



Subject: Letter for non-Applicant midwives in Group A (evidence of efforts made to a consent by the deadline)

Date: August 4, 2020

Dear [Name],

We are writing to you because you contacted the AOM to indicate you made efforts to submit a consent form to be an Applicant in AOM vs MOH at the HRTO prior to the August 8, 2019 deadline. In addition, you have provided some evidence that you made efforts to meet this deadline. Some have provided the AOM with a copy of the signed consent and proof of email and fax transmission, others have provided us only with a copy of the signed consent. Please review below for information regarding next steps.

A. You have a copy of your signed consent and proof of email or fax transmission

Please provide us with the copy of your signed consent and proof of email or fax transmission immediately and **by no later than August 10, 2020 at 9:00 am. If you have already submitted this evidence, we do not require anything further from you at this point in time.** The AOM will be advocating to the Ministry that you ought to be added as an Applicant in the proceedings. We do not know yet whether the Ministry will agree to add you as an Applicant at this late stage, and accordingly we continue to recommend that you file an individual human rights complaint to protect your interests.

B. You have a copy of your signed consent but no proof of email or fax transmission

In order to advance the strongest case possible on your behalf, we require immediately and **by no later than August 10, 2020 at 9:00 am, any additional evidence** that would provide proof of or support your efforts to sign and submit a consent by the August 8, 2019 deadline. **Please provide us with as much of the following information as possible by August 10, 2020 at 9:00 am:**

- Details of the date, time and circumstances in which you signed the consent and transmitted it to the AOM;
- The fax number or email address from which you submitted the consent;
- The fax number or email address to which you submitted the consent;
- The fax transmission cover sheet;
- Circumstantial evidence that supports that you intended to be an Applicant by the deadline, such as:
 - Records of your communications to the AOM regarding the process for becoming an Applicant or your status as an Applicant;
 - Records of your communications with other midwives regarding your efforts to become an Applicant;

- Records from your fax machine that, while may not confirm transmission, record some effort at transmitting the consent.

Affidavit required for midwives without proof of email or fax transmission

Please note that if you do not have a copy of both the signed consent and proof of email or fax transmission, the MOH will likely require a sworn affidavit from you attesting to your efforts to sign and submit the consent by the deadline. As much detail about your efforts as possible will need to be included in your affidavit, including but not limited to the date, time, and fax number or email address from which you sent the consent, and the fax number or email address to which you sent the consent, as well as any other details regarding your efforts to submit the consent by the deadline (as set out above). The AOM's legal team is willing to assist you in preparing the affidavit.

Please note that an affidavit is equivalent to sworn testimony in a court of law. You are required to swear or affirm the truth of the contents of the affidavit before a notary or lawyer. Intentionally misrepresenting or omitting relevant facts in an affidavit could constitute perjury, which is a criminal offence. The AOM recognizes that swearing an affidavit is a significant undertaking. **Please confirm with the AOM by no later than August 10, 2020 at 9:00 am whether you are willing to swear an affidavit in support of your claim to be added as an Applicant.**

AOM Communications to you

As you may have already seen, on July 30, 2020 the AOM sent you a communication regarding the process for opting-in to become an Applicant as well as information about how the AOM has been investigating and responding to concerns from individuals. You can access the communication (log in required) here: <https://www.ontariomidwives.ca/applicant-list>.

In addition, alongside this memo, you will shortly receive a letter outlining the records in the AOM's possession regarding information sent to you about the action you needed to take to become an Applicant and/or the results of searching our records for evidence of receipt of a consent form from you.

Sincerely,



Jasmin Tecson

President



Juana Berinstein

Interim Executive Director