



Subject: Letter to midwives in category B (believe efforts were made to submit consent by deadline)

Date: August 4, 2020

Dear [Name],

We are writing to you because you contacted the AOM to indicate you believe you made efforts to submit a consent form to be an Applicant in AOM vs MOH at the HRTTO prior to the August 8, 2019 deadline. You have also indicated that you have not been able to locate any documentary evidence that you either signed or submitted a consent form.

Given that you do not have documentary evidence, if you would like the AOM to advocate that you be added as an Applicant, you will need to swear an affidavit attesting to your efforts to sign and submit your consent prior to the August 8, 2019 deadline. In order to put the strongest case forward on your behalf, the affidavit must include as much detail about your efforts as possible, as set out below.

The AOM's legal team is willing to assist you in preparing the affidavit. In order to do so, we require as much of the following information as possible by no later than **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, if you have it;
- 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.

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.

If you are willing to swear an affidavit, the AOM is willing to take the position with 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.

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