

Annual Report

2017



Office of the Consumer
Advocate for Insurance



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Consumer Advocate for Insurance.
Défenseur du consommateur en
matière d'assurances.



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March 29, 2018

The Honorable Chris Collins
Speaker of the Legislative Assembly of New Brunswick
Legislative Assembly Building
P.O. Box 6000
Fredericton, NB
E3B 5H1

Mr. Speaker,

Pursuant of subsection 10 (1) of the Consumer Advocate for Insurance Act, I am pleased to submit our annual report on the activities of the Office of the Consumer Advocate for Insurance for the calendar year 2017. The report also contains a summary regarding the total amount of expenditures assessed against licensed insurers and the amount paid by each insurer for the fiscal year that ended March 31. 2017.

Respectfully,

Michèle Pelletier
Consumer Advocate for Insurance

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FOREWORD

This has been a year of transition and change in the Office of the Consumer Advocate for Insurance. Mr. Godin, our first consumer advocate, finished his term this year, and he retired after 12 years of loyal service. I would like to thank Mr. Godin on behalf of all consumers for all his hard work since the office was set up in 2005.

MESSAGE FROM THE ADVOCATE

The year 2017 was one of change. Having taken up my position in February, at the height of the ice storm, I plunged headlong into the heat of the action. With an experienced team, the Office continued to offer excellent service to New Brunswick consumers. I would like to thank the entire group that helped me to transition into my new duties.

Premiums in the automobile insurance industry had been very stable for 12 years. However, in the past year, companies were requesting greater increases. We saw more significant increases in 2017 than those observed previously. The present system, whereby companies must appear before the New Brunswick Insurance Board if they request increases over and above 3%, should be reviewed and corrected. We believe that insurers deliberately failed to ask for increases of over 3% in order to avoid formal hearings, even though statistics and the market showed that increases were needed to remain operational. Now these companies are asking for drastic increases, which is unfair to consumers. Although the New Brunswick Insurance Board is doing a good job, it is bound by the law. Hearings are important and necessary to ensure that premiums remain fair and equitable for consumers.

There have not been any major changes to the *Insurance Act* for a number of years. An in-depth review was done in 2004, in the middle of significant turmoil in the auto insurance industry. At the time, New Brunswick had shown leadership and innovation by establishing the New Brunswick Insurance Board and our office, making New Brunswick a model for other provinces. However, since then, our neighbours have done periodic reviews of their legislation as there are mechanisms in place to do so. Unfortunately, the New Brunswick *Insurance Act* does not have that feature. It is time, before there is another crisis, to plan such a study and review of the Act to avoid problems and improve and update our legislation. We believe it would be most advantageous to consumers for the law to be studied and assessed every 10 years to introduce reforms and meet consumers' new needs.

There will be many challenges in the next few years, so we must be prepared and continue to work hard to improve and offer consumers the best protection.

SUCCESS STORY

A father called our office for information for his son, a minor, who had just received a fine since he was behind the wheel of a car whose registration had not been renewed. The insurer had removed the first chance on the policy as a result of the offence. However, that type of offence does not affect the first chance program. With the help of our office, the insurer corrected the young driver's file and reapplied the rebate.



“the insurer corrected the young driver's file and reapplied the rebate”

INTRODUCTION

The Office of the Consumer Advocate for Insurance is unique in Canada. New Brunswick consumers can count on the support of professionals for help with their insurance-related complaints and problems; whether auto, property, life, or health insurance, our team offers bilingual, free, confidential service. We also provide general insurance information. Our services are funded on a pro-rated basis by insurance companies doing business in New Brunswick.

The Consumer Advocate for Insurance has been on the job since January 1, 2005. We are pleased to submit our Annual Report for 2017.

The Annual Report is submitted in accordance with subsection 10(1) of the *Consumer Advocate for Insurance Act*, which states as follows:

10(1) The Consumer Advocate shall report annually to the Legislative Assembly concerning

- (a) the activities of the Office of the Consumer Advocate in the preceding year; and*
- (b) the total amount assessed against licensed insurers in the preceding year under section 11 and the amount paid by each insurer.*

This 13th Annual Report will concentrate mainly on the requirements of the above-mentioned subsection 10(1) of the *Consumer Advocate for Insurance Act*.

RESPONSIBILITIES OF THE CONSUMER ADVOCATE

The Consumer Advocate is an officer of the Legislative Assembly.

Pursuant to subsection 7(1) of the *Consumer Advocate for Insurance Act*, the responsibilities of the Consumer Advocate are as follows:

7(1) The Consumer Advocate shall

- (a) examine the underwriting practices and guidelines of insurers, brokers, and agents, and report the use of any prohibited underwriting practices to the Superintendent;*
- (b) conduct investigations in relation to insurers, brokers and agents concerning
 - (i) the premiums charged for contracts of insurance, and*
 - (ii) the availability of contracts of insurance;**
- (c) respond to requests for information with respect to insurance;*
- (d) develop and conduct educational programmes with respect to insurance for the purpose of educating consumers; and*
- (e) carry out tasks or investigations in relation to insurance matters or the insurance industry as directed by the Legislative Assembly.*

Subsection 7(2) provides that the Consumer Advocate “may appear before the New Brunswick Insurance Board ... to represent the interests of consumers...”

OFFICE OF THE CONSUMER ADVOCATE

The Office of the Consumer Advocate for Insurance began operating officially on March 7, 2005. It has a permanent staff of four and one casual employee. In addition to the Advocate, the office is made up of the following employees:

Pauline Lafortune: Administrative Assistant

Sandra Godin: Assistant Consumer Advocate

Anne-Marie Ramsay: Assistant Consumer Advocate

Solange Godin: Administrative Assistant (casual)

The office is located at 270 Douglas Avenue, Suite 406, Keystone Place, Bathurst, New Brunswick.

SUCCESS STORY

An insurer required young moped drivers to take a moped driving course. According to the company's internal policies, they refused to insure those who did not take the course. However, such courses were not offered in New Brunswick.

After numerous calls and discussions between the company and our office, the company removed this requirement and now offers this coverage to consumers.



"After numerous calls and discussions between the company and our office, the company removed this requirement and now offers this coverage to consumers."

ACTIVITIES OF THE CONSUMER ADVOCATE FOR INSURANCE

In February 2017, the office received calls related to the ice storm that paralyzed a portion of New Brunswick. We were ready to answer the questions from consumers.

At the same time, we undertook a much-needed update to our website. Consumers are increasingly turning to the web for services and to find answers to their problems. We worked with a professional and modernized our web page. The numerous changes have made it more user-friendly. Since launching our new web page on August 15, 2017, our site has received a 20% increase in visitors.

Our Facebook page also received more visitors. We used it to promote our services and educate consumers.

Another project in 2017 was to raise our profile with New Brunswickers. This year our advertising campaign targeted provincial civil servants. We realized that many employees did not know about us so they could not refer consumers grappling with insurance-related problems or questions to us. We launched a massive e-mail campaign to all provincial government employees.

Following the e-mails, our volume of calls and requests increased significantly, so we consider that we achieved our objective of making people more familiar with us.

Throughout the year, we also did interviews with the media (television and radio). In addition, we met with high school students. We also attended hearings of the New Brunswick Insurance Board on five occasions.

All in all, it has been a busy year.

ACTIVITIES OF THE CONSUMER ADVOCATE (CONTD.)

In April we were made aware of a flagrant injustice in the insurance world. A co-insured was denied coverage by an insurer because the other named insured intentionally destroyed the family home by setting fire to it. This denial of coverage was permitted by law and insurance contracts. Correcting this injustice became an important consumer protection issue. Research of other jurisdictions showed that several provinces already offered this protection. Letters were written to those responsible for our legislation. Meetings and discussions followed. The Insurance Bureau of Canada did not object to this request for change. On December 8, 2017, Bill 30 entitled *An Act to Amend the Insurance Act* was tabled in the Legislative Assembly. That completes the first step.

The coming years will also present challenges for our office. Other changes will need to be made to our Act. We hope to continue to work with the industry to provide New Brunswick consumers with the best protection.

SUCCESS STORY

A consumer called us after receiving a letter from his insurer advising him that his file was now closed because the deadline to file his action had passed. He had had an accident that was not his fault and he had suffered an injury. He was negotiating with the insurance company. On more than one occasion, he had called and had tried to contact the insurer to resolve his case but no one had returned his calls. After our office contacted the insurer and explained the situation, the company decided to re-open the file and permitted the insured to file his action even though the limitation period was over. The consumer was very happy with our involvement and the results.

“The consumer was very happy with our involvement and the results.”



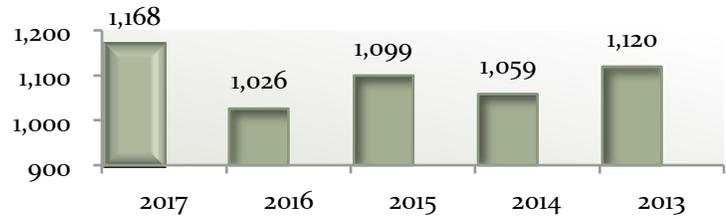
INQUIRIES TO THE OFFICE OF THE ADVOCATE

NUMBER OF INQUIRIES

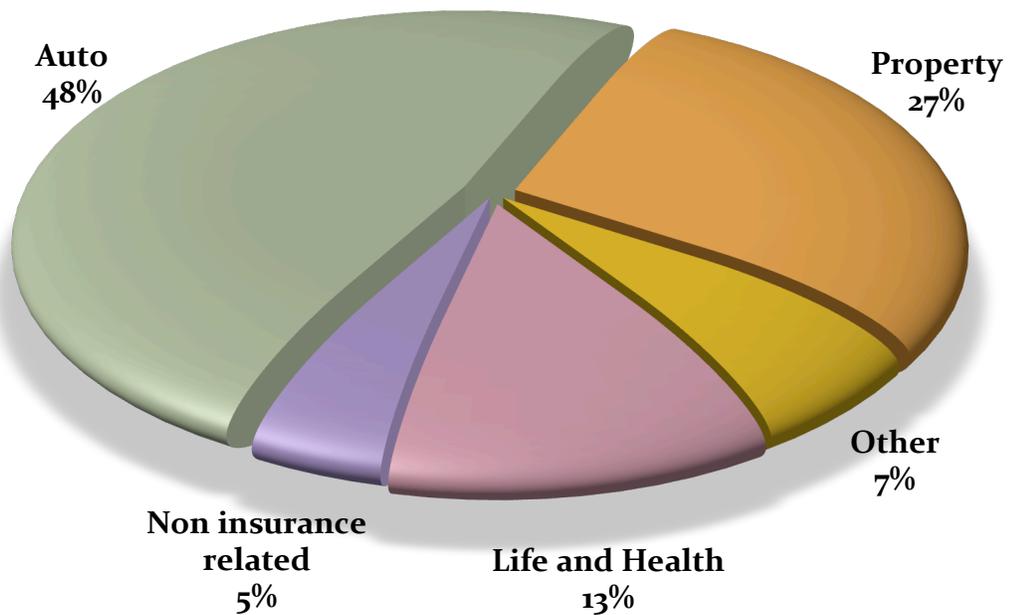
We received 1,168 inquiries in 2017.

The following table shows a comparison of total inquiries from 2013 to 2017.

Number of inquiries from 2013 to 2017



Breakdown by Type of Insurance



NATURE OF INQUIRIES

The following table illustrates the main areas of concern from consumers with regard to insurance.

	<i>Number</i>	<i>(%)</i>
Claims	688	58.90%
Premiums	321	27.48%
Information	146	12.50%
Other	13	1.11%

ORIGIN OF INQUIRIES

We received requests for information from several categories of individuals. The following table reflects the interest of the general public as consumers with regard to our office.

	<i>Number</i>	<i>(%)</i>
Public	1,026	87.84%
Adjusters	30	2.57%
Government	21	1.80%
Lawyers	20	1.71%
Insurers	20	1.71%
Brokers	27	2.31%
Agents	7	0.60%
Institutions	2	0.17%
Corporations	4	0.34%
Media	4	0.34%
Other	7	0.60%

BREAKDOWN BY COUNTY

We compiled a list of all the inquiries by county, as shown in the following table.

	<i>Number</i>	<i>(%)</i>
Gloucester	348	29.79%
Westmorland	175	14.98%
York	146	12.50%
Saint John	83	7.11%
Madawaska	61	5.22%
Kings	54	4.62%
Restigouche	68	5.82%
Northumberland	39	3.34%
Charlotte	16	1.37%
Carleton	14	1.20%
Victoria	25	2.14%
Kent	31	2.65%
Sunbury	9	0.77%
Queens	6	0.51%
Albert	5	0.43%
Internet	12	1.03%
Other (outside province)	76	6.51%

LANGUAGE

	<i>Number</i>	<i>(%)</i>
English	624	53.43%
French	544	46.57%

BREAKDOWN OF OFFICE EXPENDITURES

Subsection 11(1) of the *Consumer Advocate for Insurance Act* states that: “The Consumer Advocate shall annually, as soon as practicable after the close of each fiscal year, by reference to the Public Accounts and by such further inquiries or investigations as he or she may deem necessary, ascertain and clarify the total amount of the expenditure incurred by the Province for or in connection with the administration of this Act during the last preceding fiscal year and the amount of the expenditure so ascertained and certified by the Consumer Advocate is final and conclusive for all purposes of this section.”

Subsection 11(3) states that: “The total amount of the expenditure incurred by the Province for or in connection with the administration of this Act ascertained and certified under the provisions of subsection (1) shall be assessed against licensed insurers (...).

Subsection 11(3) (a) allows the Consumer Advocate to apportion the expenditure against any particular class of insurance. It states as follows:

“where any portion, as the Consumer Advocate determines, of the total amount of the expenditure incurred by the Province for or in connection with the administration of this Act was expended directly or indirectly with respect to a class of insurance, each licensed insurer providing insurance of that class shall be assessed such amount of that portion as his or her net receipts with respect to that class of insurance are of the total net receipts with respect to that class of insurance of all licensed insurers providing insurance of that class:”

Thus, the Consumer Advocate determined that the total amount of the expenditures for the fiscal year ending March 31, 2017 was to be apportioned as follows, for assessment purposes:

- 80% as against Property and Casualty insurers
- 20% as against Life and Health insurers

The total amount of expenditures incurred for the fiscal year ending March 31, 2017 was \$509,407.40. This amount has been assessed against every licensed insurer in New-Brunswick, by means of a notice of assessment submitted to each company. Attached hereto as **Appendix A** is the breakdown of the total amount submitted to all the licensed insurers for the previous year, as well as the amount paid by each.

APPENDIX A: Statement of Assessment

Company name	Assessment	Paid
Acadie Vie	\$2,141.69	\$2,141.69
ACTRA Fraternal Benefit Society	\$3.02	\$3.02
Affiliated FM Insurance Company	\$477.76	\$477.76
AIG Insurance Company of Canada	\$6,357.99	\$6,357.99
Allianz Global Risks US Insurance Company	\$1,188.03	\$1,188.03
Allianz Life Insurance Company of North America	\$0.10	\$0.10
Allied World Specialty Insurance	\$408.49	\$408.49
Allstate Insurance Company of Canada	\$15,180.02	\$15,180.02
American Bankers Insurance Company of Florida	\$2,900.61	\$2,900.61
American Bankers Life Assurance Company of Florida	\$612.12	\$612.12
American Health and Life Insurance Company	\$65.71	\$65.71
American Income Life Insurance Company	\$602.33	\$602.33
Arch Insurance Canada Ltd	\$452.67	\$452.67
Aspen Insurance UK Limited	\$3.37	\$3.37
Associated Electric & Gas Insurance Services Limited	\$110.83	\$110.83
Assomption Compagnie Mutuelle d'Assurance-vie	\$4,747.63	\$4,747.63
Assurance-Vie Banque Nationale Compagnie d'Assurance-Vie	\$684.70	\$684.70
Assurant Life of Canada	\$71.65	\$71.65
Aviva General Insurance Company	\$5,929.28	\$5,929.28
Aviva Insurance Company of Canada	\$25,838.94	\$25,838.94
AXA Art Insurance Corporation	\$17.22	\$17.22
AXIS Reinsurance Company (Canadian Branch)	\$617.41	\$617.41
Berkley Insurance Company	\$141.16	\$141.16
Blue Cross Life Insurance Company of Canada	\$3,704.38	\$3,704.38
BMO Life Assurance Company	\$625.45	\$625.45
BMO Life Insurance Company	\$50.71	\$50.71
CAA Insurance Company (Ontario)	\$1,830.15	\$1,830.15
Canada Guaranty Mortgage Insurance Company	\$595.32	\$595.32
Canadian Egg Industry Reciprocal Alliance (CEIRA)	\$51.67	\$51.67
Canadian Farm Insurance Corp.	\$1.50	\$1.50
Canadian Lawyers Insurance Association (CLIA)	\$233.26	\$233.26
Canadian Northern Shield Insurance Company	\$2.25	\$5.00
Canadian Premier Life Insurance Company	\$387.18	\$387.18

Company name	Assessment	Paid
Canadian Universities Reciprocal Insurance Exchange	\$299.53	\$299.53
Canassurance compagnie d'assurance	\$828.21	\$828.21
Carleton Mutual Insurance Company	\$773.55	\$773.55
Certas Home and Auto Insurance Company	\$18,598.07	\$18,598.07
Chicago Title Insurance Company	\$128.80	\$0
Chubb Insurance Company of Canada	\$3,404.95	\$3,404.95
Chubb Life Insurance Company of Canada	\$696.68	\$696.68
CIBC Life Insurance Company Limited / Compagnie d'assurance-vie CIBC Limitée	\$112.16	\$112.16
CIGNA Life Insurance Company of Canada	\$135.80	\$135.80
Coachman Insurance Company	\$1.12	\$1.12
Combined Insurance Company of America	\$1,836.78	\$1,836.78
Compagnie Française d'Assurance pour le Commerce Extérieur	\$104.84	\$104.84
Continental Casualty Company	\$1,037.51	\$1,037.51
Co-operators General Insurance Company	\$19,683.89	\$19,683.89
Co-operators Life Insurance Company	\$1,946.85	\$1,946.85
CorePointe Insurance Company	\$0.37	\$0.37
COSECO Insurance Company	\$684.81	\$684.81
CUMIS General Insurance Company	\$2,619.43	\$2,619.43
CUMIS Life Insurance Company	\$656.80	\$656.80
DAS Legal Protection Insurance Company Limited	\$70.39	\$70.39
Desjardins Sécurité financière compagnie d'assurance vie	\$4,146.86	\$4,146.86
Ecclesiastical Insurance Office Public Limited Company	\$1,638.08	\$1,638.08
Echelon General Insurance Company	\$803.87	\$803.87
Economical Mutual Insurance Company	\$23,964.98	\$23,964.98
Electric Insurance Company	\$33.32	\$33.32
Elite Insurance Company	\$6,268.13	\$6,268.13
Euler Hermes North America Insurance Company	\$70.39	\$70.39
Everest Insurance Company of Canada	\$301.41	\$301.41
Factory Mutual Insurance Company	\$3,971.07	\$3,971.07
FCT Insurance Company Ltd.	\$1,131.49	\$0
Federated Insurance Company of Canada	\$623.41	\$623.41
First American Title Insurance Company	\$1.50	\$1.50
First Canadian Insurance Corporation	\$694.70	\$694.70

Company name	Assessment	Paid
First North American Insurance Company	\$159.63	\$0
Foresters Life Insurance Company	\$187.45	\$187.45
Fundy Mutual Insurance Company	\$1,407.44	\$1,407.44
Genworth Financial Mortgage Insurance Company Canada	\$3,649.45	\$3,649.45
Gerber Life Insurance Company	\$11.46	\$11.46
GMS Insurance Inc.	\$92.11	\$92.11
Gore Mutual Insurance Company	\$24.71	\$24.71
Great American Insurance Company	\$620.04	\$620.04
Green Shield Canada	\$745.09	\$745.09
Hartford Fire Insurance Company	\$17.97	\$17.97
HDI-Global SE Canada Branch	\$119.44	\$119.44
Healthcare Insurance Reciprocal of Canada	\$9.73	\$9.73
Humania Assurance Inc.	\$152.87	\$152.87
Industrial Alliance Insurance and Financial Services Inc.	\$4,694.73	\$4,694.73
Industrial-Alliance Pacific General Insurance Corporation	\$3,186.67	\$3,186.67
Intact Insurance Company	\$35,288.12	\$35,288.12
International Insurance Company of Hannover Ltd.	\$418.22	\$418.22
Ironshore Insurance Ltd.	\$138.91	\$138.91
Ivari	\$453.00	\$453.00
Jewelers Mutual Insurance Company	\$37.07	\$37.07
Knights of Columbus	\$710.11	\$710.11
La Capitale assurances et gestion du patrimoine inc.	\$340.10	\$340.10
La Capitale Financial Security Company	\$58.00	\$58.00
La Survivance – Voyage, compagnie d'assurance	\$27.49	\$27.49
Legacy General Insurance Company	\$83.12	\$83.12
L'Excellence Compagnie d'assurance-vie	\$166.62	\$166.62
Liberty Mutual Insurance Company	\$21,236.22	\$21,236.22
Life Insurance Company of North America	\$10.52	\$10.52
Lloyd's Underwriters	\$16,427.57	\$16,427.57
London Life Insurance Company	\$7,029.70	\$7,029.70
L'Union-Vie, compagnie mutuelle d'assurance	\$100.28	\$100.28
L'Unique assurances générales inc.	\$1.87	\$1.87
Medavie Inc.	\$9,780.07	\$9,780.07

Company name	Assessment	Paid
Millennium Insurance Corporation	\$517.82	\$517.82
Mitsui Sumitomo Insurance Company Limited	\$29.95	\$29.95
National Liability & Fire Insurance Company	\$147.15	\$147.15
New York Life Insurance Company	\$37.28	\$37.28
Northbridge Commercial Insurance Corporation	\$1,648.94	\$1,648.94
Northbridge General Insurance Corporation	\$7,076.10	\$7,076.10
Northbridge Personal Insurance Corporation	\$1,446.00	\$1,446.00
Novex Insurance Company	\$136.29	\$136.29
Old Republic Insurance Company of Canada	\$667.96	\$667.96
Omega General Insurance Company	\$148.64	\$148.64
Orion Travel Insurance Company	\$238.13	\$238.13
Pafco Insurance Company	\$915.83	\$915.83
Pavonia Life Insurance Company of Michigan	\$12.29	\$12.29
Pembridge Insurance Company	\$6,801.67	\$6,801.67
Perth Insurance Company	\$55.04	\$55.04
Primerica Life Insurance Company of Canada	\$158.29	\$158.29
Primum Insurance Company	\$7,131.53	\$7,131.53
Promutuel de L'Estuaire, Société d'ass. générale	\$6,277.86	\$6,277.86
Protective Insurance Company	\$16.10	\$16.10
RBC Insurance Company of Canada	\$388.65	\$388.65
RBC Life Insurance Company	\$1,708.06	\$1,708.06
Reliable Life Insurance Company	\$4.79	\$4.79
Royal & Sun Alliance Insurance Company of Canada	\$11,901.24	\$11,901.24
SCOR Insurance	\$180.47	\$180.47
Scotia Life Insurance Company	\$283.67	\$283.67
Security National Insurance Company	\$17,046.86	\$17,046.86
Sentry Insurance a Mutual Company	\$4.87	\$4.87
Sompo Japan Nipponkoa Insurance Inc.	\$6.37	\$6.37
Sonnet Insurance Company	\$58.41	\$58.41
SouthEastern Mutual Insurance Company	\$3,109.16	\$3,109.16
SSQ, Insurance Company Inc.	\$291.27	\$291.27
SSQ, Société d'Assurance-Vie inc.	\$851.43	\$851.43
St. Paul Fire and Marine Insurance Company	\$388.24	\$388.24

Company name	Assessment	Paid
Stanley Mutual Insurance Company	\$2,940.30	\$2,940.30
Starr Insurance and Reinsurance Limited	\$83.12	\$83.12
Stewart Title Guaranty Company	\$451.55	\$451.55
Sun Life Assurance Company of Canada	\$13,163.92	\$13,163.92
Sunderland Marine Mutual Insurance Company Limited	\$281.94	\$281.94
T.H.E. Insurance Company	\$0.37	\$0.37
TD Home and Auto Insurance Company	\$273.70	\$273.70
TD Life Insurance Company	\$81.85	\$81.85
Temple Insurance Company	\$1,868.72	\$1,868.72
The American Road Insurance Company	\$76.01	\$76.01
The Boiler Inspection and Insurance Company of Canada	\$328.36	\$328.36
The Canada Life Assurance Company	\$10,635.56	\$10,635.56
The Dominion of Canada General Insurance Company	\$7,915.19	\$7,915.19
The Empire Life Insurance Company	\$465.49	\$465.49
The Equitable Life Insurance Company of Canada	\$433.00	\$433.00
The Grand Orange Lodge of British America Benefit Fund	\$7.39	\$7.39
The Great-West Life Assurance Company	\$7,232.87	\$7,232.87
The Guarantee Company of North America	\$3,050.01	\$3,050.01
The Independent Order of Foresters	\$8.33	\$8.33
The Insurance Company of Prince Edward Island	\$3,469.73	\$3,469.73
The Manufacturers Life Insurance Company	\$17,938.31	\$17,938.31
The Order of United Commercial Travelers of America	\$3.96	\$3.96
The Personal Insurance Company	\$7,293.28	\$7,293.28
The Portage la Prairie Mutual Insurance Company	\$4,124.96	\$4,124.96
The Sovereign General Insurance Company	\$4,410.27	\$4,410.27
The Wawanesa Life Insurance Company	\$381.87	\$381.87
The Wawanesa Mutual Insurance Company	\$40,469.68	\$40,469.68
Tokio Marine & Nichido Fire Insurance Co. Ltd.	\$96.97	\$96.97
Traders General Insurance Company	\$3,892.07	\$3,892.07
Trafalgar Insurance Company of Canada	\$573.61	\$573.61
Trans Global Insurance Company	\$7.11	\$7.11
Trans Global Life Insurance Company	\$0.83	\$0.83
Travelers Insurance Company of Canada	\$1,120.26	\$1,120.26

Company name	Assessment	Paid
Trisura Guarantee Insurance Company	\$836.45	\$836.45
Triton Insurance Company	\$554.51	\$554.51
Unica Insurance Inc.	\$0.37	\$0.37
Unifund Assurance Company	\$13,094.88	\$13,094.88
United American Insurance Company	\$0.52	\$0.52
United General Insurance Corporation	\$2,477.90	\$2,477.90
Waterloo Insurance Company	\$2,197.83	\$2,197.83
Western Financial Insurance Company	\$273.70	\$273.70
Western Life Assurance Company	\$534.75	\$534.75
Western Surety Company	\$406.24	\$406.24
Westport Insurance Corporation	\$1,188.03	\$1,188.03
Wynward Insurance Group	\$1,364.00	\$1,364.00
XL Reinsurance America Inc.	\$138.91	\$138.91
<i>XL Specialty Insurance</i>	\$831.96	\$831.96
<i>Zenith Insurance Company</i>	\$188.71	\$188.71
Zurich Insurance Company Ltd	\$1,863.48	\$1,863.48
	\$509,407.40	\$507,991.73