



RELEASE

Marking the Hearing of *Marsha Cooke v Government of Yukon, Department of Health and Social Services*

October 29, 2025 – Whitehorse, YT – Yukon Human Rights Commission

A hearing into Marsha Cooke's ("Cooke") human rights complaint of discrimination on the basis of sex, including pregnancy, in the area of receiving goods and services will be held from November 3 to November 7, 2025. Proceedings will commence at 9 a.m. in Conference Room 1 of the Sternwheeler Hotel & Conference Centre, 201 Wood Street, Whitehorse, YT. The hearing is open to the public.

Cooke filed a complaint with the Yukon Human Rights Commission (the "Commission") on June 20, 2021 alleging systemic discrimination and that she was discriminated against when the *Midwives Regulation* (the "*Regulation*"), enacted under the *Health Professions Act*, came into effect on April 15, 2021. The *Regulation* prohibited individuals from practicing midwifery unless they were registered and held a license under the *Regulation*. The Insured Health and Hearing Service Midwife – Interim Policy was issued on April 15, 2021, which allowed pregnant individuals to travel with their partner to other jurisdictions in Canada to access publicly funded midwifery services during an interim period from April 15, 2021 to April 15, 2022.

Cooke has five children, of which the first two were born at home with the assistance of a private midwife. Cooke was unable to access midwifery services as a result of the *Regulation*. Thus, Cooke has alleged that the interim period resulted in discrimination against pregnant people by making home births with the assistance of a midwife impossible in the Yukon. Additionally, Cooke later provided a Complaint Addendum alleging continued discrimination as a result of the Yukon Midwifery Program's ("YMP") inability to provide birthing services because of staff shortages.

The Commission Members referred Cooke's complaint to the Yukon's Human Rights Panel of Adjudicators (the "Panel") for a hearing. The Panel is an independent body created under the *Act* to hear human rights complaints. The Yukon Human Rights Board of Adjudication (the "Board") is established from the Panel by the Chief Adjudicator to hear individual complaints referred to the Panel. The Board will consist of Judith Hartling (Chief Adjudicator), Victoria Chan, and Roxane Larouche.

The Commission has asked the Board to decide on four overarching questions: 1) Whether the Yukon Midwifery Program (“YMP”) a service to the public for the purpose of s. 9(a) of the *Act* and, if so, were decisions with respect to implementing the YMP part of that service to the public? 2) Whether the regulation of midwifery is a service to the public for the purpose of s. 9(a) of the *Act*? 3) Did the Government of Yukon, Department of Health and Social Services discriminate against Cooke contrary to sections 7(f) and 9(a) of the *Act*? 4) Did the Government of Yukon, Department of Health and Social Services engage in systemic discrimination pursuant to section 12 of the *Act*?

The Commission is an independent body that promotes equality and human rights through research, training, public education, and enforcement of the *Act*. The Commission will be represented at the hearing by Michael DeRosenroll.

For further information please contact Karen Moir, Director, at director@yukonhumanrights.ca, call us at (867) 667-6226 or visit our website www.yukonhumanrights.ca.