

He further indicated that, should it remain unsatisfied, TKD Canada, as the national organization, had the right to recognize another sport organization as the official provincial governing body for taekwondo in Manitoba.





WTF Taekwondo Association of Canada v. MTAI

Lessons Learned

1. A National Sport Organization derives its authority from the international federation of its sport. It becomes the official ruling body for this sport in Canada, so provincial organizations must follow the rules and policies of the NSO in order to benefit from membership status.
2. Sport organizations at all levels of the sport system have to be mindful of real or perceived conflicts of interest within their decision-making structure and they must have internal mechanisms to deal with them effectively.

