



Wednesday, December 8, 2021

The Hon. Doug Downey, Attorney General
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street
Toronto, Ontario M7A 2S9

Dear Mr. Downey,

The Association of Ontario Midwives understands that jury duty is a vital civic responsibility and strongly supports citizen juries. Despite this, the midwifery model of care, combined with the current midwifery shortage, make jury duty extremely difficult for midwives and the clients for whom they care.

In Ontario, a pregnant person can choose either a midwife or a physician for their care, but not both, as each is funded by the Ministry of Health to provide primary care from conception to six-weeks after the baby is born. Each year, about 25,700 people receive care from about 1,000 midwives in Ontario, representing about 18% of the overall births. This model of care is dictated by rules of the College of Midwives of Ontario, which require that midwives be available to their clients 24 hours a day, 7 days a week, throughout pregnancy, labour and birth. College rules also require that clients in midwifery care have continuity of care from a midwife that they know. Midwives work in pairs or in teams of up to four to ensure this continuity for the client. In these pairs or teams, they share call for their clients so that a midwife is always available for a consult, an emergency, the birth and postpartum period.

The needs of the pregnant person/parent and their baby are at the centre of the midwifery model of care. Clients value the relationship they build with their midwife, the individualized care they receive, and the around-the-clock accessibility. The midwifery model has been developed over time as the best approach to providing safe care. Removing midwives from their practices for an indeterminate length of time for jury selection or to serve on a jury disadvantages Ontarians for whom they are providing care.

The vast majority of Registered Midwives in Ontario are self-employed primary healthcare providers. As such, midwives are not paid when they are not working, which represents a financial hardship for the duration of any time spent away from practice. Midwives bill the Ministry of Health for services they provide to clients (similar to Independent Contractor physicians), and so would not be able to provide invoices, HST forms as evidence of their self-employed status.

It is critical to note that the medical professionals noted in the [Juries Act \(Regulations\)](#), as well as the majority of others referenced in that legislation as exempt from duty, are either part of male

dominated professions or benefit from belonging to a profession that has historically been male dominated (e.g. physicians, police, firefighters). Midwives, as the most female dominated profession, face the same duty of care to their clients as physicians, yet are not considered under these regulations.

Given the circumstances described above, the AOM is requesting that the Attorney General propose revisions to the Juries Act to include midwives, along with Nurse Practitioners, in the list of medical professionals exempt from jury duty. We would welcome an opportunity to discuss this issue further. Thank you for your consideration.

Sincerely,



Juana Berinstein
Director, Policy and Communications



Mary-Kathleen Dunn
Policy Analyst