



## Schedule A Sample Language for HRTO Applicant submission

### Who I am

I am a Registered Midwife practicing in the province of Ontario. I have provided maternal and newborn care as part of the Ministry of Health and Long-Term Care's ("Ministry's") Ontario Midwifery Program ("OMP") during the following period(s):

- **\*\*List period(s) you have provided midwifery services in Ontario, eg. From May 1999 to present, and if possible, the cities/towns in which you provided the services during each period.**

### The Ministry's series of discriminatory acts and omissions

As recently found by the Ontario Human Rights Tribunal ("Tribunal") in HRTO file no. 2013-16149-I, the Ministry of Health and Long-Term Care has discriminated against Ontario midwives, contrary to the Human Rights Code ("Code"), on the ground of sex and association with sex, with respect to employment and contract since approximately 2005 and onwards.

Specifically, the MOH was found to have engaged in a series of acts and omissions which had multiple and cumulative discriminatory impacts on midwives on account of our gender, including but not limited to compensating midwives at discriminatory levels from approximately 2011 onwards. The Tribunal ordered a suite of remedies, including a 20% adjustment to midwifery compensation, including benefits, retroactive to April 1, 2011, human rights damages in the amount of \$7,500 to be paid to each eligible applicant midwife for the injury to their dignity and self-respect, as well as a process for determining any additional adjustments to midwifery pay that are owed for the period of April 1, 2014 onwards. The Divisional Court of Ontario recently upheld the Tribunal's liability and remedial decisions.

The relevant decisions are found here:

- The Tribunal's decision on liability (2018 HRTO 1335), dated September 24, 2018: <http://canlii.ca/t/hvb9p>
- The Tribunal's decision on remedy (2020 HRTO 165), dated February 19, 2020: <http://canlii.ca/t/j5f8b>
- The Divisional Court's decision on judicial review (2020 ONSC 2839), dated June 26, 2020: <http://canlii.ca/t/j8f65>

I also enclose copies of the above decisions as part of my human rights application and rely on the factual and legal findings set out therein.



I am currently not listed as an Applicant in the above proceeding (HRTO file no. 2013-16149-I). I nevertheless rely on the Tribunal's and Divisional Court's factual and legal findings, including the finding that the Ministry engaged in systemic gender discrimination over the course of many years in setting midwives' compensation, including my own compensation during the relevant period.

**[\*\*The Ministry may seek to have your human rights complaint dismissed on the basis of delay. You may wish to provide an explanation for why you are not listed as an Applicant in the original proceeding. It is recommended that you consult with a lawyer and/or the Human Rights Legal Support Centre regarding this issue and your complaint more generally.]**

### **How the Ministry's discrimination has affected me**

I was directly affected by the Ministry's series of discriminatory acts, omissions, and compensation policies and practices toward midwives, as set out in the Tribunal and Divisional Court decisions. I have experienced significant injury to my dignity, feelings and self-respect as a result of the serious and persistent Ministry conduct detailed in the Tribunal's and Divisional Court's decisions. Among other things, I have been underpaid for my services because of my gender, the gender of my clients and the gendered nature of my work. My work as a midwife is an essential component of my sense of identity, self-worth, and emotional and material wellbeing. The effects I have experienced are particularly serious and include the following: humiliation, hurt feelings, loss of self-respect and confidence, loss of dignity, loss of self-esteem, and the experience of victimization and vulnerability. Over my years practicing as a midwife, the Ministry's discriminatory acts, omissions, policies and practices have had significant, cumulative, adverse effects on my material and emotional wellbeing. **<\*\*Please feel free to elaborate on the impacts.>**

### **Remedies**

With respect to remedy, I seek remedies which will make me whole. I request the same remedies ordered by the Tribunal in 2020 HRTO 165, including retroactive compensation for the midwifery services I have performed at discriminatory compensation levels, injury to dignity damages in the amount of \$7,500, adjustments to my compensation going forward, and any interest owing on these payments.