



Present

Elizabeth Brandeis	President
Jasmin Tecson	President-Elect
Carol Couchie	Vice President
Genia Stephen	Secretary
Mandy Levenson	Treasurer
Janis Dalacker	Member at Large
Liz Fraser	Member at Large
Kim Cloutier-Holtz	Member at Large
Sarilyn Zimmerman	Member at Large
Bounmy Inthavong	Member at Large
Disha Alam	Member at Large

AOM Staff

Kelly Stadelbauer	Executive Director
Juana Berinstein	Director, Policy & Communications
Allyson Booth	Director, Quality Risk Management
Mary-K	Policy Analyst, Policy & Communications
Anna Ianovskaia	Executive Assistant (recorder)

Regrets

Melodie Smith	Member at Large
Amy Nelson	Member at Large

Guests

Mary Cornish	AOM Legal Counsel, Cornish Justice Solutions
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The meeting began at 1:02 pm.

Mary Cornish led discussions on the possibility of filing an application depending on the Ministry's interpretation of defining eligible parties. An updated list of applicants was requested from Ministry as of August 8, 2019. Neither the Ministry nor Tribunal objected to filing of new complainants at the time.

Recorder's Note: C. Couchie joined the meeting at 1:07 pm.

Recorder's Note: K. Cloutier-Holtz joined meeting at 1:08 pm.

It is clear from the Tribunal decision that if a midwife retired prior to 2012, that they are not entitled to make a claim. The AOM has taken the position that all midwives who provided

midwifery services or were on a Code-protected leave since November 27, 2012, and who filed consents, come within the meaning of an eligible party, and are therefore eligible for retroactive compensation and injury to dignity. If Ministry lawyers disagree, the AOM should file a very targeted Judicial Review.

The Board discussed risks of filing the Judicial Review. Mary Cornish indicated there were not many risks; the possibility is that the AOM would lose on that point. However, in the context of issues being dealt with, the risk is minimal. The greater risk would be in not filing the Judicial Review, and potentially arguing about these issues later on when it came to implementation of the Decision. Additionally, judicially reviewing this narrow part of the decision does not bring risk to the rest of the decision. Mary Cornish confirmed that it is common for decisions to be cross-examined on discrete points.

There were a few cases of members who had issues with filing consent forms. Mary Cornish stated the Tribunal Council would need to be contacted to see if additional forms could be accepted.

Recorder's Note: M.K. Dunn left the meeting at 1:18 pm.

The question of whether the decision would retroactively apply to previous contracts, and thus benefit non-applicants, was discussed. This is not made explicitly clear in the decision. At this point the focus remains on defining the eligible party as best as possible; other issues (e.g. whether it is possible to sue on an adjusted contract) will be clarified at a later point.

Recorder's Note: M.K. Dunn rejoined the meeting at 1:24 pm.

The Board, staff, and legal team parsed through the Decision. E. Brandeis expressed the benefit of demonstrating the AOM's role as supporting members in putting forward this judicial review.

Recorder's Note: Mary Cornish left the meeting at 1:26 pm.

K. Stadelbauer informed the Board that there is a lot of membership angst over the eligibility issue. One of the risks of not filing this narrow JR, is that members could interpret this as the AOM leaving them without any opportunity for access to those remedies.

C. Couchie expressed that the decision to file a JR seemed obvious. This is another way that the government attempts to exclude people. The AOM needs to have solidarity and do what's right. Board members unanimously agreed.

Recorder's Note: M. Levencrowne left the meeting at 1:29 pm.

C. Couchie reminded Board Members that it will likely be a long time before any complainants receive payment. It is necessary to understand that this process takes a very long time. C. Couchie suggested that in the meantime, the AOM can play a role in deciding whether members want to have a contingency fund in order to distribute funds to those who may not have eligibility. The

process of appeals in this case could take something between 5-7 years. Given the significance of the financial sum of the decision, as well as its precedent-setting implications for other sex-segregated workers and equity-seeking groups, it may well be that the Ministry appeals the decision all the way through.

MOTION: *That the AOM Board accept Mary Cornish's advice to file for a narrow Judicial Review around eligibility if a common definition of eligibility with Ministry is not reached.*

MOVED: C. Couchie

SECONDED: S. Zimmerman

CARRIED.

E. Brandeis brought to the Board's attention that the AOM drafted a solitary statement crafted by the AOM for the We'tsuwe'ten People. The statement will be circulated to Board Members by e-mail for approval before publishing.

The meeting ended at 2:03 pm.