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Message from the President IBANB

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Mike Weston, CAIB President IBANB

I have often said that, in order to understand who someone is, you have to know where they have been. So, I thought it best to start my first message with a brief outline of who Mike Weston is and how he came to be where he stands now.

I grew up in the small village of Centreville, located approximately 20 minutes north of Woodstock, NB. Apart from the three years that I spent in Agricultural College in Truro, NS, and the two years that I spent working at the Department of Agriculture in Fredericton, NB; I have always lived in Centreville. As some members have alluded to, I am a farm boy. I am the second oldest of five boys and my father was a hog farmer. All I ever wanted to do was farm so when my father came to me and said that he was selling the farm; it came as quite a shock. I was newly married at the time, with one son and, like a lot of us in the industry; it was just a fluke that I ended up in the insurance industry. Now, 25 years later, here I am, President of the Insurance Brokers Association of New Brunswick.

As I mentioned in my speech at the recent Annual General Meeting (AGM), held October 29, 2015, a lot of changes have occurred during my 25 years in this industry and I predict that there will be many more before I am through, and beyond. We continue to see changes to government, changes in our products offered, changes to our customers, and changes to how brokers operate their businesses, but I believe through continued education and adaptation that we as brokers will continue to operate and that there will always

be customers out there looking for the professional personal service that we all offer.

I look forward to our Forward Planning Session scheduled for this December as we have already had some positive ideas be brought to the table. I would like to take this opportunity to encourage all members to submit their thoughts and ideas to assist us in serving our membership better.

For those of you that were not present for this year's AGMs morning information session, there was good news from David Weir and Gertrude Lawlor from the Financial and Consumers Services Commission of New Brunswick (FCNB). They announced that the white paper on the recommended changes to licensing regulations in New Brunswick should be released shortly for all stakeholders to review. It sounds like a lot of the content of the document came directly from the proposal that our association put forward two years ago. A special thank you should go out to the association office and the committee of broker volunteers who compiled the documentation which was submitted to the FCNB at that time.

As we are all aware, we now have a majority Liberal government in Canada, lead by Justin Trudeau. I encourage all members to make a special effort to meet your local MPs, invite them to your offices, meet them in theirs, or attend any functions that they may be hosting. Let them know who brokers are and what we represent. In the spring of 2017, the Bank Act will again be up for review on Parliament Hill. You can guarantee that the banks and their representatives have already started their efforts to see the Act changed. It is only through the continued and combined efforts of our broker members across Canada, or Provincial Associations, and the Insurance Brokers Association of Canada (IBAC), that have made it possible for us to keep the banks at bay. As Dan Danyluk, CEO of IBAC would say, "Financial institutions ought not be able to sell insurance at the point of granting credit". From my visits to Ottawa for Hill Day, I've seen firsthand the efforts and the results of these efforts. That being said, we are dealing with an entirely new group of MPs and we cannot waiver in our efforts to let them know who we are and that we represent the interest of our consumers first and foremost.

As we are aware, Aviva has announced and continue to move forward with their intent

to operate a direct writing arm and to brand that arm using the same Aviva name that we, as brokers, have built through our offices and through the support of the Aviva Community Fund. Letters were forwarded to Aviva from past president, Kirby Curtis, as instructed by membership as well as a separate letter was issued by the Young Broker Network of New Brunswick Chair, Robert Kimball Jr. We are now hearing that other provincial associations are now following New Brunswick members' lead. It is my hope that as a combined national membership, our members' displeasure with this branding will be heard.

It looks like it is going to be a busy year for our associations as we continue to tackle the challenges before us, but I believe that with the continued great work of our association office and our membership will continue to thrive in this ever challenging and changing industry.

You may contact Mike at (506) 276-3695 or via email at, mike.weston@nb.aibn.com.

Comme je le dis souvent, pour comprendre une personne, il faut savoir par où elle est passée et d'où elle vient. Je crois donc qu'il serait bien que je commence ce premier message en donnant un bref aperçu de qui est Mike Weston et comment il en est venu là.

J'ai grandi dans le petit village de Centreville, à une vingtaine de minutes au nord de Woodstock, au Nouveau-Brunswick. À part les trois années que j'ai passées à l'école d'agriculture à Truro, en Nouvelle-Écosse, et les deux années où j'ai travaillé au ministère de l'Agriculture à Fredericton, j'ai toujours vécu à Centreville. Comme certains membres y ont fait allusion, je suis un « gars de ferme », deuxième d'une famille de cinq garçons. Mon père était éleveur de porcs et tout ce que je voulais, c'était m'occuper de la ferme. Quand mon père m'a dit qu'il vendait la ferme, j'ai donc eu tout un choc. À l'époque, je venais de me marier et j'avais un fils, et, comme beaucoup d'entre nous dans le domaine, je me suis retrouvé dans le secteur de l'assurance par hasard. Aujourd'hui, 25 années plus tard, me voici président de l'Association des courtiers d'assurances du Nouveau-Brunswick.

Comme je l'ai dit dans mon discours à l'assemblée générale annuelle (AGA) du 29 oc-

tobre dernier, beaucoup de changements sont survenus au cours de ces 25 années de carrière. D'après moi, c'est loin d'être fini. Nous allons encore observer bien des changements, que ce soit au gouvernement, dans l'offre de produits, chez les clients ou dans la façon dont les courtiers exploitent leurs entreprises. Cela dit, je crois que, grâce à la formation continue et à notre sens de l'adaptation, nous, les courtiers, allons pouvoir poursuivre notre travail. Il existera toujours des clients à la recherche du service personnalisé que nous sommes capables d'offrir.

J'ai hâte de participer à la séance de planification prévue pour décembre, car nous avons déjà plusieurs idées positives à présenter. D'ailleurs, je vous encourage à exprimer vos idées afin de nous aider à mieux servir nos membres.

Pour ceux et celles qui n'étaient pas à la séance d'information qui a précédé la dernière AGA le matin, sachez que David Weir et Gertrude Lawlor de la Commission des services financiers et des services aux consommateurs du Nouveau-Brunswick (FCNB) avaient de bonnes nouvelles. Ils ont annoncé la publication prochaine du livre blanc sur les recommandations de modifications à apporter à la réglementation concernant les permis au Nouveau-Brunswick. Toutes les parties intéressées pourront donc en prendre connaissance. Il semble qu'une grande partie du contenu de ce document vienne directement de la proposition formulée par notre association voilà deux ans. Je remercie donc tout spécialement le bureau de l'association et le comité de courtiers bénévoles qui, à l'époque, ont compilé la documentation soumise à la FCNB.

Nous le savons, le Canada a maintenant un gouvernement libéral majoritaire, dirigé par Justin Trudeau. Je vous encourage à faire un effort particulier pour rencontrer vos députés locaux, les inviter à votre bureau, vous rendre au leur ou assister aux activités qu'ils pourraient organiser. Faites-leur découvrir qui nous sommes et ce que nous représentons. Au printemps 2017, la Loi sur les banques fera de nouveau l'objet d'un examen sur la Colline du Parlement. Vous pouvez être certains que les banques et leurs représentants ont déjà commencé à agir pour faire changer la Loi. Pour l'instant, seuls les efforts continus et combinés des courtiers membres de tout le Canada, des associations provinciales et de l'Association des courtiers d'assurances du Canada

(ACAC) ont permis de garder les banques à distance. Comme le dirait Dan Danyluk, chef de la direction de l'ACAC, « Les institutions financières ne devraient pas pouvoir vendre de l'assurance dans un lieu où on accorde du crédit ». Lorsque j'étais à Ottawa à l'occasion des Journées sur la Colline du Parlement, j'ai pu constater ces efforts et leurs résultats. Nous devons continuer fermement à nous faire connaître et à représenter les intérêts de nos clients, d'autant plus que nous avons affaire à un groupe de députés entièrement nouveau.

Comme nous le savons. Aviva a annoncé son intention d'ouvrir une division chargée des souscriptions directes et de nommer cette entité du même nom (Aviva) que celui que nous avons contribué à faire connaître par l'entremise de nos bureaux de courtage et grâce au soutien du Fonds communautaire Aviva. Conformément aux instructions des membres, le président sortant Kirby Curtis a écrit à Aviva, de même que le président du Réseau Jeunes Courtiers, Robert Kimball Jr. Nous apprenons maintenant que d'autres associations provinciales suivent l'exemple des membres du Nouveau-Brunswick. J'espère que, à nous tous à l'échelle nationale, nous ferons entendre notre mécontentement face à cette stratégie de marque.

De la manière dont les défis se présentent, tout indique que nous connaîtrons une année chargée, mais je crois que l'excellent travail du bureau de l'association et de nos membres va continuer à porter ses fruits dans ce secteur changeant et difficile, mais stimulant qu'est l'assurance.

Mike peut être joint au (506) 276-3695 ou à mike.weston@nb.aibn.com.



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Message from the President IBANS



Paul Croft, B.A., B.Sc., CIP, CCIB, CRM President IBANS

I was among the millions of Canadians glued to their televisions on October 19th watching the results come in from the 42nd general federal election following one of the longest political campaigns in Canadian history. I will also admit to having to flip channels to watch the Blue Jays attempt to win the American League Championship Series.

I think like many, I was surprised to see all seats in Atlantic Canada won by the Liberal Party of Canada. By the end of the evening the Liberals would win a majority with 184 seats, the Conservatives 99 seats, and the New Democratic Party 44 seats. The Liberal Party's increase of 148 seats from the previous election has been recorded as the largest-ever numerical increase by a party in a Canadian election. As Canadians we can be proud of our strong voter turnout which exceeded 68%.

Canadians certainly spoke loud and clear that they are looking for change. How as insurance brokers do we react to this change? I believe that we now have a duty to educate the new Members of Parliament and remind those returning MPs of our long entrenched history of advocating on behalf of consumers and providing them with thoughtful advice, wise council and choice. We also need to remind them of the role brokers play at a grass roots level supporting our local communities.

Each broker is encouraged to reach out to your elected member of parliament to let them know who we are as brokers and our interest in ensuring we remain strong consumer advocates. With a review of the Bank Act scheduled for 2017 it is important that we get across our message that allowing changes in the act to allow credit granting institutions to sell insurance at the point of granting credit would be a step backwards for consumer choice.

The Insurance Brokers Association of Nova Scotia (IBANS) is reaching out to each Member of Parliament in Nova Scotia to introduce ourselves and provide a clear and concise message on the importance of a strong broker distribution channel for consumers. The IBANS also has agreed volunteer broker representatives assigned to each MP to facilitate ongoing dialogue. We will also be supporting IBAC in their political advocacy campaigns including the 2016 Hill day where representatives from the IBANS and the provincial YBN committee will be meeting with our MPs and Senators.

At a provincial level, we must also maintain the strong level of advocacy work that has long been entrenched in the association. We will continue to invite provincial representatives of each party to our board meetings throughout the year. I

would also encourage each brokerage to ensure they have a copy of our Members Lobby Kit and to share this with your staff.

At IBANS we value the relationships we have built with all political parties at a federal and provincial level. We are proud of the work our Executive Director and staff have done in corresponding on a regular basis with our elected representatives. We are also thankful for our engaged membership who are diligent in their work with elected members of government and a special thanks to John Pino who volunteers his time as IBANS National Political Representative.

If you would like a copy of our Political Advocacy Members Kit or IBAC's Campaign Kit please e-mail Debbie Paul at debbie@ibans.com or login to the members' side of the website to obtain this information.

You may contact Paul at (902) 421-7035 or via email at, paul.croft@aon.ca.



2015 C.D. Fraser Memorial Scholarship Recipient

IBANS was pleased to present Jenna Maclellan with the 2015 C.D. Fraser Memorial Scholarship. Jenna is currently attending Mount Allison University where she is enrolled in the Bachelor of Commerce Program. Jenna is the daughter of Suzy Maclellan, Founders Insurance Group. Presenting Jenna with her scholarship is Paul Croft, IBANS President.

IBANS/Economical Insurance 2015 Bursary Recipients





good to know

It Starts With Us. IBANS & Economical Insurance: Working Together to Provide Education to Nova Scotia Brokers.

On September 30, at the President's Breakfast IBANS and Economical Insurance acknowledged the 2015 Bursary Program Recipients. Each recipient was awarded a \$1,000 credit to use towards their CAIB, CPIB, CCIB, or CSIP. This is one of the many education initiatives that IBANS has been able to offer to members thanks to the generous support from our Platinum Sponsor, Economical Insurance.

Paul Croft, IBANS President and Karen Kaminska, Vice President, Sales and Distribution, Atlantic Region for Economical Insurance presented the bursaries. Recipients not shown include: Jordan Hollett, Aon Reed Stenhouse Inc., Tammy Goodwin, Archway Insurance, and Gary Leinwand, Fraser & Hoyt Insurance.



Leigh Anne Thompson, AA Munro Insurance



Julie Moore,MacLeod Lorway Insurance



Reanna Slaunwhite, W.C.L. Bauld Insurance



Susan Oliver, Fairway Insurance Services Inc.



Kristin O'Leary,
Eisenhauer Insurance

Message from the President IBAPEI



Mark Hickey, CIP, CAIB President IBAPEI

2015 PEI Annual Awards Banquet

October 29, 2015 was a very special evening for the PEI insurance industry, and in particular the 7 CIP graduates, 1 GIE graduate and 1 CAIB graduate! These graduates are listed below:

CIP Graduates

- Marcel Arsenault, CIP Hyndman and Company
- **Karen Bernard**, CIP Hyndman and Company
- Nancy Champion, CIP Cooke Insurance
- Tracy Gallant, CIP The Co-operators
- Andrea Hoyles, CIP The Insurance Company of PEI
- Rebecca MacDonald, CIP Bennett Carr Insurance
- **Donna Stewart**, CIP The Insurance Company of PEI

GIE Graduate

 Mary Steele, GIE – The PEI Mutual Insurance Company

CAIB Graduate

• Andrew Scott – Cooke Insurance Group



In the photo: (front row) Mary Steele, Donna Stewart, Karen Bernard, Andrea Hoyles (back row) Andrew Scott, Rebecca MacDonald, Tracy Gallant, Nancy Champion and Marcel Arsenault



In the photo: Karen Doiron, FIIC, CCIB of IBAPEI (right) presenting the award for Top CIP Graduate to Karen Bernard, CIP, Hyndman & Company Ltd.(left)

Award Winners

Congratulations to Meg Cooke of Cooke Insurance Group who received the student achievement award for the student in the CIP program with the highest marks in courses taken this past year. This award is sponsored by the PEI Mutual Insurance Company.

Also, congratulations to Karen Bernard of Hyndman Insurance Company who is the CIP student graduating with the highest marks during the duration of her studies. This award is sponsored by the Insurance Brokers Association of PEI.

Mark may be contacted at (902)436-9215 or via email at, mark.hickey@hickeyhyndman.ca.



The Insurance Brokers Association

of Prince Edward Island



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Andrew Frederick Scott, CAIB

of Cooke Insurance Group



The successful completion of <u>The Canadian Accredited Insurance Broker Program</u> has earned Andrew the nationally recognized professional designation, **CAIB**.

The CAIB program is a study of Personal Lines, Commercial Lines and Brokerage Management. Each course, in this four-course program, culminates in a national examination. With the successful completion of the CAIB program, Andrew has established himself as a trusted insurance advisor, with in-depth knowledge and understanding of all aspects of property and casualty insurance. Congratulations Andrew!!



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Message from the President IBAN



Kent Rowe President IBAN

Hello fellow brokers, partners and vendors! I am genuinely honored to assume the role of President of the Insurance Brokers Association of Newfoundland. I want to say a very sincere thank you to our past president, CJ Nolan, for doing an admirable job for the past two years. His leadership, commitment and professionalism was evident as he represented us on both our local and National associations. Thanks CJ!

I've been involved in the insurance industry now for over 19 years and I've seen many changes, both good and bad. As our industry continues to evolve we see change continuing at a pace that is at times mind boggling. Increased development and use of technology, increased consumer expectations, rising claims costs and increasing merger and acquisition activity have all necessitated a wholesale change in broker's ability to remain relevant and continue to add value to our customers.

Our country just elected a new federal leader on the platform of "Real Change". It's time for the broker community to embrace the same need for Real Change and to commit to do more to maintain our relevance. A man who I have a tremendous amount of respect for once quipped that should the world ever be faced with a nuclear catastrophe, only two species would survive cockroaches and insurance brokers. I'm not so sure that this is the case anymore. Our industry is facing significant challenges that require us to take a good hard look at what it is we do and how

we can evolve to ensure our survival.

Here are some of the challenges and potential issues I am referring to:

- Insurers expanding their offerings using direct channels that circumvent the broker and create consumer confusion by using the same brand that brokers have been promoting for years.
- Within five years, every automobile in Canada will operate with the ability for these vehicles to communicate with each other. This will play a significant role in reducing claims costs, which will in turn significantly reduce premiums and commissions. Some experts suggest that automobile commissions will be reduced to as little as 5% due to the imminent changes anticipated due to lower rates.
- Autonomous vehicles will be operational in North America within 10 years in some capacity. What impact will this have on underwriting, pricing and the need for people to do business with brokers?
- Changing demographics. Within five years, over 60% of the workforce will be Millennials. Are you ready to deliver to their needs in terms of how they buy, what they buy and what is important to them? Is your brokerage prepared to manage this new generation whose workplace needs and values differ greatly then those of previous generations?
- New competitors are appearing around every corner. Amazon, Google and Wal-Mart all have plans to enter the insurance business. Can your brand compete with theirs? Do you have the ability to mine data and create the ease of doing business that these companies will have?
 - Mergers and Acquisitions. There are significantly fewer insurers and brokers doing business in Canada than there were 10 years ago. This trend will continue. What is the impact of insurer consolidation on your business? How do you think the insurer/broker partnership will change when we find ourselves with only 6-7 options in terms of markets to place business with? I see this as a tremendous shift in power and control that will negatively impact our ability to exert influence on our roles.

Smaller brokers are being swallowed up by larger brokers. These acquisitions aren't all about buying volume. They are also about buying skills, gaining efficiencies, generating leverage and positioning the buying brokers to be viewed as more relevant in their respective markets. Will you be able to compete with these larger, more efficient brokers five years from now if you continue to do business the same way you are doing it today?

I'm certainly not trying to create any panic here, but if panic is the result, then I'm happy that my message was received. We simply cannot be satisfied with the status quo! All we need to do is look at the role of the intermediary in other businesses? Which ones disappeared or became irrelevant? Which ones have redefined themselves and continue to provide value to their customers? How did they do that?

My message is that we need to be the masters of our own destinies. We cannot sit back and wait for someone else to revolutionize our business or tell us how to remain relevant. We can't afford to be passengers on this ride; we need to have both hands firmly on the wheel so that we control the direction, nobody else. The challenge is upon us... How will you respond?

Kent may be contacted at (709) 753-3210 ext. 375 or via email at, krowe@wedgwoodinsurance.com.

It's not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change -Charles Darwin 1809



2014 IBAN Graduates



Pamela Jesso
CAIB (Honours)
Munn Insurance
TOP CAIB Graduate Award
and The David A. Woolley
Achievement Award



Kimberley Canning CAIB (Honours) Munn Insurance



Melenie Cornect CAIB (Honours) Steers Insurance



Kelly Cook CAIB Cal LeGrow



Kelly O'Learey CAIB Munn Insurance



Geniene Cornect
CAIB
Steers Insurance



Mona McCarthy
CAIB
Munn Insurance

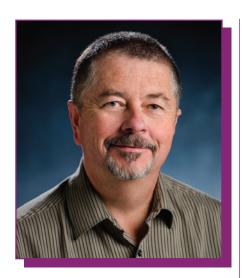


William Hickey BA, CAIB Allcoast Insurance



Kimberly Diamond
CAIB
Anthony Insurance

Your Website is Alive



Doug Daley Kiers Marketing Group

Your website should be treated like one of your employees. It can have various functions; being a sales person, signing up clients to receive your newsletter, giving out contact information, etc. Is your site doing a good job for you?

Let's start by looking at your current website situation.

You should really keep reading if...

- You do not have a website and think it's about time you got one.
- Your website is just OK but you know your business deserves better.
- You have a website but it's not mobile friendly, looks old or works only sometimes.
- Your website is not generating the leads or making the sales you want.

You really, really need to keep reading if...

- You are that last holdout who just wants a website to have a website.
- You have a friend/nephew/cousin who knows a guy who knows computers that can do a site for you.
- You have said, "Yeah but I just need something simple".

You have to look at your website as a living, breathing entity that needs to be fed with new content to keep its strength up. It will work a whole lot better for your business if you keep it current.

Make a Plan

Now that you have committed to creating a new website, you have to make a plan. Here are some important things to think about when planning your new site.

- Have you created a site map?
- What information do your customers look for?
- Can they find that information in two clicks or less?

These questions are important because you want visitors to find what they are looking for quickly and on their way with everything they need. So first of all, you have to create a site map.

Find out what are the most popular pages on your existing site. You can do this by checking your Google Analytics. If you don't have analytics installed, then get a report from your hosting company. Once you determine where your visitors are going, make sure those areas are highlighted on your home page.

If users are visiting your site for different reasons, separate them right away. There are three types of people visiting your site – those looking for commercial insurance, personal insurance or they want to make a claim. Make it easy for them by separating categories on the home page. Visitors to your site will appreciate finding the information they want quickly.

Content

Content is arguably the single most important thing about your website. People don't buy because you have a cool logo or because you picked a great shade of yellow. They buy because you give them the information they want.

Unless you are a copywriter, you can't do all the writing yourself. If you have the budget, hire a copywriter and work with them to create copy that sells. A good rule of thumb is to write your copy for a grade nine audience. Keep it easy to understand. Also, avoid industry lingo if you can.

Photography is one of the most overlooked components of a website. The only thing worse than "one-click DIY websites" is websites that are filled with stock photos. If you want to include a stock photo on your blog then go ahead. Otherwise, use real photos of you and your business. Being local is one of the benefits of an insurance broker.

Design

Design is more than just about looking good. It's about functionality too. Websites designed with every colour in the rainbow and over twenty links on the home page don't cut it.

Design your site with your customers in mind. Make it easy for them to find what they are looking for with a design that doesn't detract from the main message. Yes, it's okay to put a slider on the home page, but make the movement subtle and not distracting. Make sure the main messages are front and center.

Search Engine Optimization (SEO)

If you are really serious about SEO, invest some money in Google Ad Words. This, combined with the multitude of free SEO methods, can move your site up the Google ranking very nicely. If you are buying common ad words like "auto insurance", you are going to pay much more.

If you have a tight budget, here are a few tips to help with your SEO that will cost you next to nothing.

- Make sure your social media sites link back to your site.
- Ensure that key words are included as meta-tags on your site.
- Your site should be mobile-friendly.
- Google likes text on your home page.
- Make sure all computers in your office have your site as the home page. The extra traffic helps.

There you have it, the winning formula for putting together a website that will go to work for you 24/7.■

Doug Daley is the Vice President of Sales and Marketing with Kiers Marketing Group in Fredericton. Doug can be reached at ddaley@kiers.com or by visiting www.kiers.com.







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IBANB CEO Report



Andrew McNair, CAIB, CAE
IBANB Chief Executive Officer

As I write this article, I am returning from an Insurance Brokers Association of Canada (IBAC), Broker Identity Program (BIP) Committee meeting. As I contemplate the discussions had at this meeting and review what I have learned about what other provincial associations are doing to promote the value of using a broker in their respective regions, I am encouraged by what I realize brokers in New Brunswick do to ensure the longevity of the broker distribution channel in New Brunswick. Both brokers and our office (IBANB), throughout this small province are doing a great job of letting consumers know and realize what brokers bring to the table when consumers look to their insurance intermediary for professional advice. But we can't stop or become complacent.

On October 19th, we saw some significant change take place within New Brunswick and across Canada as the results of the Federal Election unfolded before our eyes, as we also watched and cheered on our beloved Blue Jays. Much of the change that took place with the Federal Election was a surprise; however there was also a lot of it that came with no surprise. We anticipated it, or at the very least realized that it was a possibility. Brokers are in a very similar situation when it comes to industry changes and consumer habits. We continue to read about impending changes, and evolving consumer habits; however it seems that we as an industry continue to

be slow to react (or be proactive) to the change. This concerns me, and it should concern you.

Do not stop how you do business today, you must add value to it and adapt to the needs of your consumers. Consumers that want to be served in the traditional manner, via bricks and mortar storefront and face to face interaction will continue to exist; as well as the ones that are rapidly embracing technology and adapting to the new ways of doing business. These consumers will continue to crave the simplicity and ease of doing business online and at all hours of the day. We do online banking, we make changes and review our investments online, we shop (or at least compare prices) online, we pay our power and phone bills online, why wouldn't we want to perform insurance transactions online?

2016 will bring a new year, and with it I anticipate a lot of change. As our new board settles in and as we will have gone through our strategic planning session for the next two years by the time you are reading this, I look forward to finding ways to ensure that our members are well served by your association and to also find ways to take the broker channel in New Brunswick into the space and model that it needs to be in, to make sure that we continue to see the strong channel that we have today.

I would like to thank Theresa Kimball for her time on the IBANB board. Our AGM in October saw Theresa complete her time on the board as Chair. I would also like to thank Kirby Curtis for his time as President as he has now moved into the Chair position. In addition, I would like to welcome and congratulate Mike Weston on his recent appointment as the new President of the Insurance Brokers Association of New Brunswick. If you haven't already read Mike's article in this magazine, I encourage you to do so in order to get to know him a bit better. Mike brings a wealth of knowledge and passion to the position and is always ready to talk about ways to create change and move the association forward. I look forward to working with Mike over the next year.

In closing, with Christmas just around the

corner, I would like to take this opportunity to wish you and your family a safe and happy holiday season. Merry Christmas and Happy New Year.■

Andrew may be reached at (506) 450-2898 or via email at amcnair@nbinsurancebrokers.ca.







Outgoing Chair



Theresa Kimball
Pearson Insurance Ltd.

Outgoing President



Kirby Curtis
MacRae Insurance Services

IBANB Board of Directors



Back row from l to r: Kari MacDonald, Paula Drillen, Robert E. Kimball and Andrew McNair Front row from l to r: Nancy Thorne, Kirby Curtis, Mike Weston, Jay Kimball and Brian Schryer

At our Annual General Meeting in Fredericton, members of the Insurance Brokers Association of New Brunswick chose the following members as their 2015-2016 Board of Directors.

Executive:

Chair Kirby Curtis, CAIB

President Mike Weston

President Elect Jay Kimball, FCIP, CAIB

Vice President vacant

Treasurer Brian Schryer, CAIB, AIPC

Governor Nancy Thorne

CEO Andrew McNair, CAIB, CAE

Directors:

Kari MacDonald, CIP, CAIB

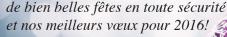
Andrew Page, CAIB

Paula Drillen, CAIB

Robert E. Kimball, CAIB (Hon's), AIPC, CRM

Happy holidays from the staff of the Insurance Brokers Association of New Brunswick! We wish you and your family a safe and joyous holiday. All the best in 2016!

Joyeuses Fêtes de la part du personnel de l'Association des courtiers d'assurances du Nouveau-Brunswick! Nous vous souhaitons, à vous et à vos proches,







IBANB Young Broker Network



Robert Kimball, CAIB (Hon's), AIPC, CRM Chair, New Brunswick YBN

Ever Changing Industry – Staying on Top of Change.

We have seen a lot of change over the last couple of years and we have been saying for 10 plus years that the hard market is coming, well I think it is actually coming this time... Good or bad, one thing is for sure, the commercial brokers out there will be very busy for the next few years.

The industry is changing, the market has changed, the wants and needs of the consumers are changing almost every day as technology and expectations change more drastically and frequently than ever before. Brokers are expected to have legal advice, be building inspectors, IT experts, photographers and building appraisers; however, the reality is, these are all things that the consumer once expected to look after themselves and had the help of other professionals that would look after these things. We are now often expected to be all of the above, and not just by the consumer, this is often expected of us by our own insurer partners. We as brokers have to keep up with these changes in landscape, technology and consumer needs. For any of you who have recently been to the broker convention, you know how many new and existing products are out there to assist us in connecting and staying connected with our clients and the consumer. We are constantly seeing products from both third party suppliers and our industry partners in relation to technology and the resources out there but where do we start and where does it end? I have to give credit to brokers who have





been able to keep up so far, but the battle isn't over and won't be over soon. We have a great resource in our Association as well as our Insurer Partners so take advantage of those connections and "Stay on top of Change".

IBAC AGM - Quebec City, Quebec.

In September, I had the opportunity to travel to Quebec City to attend the 2015 IBAC Annual General Meeting and I cannot say enough about the venue/location. IBAC does an incredible job with organizing a very full, well planned few of days and they should be recognized for the effort that they put forth and the excellent program organized for the delegates, guests and broker companions. The IBAC board and staff work extremely hard and are efficient in their every move. They were a breath of fresh air when it comes to seeing an organization and association handle things in a board meeting setting. All of the volunteers on the board make incredible selfless sacrifices to keep the broker channel strong and I am very thankful. Not only for the opportunity to go to the AGM, but for all the work that they do for brokers across Canada.

The culture experienced, architecture, and history of Old Quebec make it one of the nicest areas that I have travelled to. The following photos show the prominent views of the Fairmont Chateau Frontenac, which are amazing from so many angles.

Enjoy the rest of the year!■

You may contact Robert at 506.432.1550 or via email at rekimball@pearsoninsurance.ca



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IBANS Young Broker Network



James Mizzi Member, Nova Scotia YBN

Driverless Cars. How will they affect our future?

As an insurance broker, we are required to know a lot about a lot of things. We learn new things each and every day. We challenge ourselves to be the best and know as much as we can about everything that our clients will need or want. Driverless cars are something we all need to learn more about. This technology is inevitable and likely to be upon us a lot sooner than we think. By January 2016, Ontario is looking to become the first Canadian province to allow driverless cars to be tested on its roads. Where this will lead we cannot be sure but many online articles point to this becoming the norm around the world within the next 20-40 years. How will this affect us in our neck of the woods?

Without the proper laws in place to permit these vehicles to drive on Nova Scotia roads, it is difficult to say how insurers will settle claims related to driverless cars. Who would be liable in the event that a driverless car is involved in an accident with another driverless car? In a study titled "Products Liability and Driverless Cars", the Brookings Institute concurred: "Autonomous vehicles will shift the responsibility for avoiding accidents from the driver to the vehicle manufacturer." Will manufacturer's really want to expose themselves to this much liability? How will Direct Compensation and Property Damage be affected by this?

If you own a driverless car, is it possible to get a ticket for driving while impaired? Many experts suggest that tickets issued by police would be eliminated. However, given the complexity of each provinces rules and regulations, it is hard to imagine convictions would be eliminated any time soon. Given time and I mean a lot of time, if all cars on the road were driverless then there would be no chance for a speeding ticket or driving infraction. Obviously this would mean that humans would not be able to override the vehicle's guidance system and have human error come into play. The future of driving is in the air. Will you give up your freedom of driving to have a little more time to check Facebook or check your emails before work?

Once all of the kinks are worked out, this will benefit the disabled, blind, and elderly as

they will gain back their mobility. Truck drivers will likely be the ones to lose out. Without the requirement for special licensing, trucking companies will no longer have to pay the same wages or pursue that skill set. At the very least, small brokerages will suffer as there will be less premiums and thus less commission to the brokerage. At the end of the day we have to have people that will buy these vehicles. In a 2014 survey by the Pew Research Center, half the people said they wouldn't trust computer sensors to maintain all driving functions. 62 percent of people with a high school diploma or less said they would not like to try a driverless car. 36 percent of people in rural areas said they'd like to try them. Given this information I believe it will take some time yet before Nova Scotian's jump on board with this on mass.

According to the Washington Post, one of these vehicles is currently about \$70,000 to \$100,000 above the regular asking price due to the new technology. They estimate it would decrease to about \$3000 once mass production begins. With our future at stake it's more important now than ever that we become more involved with our political leaders. We can teach and be looked upon as advisers for our leaders. It's also important that we learn as much as we can about everything we can to stay ahead of the curve. One thing is for sure, it opens up a lot more questions than answers.

James may be contacted at (902) 421-2838 or via email at, james.mizzi@mcti.ca.

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IBANS AGM







IBANS President's Breakfast













IBANS Introduces 2015/2016 Board of Directors



On September 30, 2015 at the beautiful Ashburn Golf Club, IBANS members elected their new Board of Directors.

President Paul Croft, BA, B.Sc., CIP, CCIB, CRM, Aon Reed Stenhouse Inc.

Vice President Cathie Robski, Current Insurance

Chairperson Sarah Amirault, CAIB, Fairway Insurance Services Inc.

Treasurer Gina McFetridge, CAIB, Archway Insurance

Executive Director Karen Slaunwhite, BA, BPR, Med, CAIB(Hon), Insurance Brokers Association of Nova Scotia

Director Scott Conrad, BA, MA, Current Insurance

Director Suzanne Maclellan, FCIP, CRM, LLQP, Founders Insurance Group Inc.

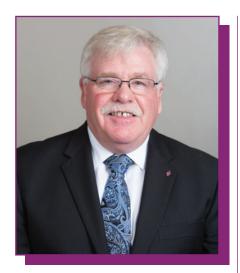
Director Jason vanVessem, CAIB(Hon), Eisenhauer Insurance Inc.

Director Darren Lipsett, BComm, FCIP, CRM, Bridgewater Insurance Agency Limited

Departing Director Glenna Boudreau, CAIB



Viewpoint



Lorne Perry, CAIB President, IBAC

Over the past few months everyone was saying and thinking that the coming federal election would be a significant event on the political landscape, and October 19th certainly met this expectation. Canadians voted. More Canadians voted than over the past 20 years, and they voted for change! From the beginning of the campaign in August, polls were indicating that Canadians were looking for a change in the direction of the country. After 10 years in power, the Conservative Party and the Prime Minister were not viewed as the leaders that should direct the future course for the country. The only question throughout the campaign was where was this "change" going to land?

The NDP started the campaign strong, leading in the polls while the Liberals dragged behind them and the Conservative Party. After two months the tables turned, with the Liberals gaining momentum, the NDP falling dramatically, and the Conservatives maintaining their relative position. In the end, the country voted en masse for change, and that change was embodied in Justin Trudeau and the Liberal Party of Canada.

A few highlights: first time a third place party in the House of Commons wins a majority, 2nd youngest Prime Minister in Canada's history, record voter turnout in over 20 years, over 200 new MPs which is a record. As far as vote intentions, comparing the vote count by party from the last election in 2011, the NDP lost 1 million votes, the Liberals gained 4.2 million votes, and the Conservatives lost about 50,000 votes.

What does this shift mean for IBAC and brokers across the country? Well IBAC has always had a non-partisan approach to advocacy and political outreach. Our issues affecting consumers are non-partisan; they are issues of fairness, accessibility, and affordability; something all Parliamentarians understand and support. We have communicated with all parties in the House of Commons, whether they are in government or not. During the last Parliament, IBAC has had excellent relationships with MPs and Senators from all parties. This will not change with the new government

As mentioned, there are over 200 new MPs in the coming Parliament. This means that our profession has a big job ahead of us in reaching out to all the new MPs and explaining to them what it is we do, how we serve our customers, and educate them on the issues that federal legislation and regulations impact the insurance buying consumer. This outreach and education is crucial because most of the new MPs will not have had a background in

insurance and will not be familiar even with what an insurance broker does. They will be approached by the banks and others making the case how the insurance consumer is badly served with the prohibition in place on bancassurance.

Insurance brokers are the only voice to explain to MPs why this prohibition makes sense; this is why I am urging every broker to reach out to their MP, new or returning, and explain to them that Credit-granting institutions ought not to sell insurance at the point of granting credit.

We have a new Parliament and a new government for the next 4 years, and a lot of work ahead of us.

Lorne may be reached via email at, lperry@insurebc.ca.



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IBANS Professional Development Report



Keri Foley, BTHM, CAIB IBANS Professional Development Coordinator

Why Soft Skills Matter in the Insurance Industry

In today's marketplace consumers have many options when it comes to purchasing their insurance. There is an assumption; however that whoever they choose has applicable insurance education that allows them the expertise to do their job. So **IF** everyone selling insurance was on the same playing field in terms of education, what is going to set you, or your brokerage apart from the one down the street? Is it the employee who remembers you and greets you by name, and asks you if you'd like a coffee when you come into the office or the one that points to a seat and mumbles that someone may be able to see you within an hour? In this example, it's very clear that soft skills matter.

So, if we agree that soft skills **DO** matter (and they do!) why do people take these skills for granted and assume that their staff or co-workers should just know them? The importances of these skills are often undervalued and the need for technical training seems to outweigh the need for "just soft skills seminars". Your education and experience will get your career, but it's your people skills that will allow you to stay and move ahead. Your work ethic, communication skills and many other personal attributes are the soft skills that are so vital for your career and your success within that career. If that's the case, why do employers assume people know how to act on the job? They tend to assume that everyone knows the importance of being friendly, showing initiative and producing high quality results. It's not shocking that frustration appears daily in the office if assumptions are being made and not being met.

The Insurance Brokers Association of Canada (IBAC) recently conducted an education curriculum review across the country. Their goal was to find out the strengths, weaknesses and opportunities, and be able to then fill any gaps. When asked about challenges brokers deal with on a regular basis, one of the top answers from across the country was soft skills, which included: sales, communication, negotiation, and time and stress management. When asked the question "What are your overall business needs and/or strategies that

you need to support?" The top three answers were:

- 1. Grow the business (89%)
- 2. Provide great customer service (71%)
- 3. Train and develop staff (70%). How ironic is it that in order to provide great customer service, you need to train and develop staff, which will then lead to a growing business! Proving that once again, soft skills **DO** matter.

We now live in an age where social media is king. I don't think that anyone will disagree with that statement. It's almost impossible to remember life without it, and business life is no exception. In business today, everyone uses social media to promote products, educate consumers and connect with their audience in ways they never could. As businesses become more caught up in social media, employees are expected to also be involved in various types of social media, representing the business in an online format. If these employees don't understand how to treat the public in a professional manner, then your business could end up with a huge problem; potentially pushing prospective consumers away. After all, your employees represent you and your business, whether through social media, or in person.

It's time we stop undervaluing soft skills and provide the necessary training for them. IBANS and Economical Insurance saw this need and have developed a series of soft skills webinars that will be offered at no cost to IBANS members. We encourage members to take full advantage of these webinars and grow their soft skills.

Information will be available on ibans.com and IBANS members can expect to receive correspondence on this webinar series in the near future.

You may contact Keri at (902) 876-0526 or via email at, keri@ibans.com.

Call For Nominations

Insurance Awards Program

IBANS has revitalized its Industry Awards Program for 2016 with new or expanded categories and criteria. These changes were done to better reflect and acknowledge the work being done throughout the Nova Scotia insurance community.







IBANS Executive Director's Report



Karen Slaunwhite, BA, BPR, MEd, CAIB (Hons) Executive Director IBANS

The Power of Collaboration

Henry Ford once said, "If everyone is moving forward together, then success takes care of itself". As professionals, we are constantly hearing how quickly the world is changing and how difficult it is to keep pace. Not only are we talking about it, we are living it, and it has become our reality. I often reflect on the current state of the union and challenge myself to find creative, efficient and effective ways to stop the merry go round, and move forward in a way that is inspired, collaborative and productive. To date some of my greatest accomplishments and moments in life have stemmed from the power of collaboration.

As an industry I believe there are ways to collaborate and at the same time differentiate ourselves from one another. In my opinion, we have moved beyond survival of the fittest mentality and have reached a higher plateau where cooperation and collective action make greater things possible. Collaboration is not a sign of weakness but one of strength.

The current issue where I believe the insurance industry could collaborate and achieve tremendous results is in regards to water. If we look at recent history we see a clear picture and it isn't a pretty one. Without question, water is on the rise, and if I had a crystal ball it would show me this issue is not going to go away. My greatest concern is if we do not work together on an already complex issue, it will become even more so, and the survival of the fittest mind set will take hold, and prevent

us from seeing the solutions for a prosperous future.

As we move forward, it would be prudent to look for opportunities where collaboration among stakeholders makes sense. For instance, the creation of flood mapping information is something to be shared and further programs that collect and collate data pertaining to water flow, storm tides, rainfall, and snow melting will benefit the industry when dealing with clients, commercial or residential by identifying high risk areas. As mentioned in previous articles, the Insurance Brokers Association of Nova Scotia (IBANS) has worked with another not-for-profit entity, Clean Foundation, to educate home owners on initiatives they could implement to assist in the mitigation of water from their properties. We had a great response to our free workshops where rain barrels, downspout planters and other information was provided.

In addition to these areas, IBANS worked with the Insurance Bureau of Canada (IBC) to produce information in the spring preparing homeowners on the perils of melting snow. This information was published in our pro-

vincial newspaper. Once again, IBANS hopes that collaboration with IBC is possible in order to work towards standardization of wordings with regards to overland flood coverage, as they currently lack clarity and/or consistency. Standardized wordings will help reduce confusion for the consumer on a product that has never been available in Canada. Working on this issue together and by consulting with other industry experts, will result in a product that will give consumers peace of mind; peace of mind is what the industry has been built on and I believe that it is time that we played to our strengths.

You may contact Karen at (902) 876-0526 or via email at, karen@ibans.com.





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Winter: Preparing for the Worst is Always Best



Amanda Dean, BPR, MBA Atlantic Vice-President, Insurance Bureau of Canada

All four seasons are busy for Atlantic Canada's insurance brokers, but winter tends to nudge capacities even further.

In tough winters like the last one, severe weather can bring a deluge of claims and questions for the insurance industry to contend with. The first few months of 2015 were the coldest and snowiest on record, generating thousands of claims stemming from ice damming, roof collapses and more than a few frozen pipes. That kept the entire industry busy; especially brokers, insurers and IBC right alongside them. There was opportunity, and need, this past winter to educate consumers about property insurance policies – and we collectively did that.

From February and into the spring, IBC issued media releases with tips and information for those affected by severe weather. These tips included making safety a priority, taking action to prevent damage to properties, and speaking with their insurance representative about coverage and potential damage. Those releases prompted radio, print and television interviews during which IBC staff were able to discuss the types of property damage that the industry was seeing and tips for customers on how to handle the claims process.

The region's brokers also dealt with the reality of managing customer expectations along with their claims as maxed-out claims departments became the norm with most insurers. This was reflected in positive comments we received from government about the high-degree of information customers were receiving. As we worked with provincial officials to ensure that temporary insurance-adjuster licences could be issued quickly, if needed, to bring in out-of-province adjusters to help with unusually large claims volumes, they knew that customers were being looked after. This message was also reiterated in our discussions with emergency management officials across the region.

Toward the end of the season, IBC placed an ad in major daily newspapers saying, "This winter was tough. Together we are tougher." The ad provided answers to the frequently asked questions that came from consumers coping with the snow, ice and wind – in addition to many of the calls we had received from media. I had some feedback from a few of you, in response to the spate of media calls that IBC responded to. I sincerely appreciated your feedback as it helped us tailor my messaging for each subsequent interview

As you've seen me write about before in this publication, one of IBC's key priorities at the national level is helping Canadians adapt to severe weather, which will be more frequent in the coming years due to the impacts of climate change.

We are urging governments across Canada to mitigate flood risks through measures such as investing in new flood-control infrastructure. We are also working to raise awareness among Canadians about the increased risks of flooding in the coming years.

One recent example, in our region, is that we worked to raise awareness on severe weather though our sponsorship of the Marine Environmental Observation and Prediction Network in Halifax. IBC sponsored a speaking tour in by Dr. Adam Sobel, a noted atmospheric scientist at Columbia University. Dr. Sobel received the 2014 Atmospheric Science Librarians International Choice Award for his book about Hurricane Sandy, one of the largest and costliest storms in human history. He spoke to the public about that event, severe weather in general and how we should prepare for similar events in the future. The tour made stops in St. John's, Halifax, Charlottetown and Saint John. Most chilling for me was after his description of Hurricane Sandy, he quickly reminded everyone that we are just north of where it touched down. The next time, it could be us. Dr. Sobel agreed with everyone in our industry: Preparation is important, whether it's for a particular storm or for winter as a whole.

We hope that this winter isn't as tough as the last one, but it's always best to be prepared for the worst.

Amanda may be reached at (902) 429-2730 ext. 225 or via email at, adean@ibc.ca.



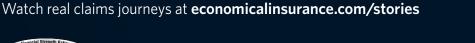


"You buy insurance — the key is when you actually have to make a claim."

Christine Nelson Economical policyholder

Christine Nelson and her travelling companion were excited to be on a road trip to Vancouver to meet mutual friends. But one unlucky lane change later, she was left with a crumpled car and derailed plans. Unsure what to expect when she dialed the number on her insurance slip, all of her worries were alleviated when Economical's friendly claims staff answered her call.

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Are you Ready to Pass the Torch?



Donna Scribner, Sr. Commercial Account Manager BMO Bank of Montreal, Atlantic Provinces Division

All too often, succession planning is a step that principals put off because of the more immediate concern of running the brokerage. There is no argument that keeping up with operations, customer needs and markets is a full time job in itself, however it is important to find the time to develop and implement a succession plan. In not planning, you actually may increase your operational risk, reduce your sale options and ultimately limit the value you get for your life's work.

Getting started

There is little doubt that getting started with succession planning is the hardest part. While some see the task as overwhelming and time intensive, you can ignite the process by thinking through three key questions: 1) What is important to me and my brokerage? 2) How much do I need to retire? 3) When is a preferred time to leave? With answers to these questions, your advisors can fill in the succession plan details with greater ease. One of the critical steps in this regards is getting advisors' assistance in determining how much the brokerage is worth and how this fits with your retirement needs and timing of. If the current brokerage value is not enough, your advisors can explore strategies of building up personal assets in advance plus methods to enhance the brokerage's value prior to a future sale.

Realizing the value

Once you've determined a value, you can then develop a strategy for tapping into it. A successful succession plan is one that allows you to gradually make the transition out of a business management role while maximizing your personal financial security. Several routes are open to you. You can sell the brokerage and invest the proceeds elsewhere, or sell a portion of your interest to achieve a greater diversification and better protect the value of your assets. If retirement is many years away, some wealth can be unlocked without having to sell at all. In any case it is important to really understand all of the financial benefits that you may currently receive from being an owner operator. When adding up all of the financial benefits you derive from the brokerage (i.e. auto expenses, income splitting, medical benefits and salary) the actual total might surprise you. Upon the full sale of a brokerage, many of these benefits will likely go away and you will be reliant upon an investment income stream from the sale proceeds. Keeping in mind the current low interest rate environment, any investment income will likely be far less than your current financial benefits. While the risks of operating a brokerage differ from holding an investment portfolio, carefully considering the potential for generating greater financial benefits through a graduated or delayed sale versus an immediate sale at what appears to be a high price is a worthwhile exercise.

Who will take over?

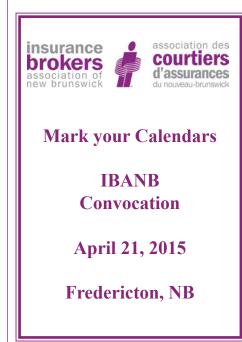
Often the brokerage is heavily reliant upon the principal(s) for its ongoing operation. Transferring appropriate duties and responsibilities to key employees at the right time can reduce this dependency and potentially create internal successors. At a minimum, this reduced dependency can make the brokerage more attractive to buyers (and their lenders) who recognize the inherently lower ownership transition risk. Sufficiently transferring responsibilities also serves as a bit of an insurance policy as in the event of a principal's incapacitation or demise, employees would be well suited to continue to run the brokerage and preserve its value until a suitable buyer is found (or buy it themselves).

While doing nothing for succession planning is an option, developing a good succession plan puts you much more in control and creates stability. Knowing that you have a well managed brokerage that is not overly reliant upon any one individual for its success can give you greater latitude as to when and who you sell to. Employees and markets alike can take comfort (and likely value) knowing the direction the brokerage is headed, family members know how they may fit into plans and ultimately it can provide principals and their families with greater financial security.

Donna Scribner may be reached at (506) 632-0207 or via email at, donna.scribner@bmo.com.

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Crossroads

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Human beings are fascinated by the notion of choosing between options. Whether in literature ("The Lady or The Tiger?"), music ("Cross Road Blues") or the simple act of shopping (paper or plastic?), we recognize – indeed, we relish knowing: you can't have it both ways. That perception is even cast in nature, as captured, for example, in Heisenberg's "Uncertainty Principle," which famously concludes that you can never simultaneously know the exact position and the exact speed of an object. The reasons are complex, but the implications relatively simple: you have to choose between the two and understand the ramifications of your decision.

Insurance brokers are no strangers to this concept, as they routinely find themselves at one crossroad or another in the service of their clients. Two paths that, at first glance, seem parallel may, in fact, lead in very different directions.

That is absolutely true of deciding between 'occurrence' and 'claims made' insurance policies. Put simply, the former provides coverage for loss events that occur during the policy year, while the latter provides coverage for claims that are made during the policy year. Though the vast majority of the language contained in the two policies may be identical, a subtle shift in the DNA of one versus the other can lead to very different outcomes. Take it from an E&O professional: they're not all good.

Most coverages tend to be written on one form or the other, but a few can be written on either. Assume, for example, that the claims made policy in place provides 'full prior acts' coverage, which means that if a heretofore undiscovered error that happened years ago has finally come to light during the current policy period and a claim is made, it will still be covered even though the policy in place at the time of the mistake has long since lapsed. That's the beauty of claims made coverage.

Now the peril. If an unwitting broker gets a quote on replacement coverage, he may well find that his new market offers a surprisingly competitive price. One possible reason: the broker is really good at his job. Another: he

failed to note that the replacement policy will switch the insured from 'claims made' to 'occurrence' coverage, thereby creating a gap in coverage.

"Impossible!" the broker proclaims with certainty, "The old policy expired at midnight and the new policy began at 12:01. No gap!"

Look again. Where the renewal policy would have continued to provide 'full prior acts' coverage for past years of mistakes (so long as they are discovered and a claim is made during that policy period – including some claims for loss events that occur during the policy period), the occurrence policy provides coverage for loss events in the current year, but none for prior years. As a result, the customer is now without coverage for events occurring in prior years, many of which are still well within the statute of limitations for filing civil lawsuits.

One remedial option is to purchase a 'tail,' also known as an 'extended reporting period,' on the replaced policy. (This typically has to be done within a short time frame.) Bear in mind, though, that many provincial limitation periods run for two years - and perhaps longer when you take into account 'discovery rules' that extend the time period for 'hidden' errors - so the tail probably should at least match, and probably exceed, all applicable limitation periods. Plus, the cost of such a 'tail' will likely be considerable – often several times the cost of simply renewing the prior policy. Add that to the cost of the new 'occurrence' policy and the bargain doesn't look nearly as good.

The same thing can happen when switching from one claims made policy to a competitor's. Some claims made policies will include a 'retro date' at inception of the first policy that has the effect of barring coverage for any negligent acts/losses in prior years even though no claim has been made. Of course the replacement policy is priced lower: it cuts off years of potential liability, which the renewal policy would continue to cover – an 'apples and lemons' comparison if ever there was one. Again, tail coverage is likely available from the current carrier, but that cost really should be added to the wouldbe replacement policy for a more accurate side-by-side comparison.

Finally, switching from to 'occurrence' to

'claims made,' too, can cause problems. In theory, a series of occurrence policies would provide protection for those prior policy years, with a new claims made replacement policy simply adding to the coverage. What the broker may find, though, is that his customer's final occurrence policy imposed a time limit on reporting new claims that would not have been an issue had that policy renewed. Couple that with a claims made policy that sets a retro date at policy inception and we're back to a serious gap in coverage despite the fact the policy periods fit edge to edge with no daylight between.

Many know the parting lines of a poem by Robert Frost, reporting that, "Two roads diverged in a wood, and I—I took the one less traveled by, and that has made all the difference." Odds are, far fewer will recall his shrewd opening observation, that "[S]orry I could not travel both and be one traveler, long I stood and looked down one as far as I could..." Frost studied his options carefully before making a choice, as should you. Rest assured: which road you take in offering recommendations between policies will make all the difference for you and, especially, your insured.

Choose wisely. ■

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Avoiding Bad Faith

By Kyla Russell and Gregory Hardy

Bad faith is mentioned almost in hushed whispers within the insurance industry. While it is possible for an insured to be guilty of bad faith, the primary concern when dealing with bad faith is a claim against an insurer.

If a bad faith claim succeeds against an insurer, a combination of punitive and/ or aggravated damages may be awarded. Punitive damages punish the insurer for its egregious conduct, while aggravated damages compensate the insured for any difficulties it has suffered at the hands of its insurer. A claim of bad faith is unlikely to succeed, however, if an insurer is mindful of best business practices and deals with the insured fairly when handling a claim. Bad faith does not occur simply because a third party claim is settled beyond policy limits or a first party claim is denied. Bad faith occurs when an insurer fails to act in good faith throughout the claims process.

Third Party Claims

An insurer has control over settlement of third party claims, which places the insured in a vulnerable position and imposes upon the insurer the duties of good faith and fair dealing.

In third party claims, the good faith obligations require the insurer to offer a reasonable and solid defence to the best of its ability based on the facts and information available. A conflict of interest between the insured and insurer can arise where there is a possibility of judgment in excess of the policy limits. In these situations the insurer wants to minimize payment under the policy while the insured wants to be protected from any personal exposure above the policy limits.

In those cases, the insurer has to balance its interests and those of the insured when deciding on the appropriate course of action in handling the claim. The insurer does not have to ignore its interests in favour of the insured's, but it does have to protect the insured's assets to the best of its ability, which includes minimizing the amount of any judgment against the insured. The insurer cannot gamble with the insured's personal assets.

Furthermore to ensure the insurer meets its obligations of good faith and not attract an allegation of bad faith, the insurer has to take a reasonable and practical approach to settlement and communicate in a fair and open manner with its insured.

At all times through the litigation and settlement process, the insurer has to communicate with the insured in a timely fashion about all material information touching upon the insured's position in the litigation and settlement negotiations. The insurer cannot act contrary to the insured's interests unless it fully informs the insured of its intention to do so.

If the settlement is outside the policy limits, the insurer will not be liable for bad faith provided it has met its duties to the insured in fair dealing with consistent, open, and informed communication.

First Party

An allegation of bad faith in first party claims usually arises when an insurer denies a claim. Failure to cover a claim does not automatically result in an action for bad faith. If a claim is reasonably denied because it is not properly proven or covered under the policy then the insured is not liable for bad faith, even if the claim is eventually conceded or found to be legitimate. An insurer is allowed to take the necessary steps to investigate, value, and assess a claim and to deny a claim, provided it acts in a balanced and reasonable manner. An insurer's actions attract bad faith when the claim is inadequately handled or improper considerations are introduced into the claims process.

In first party claims, some of the ways the insurer avoids bad faith are:

- Explaining the policy terms and provisions to the insured in a fair and accurate manner:
- 2. Assisting the insured with claims preparation and advising of policy rights;
- Responding as reasonably and promptly as possible during each step of the process, especially with timely payment of any undisputed portion of the claim.
- 4. Doing a timely and competent investigation, with the use of objective and

- unbiased experts as needed.
- 5. Basing all decisions on solid and certain facts and not speculation, conjecture, or innuendo; and
- Not taking advantage of the insured's vulnerability, either in delaying payment or gaining bargaining leverage.

To maintain a good faith relationship with its insured, each insurer should initially approach every claim with the view that it is legitimate and will be paid in full. A positive approach helps eliminate any negative actions that might be seen as bad faith. It is always important to remember you are dealing with the insured and not a third party claimant.

Seek a Legal Opinion

If an insurer has concerns about a claim, a legal opinion can always be sought. A lawyer's involvement does not have to be for the full defence of a claim. Legal counsel can always be retained if an insurer has a question about policy interpretation or coverage. Legal counsel can also be retained if the insurer wants an opinion on assessment and valuation of the claim or guidance on settlement.

Gregory Hardy is a lawyer at C3 Legal Inc. Kyla Russell is a legal analyst who provides legal writing and research services to C3 Legal Inc. C3 Legal Inc. is s a modern insurance defence law firm that takes a fresh look at services for the industry.



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various locations Saint John, NB St. Andrews, NB Charlottetown, PE

MARCH

TBC IBANB Insurer Forum/Reception TBD TBC IBC Liaison Meeting TBD IBANB Board Meeting TBC TBD

APRIL

21 **IBANB Convocation** Fredericton, NB **TBC Broker Awareness Day TBD**

MAY

4 **National CAIB/CPIB exams** various location

JUNE

5/6 **IBAC Board Meeting** Ottawa, ON 7 **IBAC Hill Day** Ottawa, ON

JANUARY

11-16 CAIB 2 Immersion Halifax. NS **IBAC Board Meeting Toronto, ON**

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