

# LIAISON



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DE COURTAGE D'ASSURANCE DU QUÉBEC

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## BILL 188 REVIEW

OUR STANCE AND IMPLICATIONS  
FOR OUR FUTURE





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AND FOR YOU!



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# THE OBSERVATION AND DELIBERATION STAGE IS OVER: **IT'S TIME FOR ACTION!**



VINCENT GAUDREAU  
Chair

**Among the various key issues we are currently facing, none is more important than the review of the *Act respecting the distribution of financial products and services (Bill 188)*.** Our efforts in this regard began long ago; they were aimed at mobilizing resources, studying the draft legislation closely, discussing potential avenues, rolling out lobbying/educational initiatives, standing up for your interests and protecting consumers. When Quebec's finance ministry announced in the fall of 2012 that it would be tabling a white paper on the Bill 188 review and that it planned to consult with the main industry stakeholders, we got down to work. After all, Bill 188 regulates our profession and will shape our future so we are even more determined to make our voices heard!

**"YOUR COMMITMENT IS  
THE KEY TO OUR SUCCESS!"**

In particular, we recently submitted a brief in response to the consultation process launched by Quebec's finance ministry. It was important for us to seize this opportunity to make brokers' voices heard. Who else could or would have done that? In our brief, we called for the mandatory involvement of a certified representative whenever insurance products are sold online. We also denounced the unfairness of the distribution system without representatives and called for it to be eliminated altogether. And since the finance ministry has been questioning the wisdom of having a dual regulatory system (AMF/CHAD) and a compensation fund for financial services, we also took a stand on these issues. We must not let anyone else decide our future for us!

Needless to say, we will remain very active standing up for your rights and providing consumers with comprehensive information. Your support, however, is essential as it gives our initiatives even more impact. In other words, your commitment is the key to our success!

But to achieve concrete results, the efforts of all RCCAQ members are required. All our gains to date are attributable to the strength and solidarity of the RCCAQ, whether concerning auto dealers (your reporting paid off) or tax harmonization (brokerage firms benefited thanks to the many letters you sent to our elected officials). So don't be shy about supporting us in this fight! Simply go to [rccaq.com/letsbeheard](http://rccaq.com/letsbeheard), where you'll find all the tools you need to help!



FIND A DETAILED  
OVERVIEW OF  
OUR POSITIONS  
IN THE ARTICLE  
**BILL 188**  
**REVIEW: RCCAQ**  
**PROPOSALS.**



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# OUR PRIMARY MISSION: REPRESENTING YOU!

The RCCAQ is well aware of the difficulties associated with your work and shares your concerns about threats to our industry and, ultimately, your firm. This is the starting point for a series of concrete initiatives designed to better represent your interests as we deal with issues and challenges that will continue to arise. Representing your interests is our primary mission!



**As a professional association, the RCCAQ seeks to promote and defend the socioeconomic interests of its member firms and brokers.** Now more than ever, representing your interests is our chief concern.

Your membership dues are mainly used to fund our lobbying activities. We have launched various initiatives to promote your concerns and expectations, including active lobbying of political bodies and media outlets. We also take steps to maintain an open forum for dialogue with industry stakeholders, including roundtables with representatives of insurance companies, banners and major firms.

We are committed to standing up for your interests and discussing issues of concern to you, such as Bill 188, currently our main focus. This issue has prompted us to contact official bodies on several occasions over the past few months. The Bill 188 review provides an opportunity to reiterate our positions defending your rights and to ensure that consumers stay well informed.

The members of the Major Firms Roundtable and the Banners Roundtable were consulted in this regard. We discussed various questions raised in the finance minister's report concerning the application of the Act and sought their support prior to submitting our brief.

Your views had also a big influence on our work on the Bill 188 review. The survey you took part in was an excellent way to determine and evaluate your opinions; it also ensured that our proposals reflected your concerns. The brief we submitted represented the RCCAQ's "majority opinion" in the form of guidelines suggested by all our members.

Being an RCCAQ member means joining forces to ensure that our voices are heard. Supporting the RCCAQ means making a profitable and targeted investment in your future. We can get a lot of things done by working together!



**To consult the brief**

## THREE ROUNDTABLES CREATED BY THE RCCAQ

**1**

THE **BROKERAGE DISTRIBUTION ROUNDTABLE** MEETS TWICE A YEAR. BROKERS AND INSURERS DEVELOP JOINT STRATEGIES TO PROMOTE THE BROKERAGE DISTRIBUTION NETWORK AND ENSURE ITS SUCCESS.

**2**

THE **BROKERAGE DISTRIBUTION ROUNDTABLE** MEETS TWICE A YEAR. BROKERS AND INSURERS DEVELOP JOINT STRATEGIES TO PROMOTE THE BROKERAGE DISTRIBUTION NETWORK AND ENSURE ITS SUCCESS.

**3**

THE **BANNERS ROUNDTABLE** WAS CREATED TO FORGE CLOSER TIES WITH KEY GROUPS OF FIRMS. IT COVERS SIX BANNERS ACCOUNTING FOR NEARLY 50% OF INSURANCE BROKERAGE FIRMS IN QUEBEC.



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# “TOGETHER, WE HAVE EVERYTHING TO GAIN!”

**That’s the theme of the RCCAQ’s 42<sup>nd</sup> annual convention, which will be held from November 3 to 5 at the Hilton Lac Leamy in Gatineau.**

The game is getting tougher and more dangerous! It’s true: the brokerage sector is dealing with various issues that now more than ever require our members’ collective strength and commitment. If we have to join together to make our voices heard and protect our firms, then that’s exactly what we’ll do!

As a professional association, our role is to ensure that you have all the tools you need to ensure the ongoing viability of your business. The various activities during the convention, i.e. events with the legendary lawyer and political commentator Jean Lapierre, or the insurers’ roundtable hosted by Jean-Luc Mongrain, are all designed to ensure that you have all your assets working for you.

Come and debate key issues of concern to you as you attend these high-level meetings. If you didn’t get a chance to register via our website, please contact us directly on site to complete your registration and take part in the event.



**Consult the program**



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**MICHELE STILLER**

*VP Operations*

*National Truck League*

*Insurance Solutions*



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Following the tabling on June 12 of the government's report on the application of the Act respecting the distribution of financial products and services along with related recommendations, the RCCAQ proposed various potential solutions.

REVIEW OF THE ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES:

# RCCAQ PROPOSALS

The major review of the Act respecting the distribution of financial products and services provides an opportunity to evaluate this legislation's effectiveness, in addition to identifying various areas for improvement. In the conclusion of his report, Quebec's finance minister set out five recommendations and asked industry stakeholders to provide feedback. The RCCAQ adopted the following positions in this regard.

CONSULT THE BRIEF



## 1

### INSURANCE PRODUCTS AVAILABLE ONLINE

In particular, the minister's report deals with the regulation of insurance product distribution, taking into consideration growing use of the Internet in recent years. The Internet's value as a communications tool is undeniable. But there is a crying need to modify existing legislative provisions governing the Internet's use as a distribution channel. That's why the RCCAQ is seeking uniform

and fair treatment for all industry stakeholders; regardless of the distribution model, everyone should be required to comply with the Act. Therefore, comparison sites should be registered as insurance brokerage firms and a certified representative should always be involved in these transactions, even if consumers begin the process of purchasing insurance online.

## 2

### INSURANCE DISTRIBUTION WITHOUT REPRESENTATIVE

Another issue raised in the minister's report is insurance products distribution without the involvement of certified representatives. Insurance products distributors' activities are not governed by the same rules as those governing certified representatives. Although they serve as intermediaries, distributors do not undergo specific training on the insurance products they sell, nor are they subject to stringent legal requirements. However, under the current distribution model, they are authorized to sell complex products with no attention paid to clients' real needs. This is a purely commercial model that does not provide enough public protection.

Consistent with its desire for fair and uniform treatment, the RCCAQ believes that this distribution model should be eliminated. In its place, all distributors should be registered as brokerage firms and staff assigned to selling insurance products should become certified insurance representatives if they are not already.



## 3

### DUAL REGULATORY SYSTEM

Currently, insurance representatives are regulated by two entities: the **Chambre de l'assurance de dommages (CHAD)** and the **AMF**. This situation has at times led to confusion with respect to each entity's areas of jurisdiction. In addition, duplication means additional costs and a more cumbersome regulatory process. This has prompted the finance minister to question the wisdom of having a dual system.

The RCCAQ calls for the elimination of this system. As a result, all investigative and legal services would be assumed by the AMF, which would become the exclusive body in this regard. Professional development, for example, would be offered by the sector associations for each discipline (e.g. the RCCAQ for insurance brokers) and would be overseen by the AMF. Advisory committees would be created to foster dialogue between the AMF and committee representatives.



## 4

### COMPENSATION FOR FRAUD VICTIMS: CLAIM ELIGIBILITY CRITERIA



Compensation for fraud victims, in particular for offences covered by Quebec's financial services compensation fund (FISF), and the possibility of expanding FISF's scope to include fraud relating to sales of products that representatives are not authorized to offer, is one of the final points addressed in the minister's report. The RCCAQ proposes maintaining the current eligibility criteria for compensation claims so as to not treat representatives unfairly. Since the overriding goal is to maintain consumers' confidence in the industry, this goal will not be achieved if consumers are compensated for offences committed by professionals who were not authorized to be involved in the first place.

## 5

### FISF MANAGEMENT

The fact that the FISF is managed by a public organization (i.e. the AMF), but only compensates victims of fraud committed by certified members, has at times led to confusion in consumers' minds. In order to maintain the AMF's current role as the "exclusive claims body" while ensuring greater involvement by members, the minister's report concludes that "industry representatives should be involved in the FISF's decision making process." The RCCAQ supports the creation of a committee whose members would represent the discipline corresponding to each alleged offence and whose mandate would be to determine the validity of each claim.

The RCCAQ supports the creation of a committee whose members would represent the discipline corresponding to each alleged offence and whose mandate would be to determine the validity of each claim.

To get involved in defending your interests, please visit our "Let's Be Heard" webpage at [rccaq.com/letsbeheard!](http://rccaq.com/letsbeheard!)

#### IN SHORT

##### MINISTER'S RECOMMENDATIONS

##### RCCAQ'S PROPOSALS

- 1 "[...] put in place a flexible legislative framework authorizing insurers to sell their products online."  
**DANGER!** Risk of major loss of market share; consumer protection is undermined.
- 2 "Put in place a legislative framework for distribution without representatives that will apply directly to insurers, who will be responsible for ensuring that their agents [...] comply with the rules."  
**DANGER!** Unfair treatment for various stakeholders; consumer protection is undermined.
- 3 "Examine all regulations with a view to easing the regulatory and a financial burden for the persons in question while maintaining adequate oversight of the distribution of financial products and services."
- 4 "Enable consumers to be compensated if they are victims of fraud committed by a certified representative, even if the claim concerns sales of products that the representative was not authorized to offer."  
**DANGER!** Risks of unfair financial consequences with no benefit to consumer confidence in the industry.
- 5 "Involve industry representatives in the FISF's decision-making process."

- > Make it mandatory for a certified representative to be involved in an online transaction.
- > Standardize the legal requirements for all industry stakeholders (comparison sites, insurance companies and brokers).
- > Eliminate distribution without representatives.
- > Require all distributors to register as brokerage firms.
- > Require employees of these distributors who sell insurance products to be registered as certified representatives.
- > Eliminate the dual regulatory system for representatives and make the AMF the exclusive oversight body.
- > Entrust responsibility for representatives' professional development to sector associations (e.g. the RCCAQ for brokers).
- > Create advisory committees made up of representatives to foster ongoing dialogue with the AMF.
- > Maintain the compensation fund's current formula without expanding it to include activities that professionals are not authorized to engage in the first place.
- > Ensure that committee members represent the discipline in which the alleged offence was committed.



# REVIEW 188 OF BILL 188

## DISTURBING IMPACTS OF ONLINE INSURANCE SALES

**The initial report on the application of the Act respecting the distribution of financial products and services (Bill 188) was long awaited. Over and above the predictable conclusions about identified problems, the suggestions pertaining to expanding the online insurance market have been sparking concerns among professionals in the field. These are legitimate fears, says André Bois.**



ANDRÉ BOIS  
Lawyer at Tremblay Bois  
Migneault Lemay S.E.N.C.R.L

**Adopted under a parliamentary gag order and enacted in 1999, the Act respecting the distribution of financial products and services has no equivalent in the insurance sector elsewhere in Canada.** Section 180 mandated that a report on the law's application be published by October 1, 2004 (and every five years thereafter.) The report presented in June 2015 by Quebec's finance minister was actually the first. "It identifies certain difficulties that we've been well aware of since the Act came into effect," says André Bois, a litigation lawyer and a legal advisor to the RCCAQ. These difficulties include the fragmentation of market oversight functions (allocated to multiple organizations) and the lack of legislative oversight for online sales of insurance products.



### PROFESSIONALS ASSISTING CLIENTS

The system for distributing insurance products without the involvement of a certified representative has been problematic ever since the Act took effect. For example, consumers are not sufficiently protected if an auto dealer offers to sell them a replacement insurance policy (FPQ 5). Drawing on his extensive experience, Mr. Bois describes the Internet as a general "sounding board" for all the challenges our profession is grappling with. In this case, insurance brokers must continue to position themselves as defenders of the public interest.

"Section 27 of the Act sets out all the information needed to determine what types of insurance are adequate," explains Mr. Bois. "And Section 28 is quite clear as well: before the sales contract is finalized, the representative must provide a description of the contract's coverage and limitations." Could a robot ever hope to carry out these tasks as well as a professional could? "It actually calls into question the legislation's basic underlying intent, which is to assist people shopping around for insurance," he notes. "It's as if you were blindly looking for medication with no doctor's prescription and no pharmacist there to advise you."

### BEHIND ALL THE "FLEXIBILITY", A DANGER TO CONSUMER PROTECTION

"The ministry's report explains that online sales are desirable for non-complex products, but which ones?" Mr. Bois' question reflects the concerns of brokers who consult with him. In their view, the problem is not only one of clients seeking to purchase a single category of insurance online. The problem actually increases at renewal time, i.e. when these clients are offered other products covering other risks.

"The report mentions 'flexible' regulations," says Mr. Bois. "And we already know what that means: deregulation or a gutting of the protections in Bill 188." Mr. Bois is also surprised that the finance ministry did not take into account the fact that all insurance contracts are covered by civil law. "Quebec's *Civil Code* may not prohibit 'distance contracts', but they are only allowed if all of the protective measures set out in the *Civil Code* have been taken." According to Mr. Bois, it would not be surprising if the justice ministry reiterated this requirement.

### SUMMARY OF THE RCCAQ'S POSITIONS ON ONLINE INSURANCE SALES

- > Mandatory involvement of a certified representative during an online transaction.
- > Uniform legal requirements for all industry actors (price comparison websites, insurance companies and brokers). Comparison sites should be registered as insurance brokerage firms.



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# COURMARK: WORKING WITH YOU AND FOR YOU!



**Although it has been in operation for more than 27 years, Courmark remains a mystery in the eyes of some RCCAQ members. That's why we decided to provide this overview, with the assistance of Courmark director Richard Giroux.**



**RICHARD GIROUX**  
Director



**NADIA KARAM**  
Damage insurance broker

**Is Courmark an insurance wholesaler?** An RCCAQ division? Or is it an external company? The following four points will help to answer these questions.

### **IN A NUTSHELL, WHAT IS COURMARK?**

Courmark was created in 1988 by the RCCAQ. It is a brokerage firm as well as a non-profit organization. It was originally called RCCAQ Development and Services. Its main goal is to offer products and services to brokerage firms. It was created to enhance the RCCAQ's viability since the profits it generates by selling products and services were (and continue to be) reinvested in the RCCAQ. In 1994, the organization changed its name to Courmark: a blend of "cour" from the French word for "broker" (*courtier*) and "mark" from "marketing".

### **WHAT PRODUCTS DOES COURMARK SELL NOWADAYS?**

Courmark offers a full range of products and services, including errors and omissions insurance (E&O), directors and officers insurance (D&O), group insurance for serious illnesses, a group RRSP and legal assistance. In the past, some RCCAQ members mistakenly believed that Courmark was an ordinary insurance wholesaler. In fact, we offer a unique program, particularly as regards professional liability insurance, thanks to our exclusive alliance with Swiss Re. This is one of the most comprehensive products on the market; the claims service quality is excellent.

### **SWISS RE**

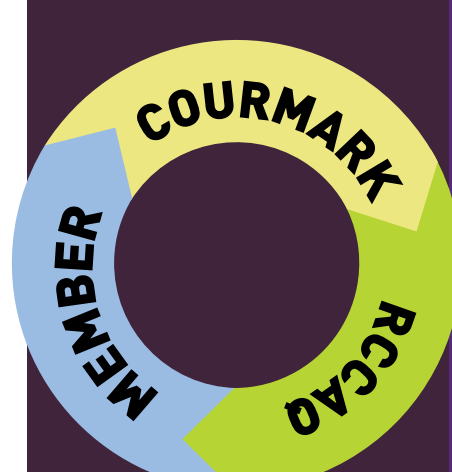
- Late 1990s: the partnership is launched with Courmark and a professional liability product is developed.
- A solid and faithful insurer for Courmark clients.

### **ASIDE FROM PROFESSIONAL LIABILITY INSURANCE, WHICH COURMARK PRODUCT OR SERVICE IS THE MOST POPULAR?**

Our group insurance product is very popular. It was developed under our partnership agreement with Vigilis. The group insurance policy comes from Great West, but individual firms can adapt the coverage depending on what they want to offer their employees. Once again, profits from sales of this product are reinvested and used to fund the RCCAQ's initiatives. Vigilis is also our group RRSP partner.

### **WHY DO BUSINESS WITH COURMARK?**

By doing business with Courmark, members are reinvesting in their own professional association while obtaining high-quality products and services. That way, insurance becomes more than just a required expenditure. Each year, my colleague Nadia Karam and I review all Courmark products and services with a view to improving them. Since we are brokers and since we work for the RCCAQ, we can also answer any questions you may have concerning insurance, ethics or other brokerage-related matters.



Courmark funds the RCCAQ's initiatives, defended the interests of brokers.



For further information or if you'd like a quote, please email the Courmark team today ([nkaram@rccaq.com](mailto:nkaram@rccaq.com) or [rgiroux@rccaq.com](mailto:rgiroux@rccaq.com))

## Instaurer un RVER : Est-ce inévitable pour votre PME?

*(This presentation is only given in French)*

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Every insurance broker is required to successfully complete activities totalling 20 professional development units (PDUs) over a two-year period in order to continue practicing professionally.

## PROFESSIONAL DEVELOPMENT: MORE THAN JUST A REQUIREMENT!

However, in an industry as fast changing as insurance, RCCAQ members' professional development is more than just a regulatory requirement. It is also a guarantee of quality and competence in the eyes of the public, as well as a good way to stay competitive. That's why the RCCAQ has put together a range of courses and services to support your professional growth and development.



### CONSULTING SERVICES: USEFUL RESOURCES

Brokerage firm managers sometimes face specific challenges. In this regard, sound advice and mentoring might be greatly appreciated. To meet this need, the RCCAQ has entered into a partnership with four professionals who have complementary areas of expertise—and who are here to help!

OUR THREE-PRONGED APPROACH TO CONSULTING:

1

**HUMAN RESOURCES MANAGEMENT**  
RECRUITMENT, EMPLOYEE HANDBOOKS, PERFORMANCE EVALUATIONS, TRAINING NEEDS ANALYSIS, AND VARIOUS TOPICS THAT CAN BE ADDRESSED WITH AN EXPERIENCED SPECIALIST.

2

**OPERATIONS/SALES MANAGEMENT**  
CONSULTING SERVICES INCLUDING SALES ADVICE AND PERFORMANCE INDICATOR DIAGNOSTICS.

3

**ORGANIZATIONAL STRATEGY**  
PROVIDES ASSISTANCE IN THE AREAS OF CHANGE MANAGEMENT, SUCCESSION MANAGEMENT AND DECISION-MAKING.



For further information, please consult the Consulting section of the RCCAQ's website.



### CONNECTED AND WELL INFORMED

Does your work schedule leave you with little opportunity to take external courses? If so, be sure to check out our selection of online activities!

Around 15 training activities are currently available. Topics include water damage, civil liability for home insurance, condominiums, surety bonds, sales techniques and operating losses.

Since our courses are given on an interactive platform, you can discuss things with the training coordinator and ask questions just as easily as if you were in a regular classroom.

For further information on the online training calendar and to register, please visit the web training section of the RCCAQ's website. The course schedule until June 2016 is already posted!



Click here to access the web training calendar



### INDEPENDENT LEARNING: TAKING COURSES WHEN THE TIME IS RIGHT FOR YOU!

For the past three years, the RCCAQ, in partnership with the Quebec Insurance Institute (IADQ), has published an annual training catalogue. This year, we have decided to embrace innovation by offering 10 time-independent training activities, which will be available in November 2015.

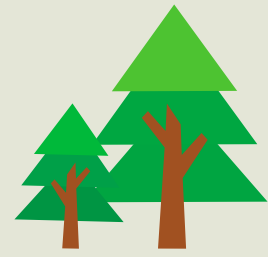
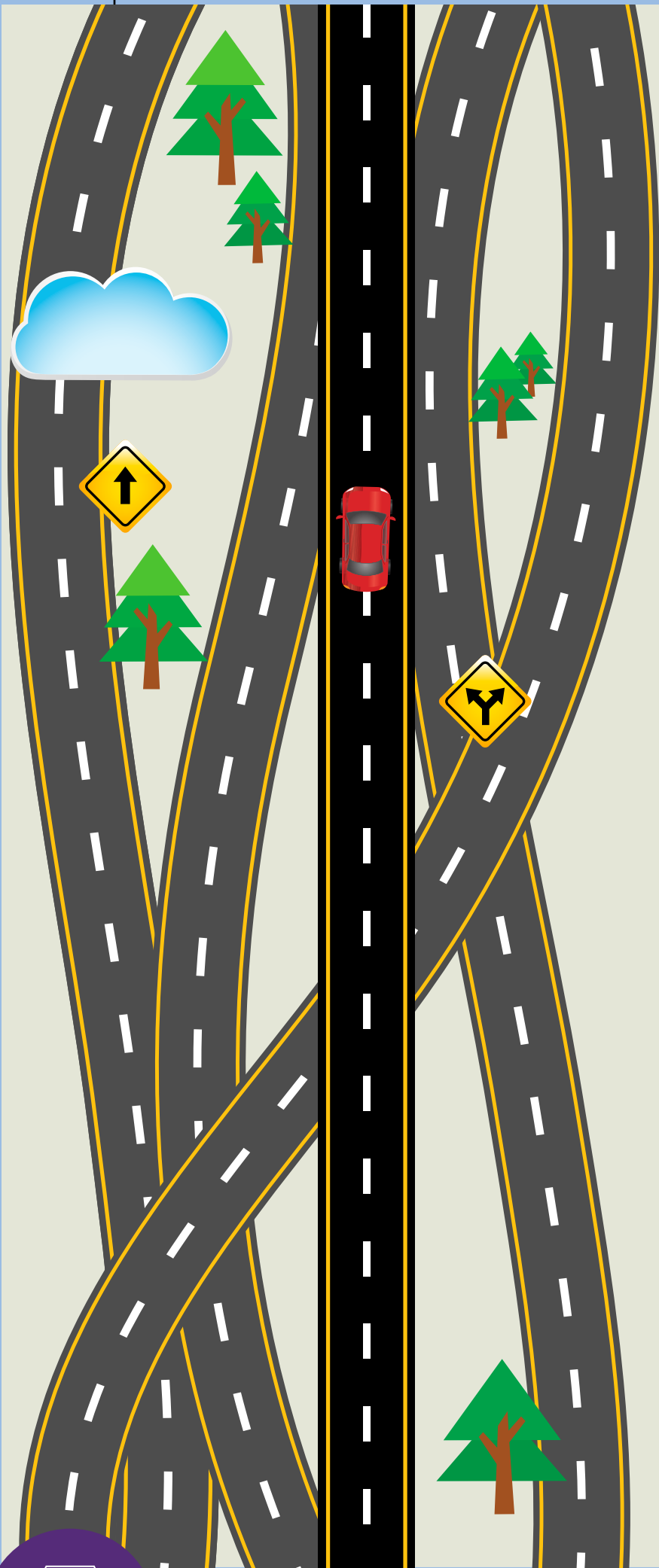
Based on a shared web platform, the training sessions run for two to four hours each and focus on compliance and insurance techniques. As the name suggests, they are pre-recorded, which means that participants can view the sessions whenever is most convenient for them over a maximum five-day period. A questionnaire is then sent out to test the participants' knowledge.

For further information on these activities, please consult the training and career (time-independent web training) section of the RCCAQ's website.



Click here to access the training and career section

NEW TIME-INDEPENDENT TRAINING ACTIVITIES  
How many: 10  
When: Beginning in November 2015  
Running time: 2-4 hours  
PDUs: 2-4 (insurance techniques and compliance)  
Availability: At any time for a 5-day period



# REGIONAL TOUR

**Hoping to boost our on-the-ground presence, we kicked off a regional tour aimed at meeting with RCCAQ members and creating roundtables to discuss key issues of concern.**

The RCCAQ's regional tour is a great way to find out what's going on in various regions of Quebec and to identify our members' needs and expectations based on their respective realities. We used this opportunity to discuss various major issues facing our industry, along with the RCCAQ's lobbying efforts and current/upcoming initiatives. The tour was very well received and shed fresh light on some of the issues the RCCAQ is working on, in addition to boosting our members' involvement.

So far, the RCCAQ has visited four regions (Chaudière-Appalaches, Saguenay/Lac-Saint-Jean, Laurentians and Outaouais). The tour will be resuming in the winter (early 2016). Come and meet up with us!



**Would you like to take part in the RCCAQ's initiatives? Please let us know!**



Be sure to visit [rccaq.com](http://rccaq.com) for regular updates on the tour itinerary.

## We're donating another \$1,000,000

For seven years, we've been putting our money where our business is – investing in charitable community initiatives across Canada with the Aviva Community Fund. We're proud of the \$5.5 million in funding we've made to date, and can't wait to donate another \$1 million this year.

Watch for announcements about this year's finalists on November 3 and winners on December 2.

Visit [avivacommunityfund.org](http://avivacommunityfund.org) for more information.

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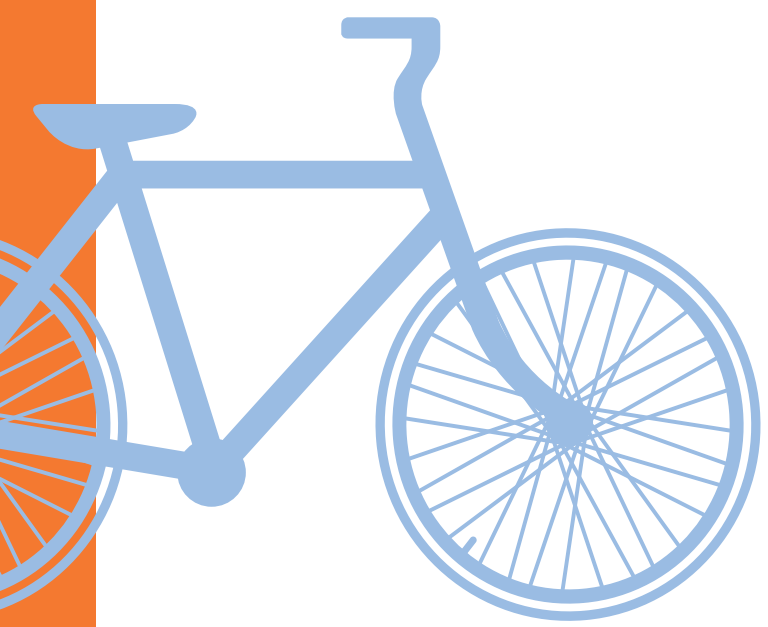
## 2015 golf/cycling tournament

**After two years of rain-soaked networking, some 260 participants were treated to sunny skies on June 11 when they gathered at the Summerlea Golf and Country Club for our reinvented annual event: a combination golf tournament and bike tour!**

Marking a change, a second activity (bike tour) was available this year. Cycling enthusiasts could choose from two different routes (beginners or more advanced). According to the participants, the new format was a big hit as well as being a great start for this new networking activity, which we hope will attract even more people next year.

True to form, the golfing contingent took the two courses by storm as they vied for the Vegas Foursome, with the legendary blue jacket going to the winning team. This year, Mélanie Corbeil, Martin Brousseau, Frédéric Dupont and Michel Dupuis were the best foursome with a score of 7 under par. Congratulations!

Amid a constant flow of good cheer, we finished off the day with our traditional dinner, where various surprises and entertainers awaited the nearly 300 guests. If the idea behind this annual gathering was to create an enjoyable event with a mixture of golf, cycling and networking, then all we can say is: mission accomplished!



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# LIAISON

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