

# BROKER

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## MEET THE PREZ Vicki Livingstone

2019–20 IBAA President

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Vicki Livingstone  
2019-20 IBAA President



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## THE ALBERTA BROKER

June–July 2019

The Alberta Broker is the official publication of the



3010 Calgary Trail,  
Edmonton, AB T6J 6V4  
T: 780.424.3320 • 1.800.318.0197  
F: 780.424.7418 • www.ibaa.ca

**President** Vicki Livingstone  
**Chief Executive Officer** George Hodgson

Published six times annually by:



3 Deacon Lane, Sherwood Park, Alberta T8H 1M7  
T: 780.945.1934 • E: AlbertaBroker@LinkPR.ca

**Publisher and Editor** Annette Hubick  
**Advertising** Michele Schuldhuis 780.910.2601 Michele@LinkPR.ca

The Alberta Broker accepts articles about the insurance industry and its people. Letters to the editor are welcome. The opinions and viewpoints expressed in The Alberta Broker may not necessarily be those of the publisher, the association or its members.

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## What About the Auto Crisis?

On May 5–8, 2019 IBAA held its annual convention. While there, many people asked me what IBAA is doing about the current auto crisis or expressed frustration that we have been doing nothing. At our town hall, several brokers echoed these sentiments. It was obvious from some of the comments that several members had not been following us at all.

Since we have sent numerous documents out to brokers on this topic, it surprised me that so many brokers think IBAA has done nothing to further their cause with the government, when the reverse is actually true.

When I specifically asked, no-one had seen George's interviews in the Edmonton Journal or the Calgary Herald. No one seemed to have received our new quarterly government relations update, **The Declarations Page**. Those members I talked to said they hadn't seen or read this column **IBAA at Work**. None could recall George Hodgson's **CEO's Desk** publications dedicated to

"... it surprised me that so many brokers think IBAA has done nothing to further their cause with the government, when the reverse is actually true."

the auto issue. A few recollected that we had asked them to do a **letter to their MLA**, but none remembered being asked to help us drop off **materials to the election candidates**. In fact, of the 4900 brokers who received this request, only 25 offered to get the materials out there (that's **0.5%** by the way).

Frankly, folks, we are at a loss to know how best to get information to you. Our emails go unopened and unread (average: 29% are opened and 11.7% click on lines), our **Alberta Broker** magazine column is obviously not being read and our publicity in Alberta newspapers is not being seen. Few admit to hearing our **radio ads** throughout rural Alberta, although

some have seen our **billboards** around the province. I haven't heard anyone mention our **giant screens** outside **Rogers Place** or ads around **the ice district**, as well as in **restaurants and bars** in both Calgary and Edmonton, **elevators** in downtown **Edmonton and Calgary business towers** ... not even our **internet advertising campaign**.

Since almost no one seems to be reading our member publications or seeing our marketing materials,

### WE NEED YOU TO TELL US HOW TO REACH YOU!

Please email me and let me know how we can let you know what we are doing, because what/how we are communicating right now is not working.

By the way, **thank you so much to those of you who do read what we send out**. We'd love to hear from you about what you'd like to see more of or if you'd like to write an article for us once in a while.

WE NEED YOU TO TELL US  
HOW TO REACH YOU!

JANIS LOSIE  
COO  
IBAA  
JLosie@ibaa.ca





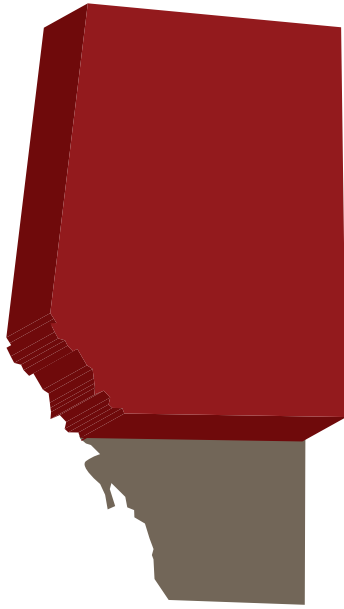
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# NORTHERN EXPOSURE

## BROKER NEWS

- After 58 years at the same location, Steinbring Insurance moved to new digs at the Rycor Business Centre (228, 6030 88 St., Edmonton) effective May 1. Don Steinbring and daughter Sarah Steinbring are looking forward to serving their existing clients at this new location.
- Storm Insurance Group had a couple of big announcements: As of May 1, it acquired Sheppard Insurance (previously part of the Excel Group of companies); and, they placed 2<sup>nd</sup> in the annual “Top 10 Insurance Brokerages in Canada” in a report released by Insurance Business Canada on April 16, 2019. This is Storm’s second recognition on this list, having placed 4<sup>th</sup> in 2017.
- Insurance Discounts welcomed two new employees: new broker Cathy Desnoyers joined the team with 27 years’ experience along with new receptionist Shauna Reimer, who has become a great asset. Receptionist is a key role for any business, and insurance is no exception.

- Rogers Insurance acquired A-WIN Insurance effective March 1, 2019. A-WIN remains a subsidiary of Rogers Insurance Ltd. and business continues as usual.

## COMPANY NEWS

Paul Judge and Marco Giordano have moved to field underwriter positions at Aviva to replace retiring Don Clisdell. Along with current field underwriter David Cardamone, the field underwriting team at Aviva is now fully staffed.

## INDUSTRY PARTNERS & PROFESSIONAL ORGANIZATIONS

- The Edmonton Insurance Curling Association (EICA) is pleased to announce another successful season. At the Christmas party, Sip and Slip Funspiel and year-end party, funds were raised for WICC. EICA is pleased to announce it donated \$2000 to WICC this year. Its grand total of donations to WICC since 2008 is \$17,450!
- The Insurance Professionals of Calgary will be hosting the Canadian Association of Insurance Women’s convention June 6–9, 2019.

## RETIREMENTS

Congratulations to Don Clisdell on his retirement effective March 29, 2019. Don Clisdell has been with Aviva for the past 12.5 years as senior field underwriter. His career began in 1980 as a broker with Dome Insurance Services. Later that year, he made the decision to move to Fireman’s Fund as an underwriting trainee. Between 1988 and 1996, he worked for Dominion of Canada, Sovereign, Medallion Insurance Brokerage, Citadel Insurance and AXA Pacific. Don’s vast experience, industry knowledge and strong broker relationships will be greatly missed and his will be big shoes to fill.

Congratulations to Nigel and Mary Mullen of Spruceland Insurance. After celebrating the 40<sup>th</sup> anniversary of their brokerage last fall, they began their well-deserved retirement as of May 31. They sold the brokerage to staff member Brittany Barre and her husband Tony Barre.

## CONDOLENCES

It is with deep sadness that we announce the passing of Olga Zapernick (88) on March 17, 2019.

Olga was the co-founder of Klondike Insurance. Their humble beginnings began in 1961 in a small office out of Olga's home. In 1974 they moved to their current location. Olga worked full time to the age of 82, when she suffered a stroke that no longer made it possible for her to work. She was a woman small in stature but huge in heart. Her clients loved her "no filter" approach to keeping the business successful. Her daughter, Patti Bligh, continues the family business. "She was my mentor, my boss and my best friend."

### 2019 IBAA CONVENTION

**Day 1: Golf and Peace Hills Party.** Well, that didn't go as planned! A spring snowfall cancelled the golf for the day. Golfers found other activities to keep busy. I heard there was some bowling involved. The disco-themed Peace Hills kickoff party was well attended as always. I don't know about you, but I did disco the first time around and I wasn't ready to revisit it again! But lots of people were gettin' down and boogying.

**Day 2: Meetings/Seminars/Gala.** The morning keynote speaker Andrew Au had some very interesting things to say and gave some insight as to where technology is going to take us in the not-so-distant future. Delegates were sure to be a well-educated crowd with the rest of the seminars in the line up. Everyone cleaned up nicely for the president's gala to welcome incoming IBAA president Vicki Livingstone.

**Day 3: Seminars/Tradeshow/Hospitality Night.** Education seminars were offered in the morning. It was great to see so many opportunities to obtain CE credits. Every year we say, we are only going to grab a couple of things at the tradeshow. Three bags full later ... as my husband says, we'll find a use for it! And then, the final opportunity to get in some networking at the hospitality night. And don't forget the moose milk. Yum!

SGI hosted a great after-party with a tropical beach theme. Kudos to those of you who gave the surf board and shark a go. I did the mini golf, which was more my style and wouldn't require a trip to the chiropractor.

**Day 4: Seminars.** Although many called it a wrap, for those keeners and CE credit hounds, three more seminars were offered on Wednesday.

Thanks to all the sponsoring companies and the staff at IBAA for providing a great convention. See you there next year.

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**H**istorically, IBAA members are elected to the executive and follow a progression through its positions: vice president, president elect, president and past president. To say that Vicki Livingstone's path to the IBAA presidency was unconventional and accelerated, is an understatement.

April 2016: Livingstone is elected to a two-year term as director at large. "I was at a point in my career where I was able to take the next step. My family was grown and I was happy with how my office was running. I wanted to do something further. I feel very strongly that what you invest in time and energy will only benefit you in the long run," she explains.

April 2018: Livingstone is re-elected to a two-year term as director at large. A couple weeks prior to this annual general meeting, the president elect candidate pulled out of the election. The members voted in favour of vice president candidate Chad Leibel leapfrogging into the president-elect role and for Julia Marshall to temporarily fill the position of vice president.

June 2018: At a special general meeting, Livingstone is elected to replace Julia Marshall as vice president. "I decided that there was so much more that I could learn and do if I went on to the executive."





# AUTO FOCUS

Helping the industry address the challenges of Alberta's auto insurance market is top of mind for IBAA's 2019-20 president, Vicki Livingstone

*by Annette Hubick*

March 2019: After Chad Leibel advised he would no longer be in a position to serve as president, Livingstone agrees to let her name stand as president elect. She is elected at yet another special general meeting and would hold this position for a little over six weeks when, as the IBAA's bylaws dictate, she would become president at the next annual general meeting. "I seriously had no aspirations to become president. I was actually thinking about running for vice president again this year. I met with a couple of office staff and members of the board, both past and present, and was reassured that many of the previous presidents had the same doubts," Livingstone recalls. These conversations bolstered her confidence that she

was up to the task. "When George (Hodgson) called to ask if I would let my name stand for the president elect position ... I knew I would have the support and help from both the office and the board to help me in this role," Livingstone says, adding with a laugh, "I also realized that with the added travel I FINALLY got the chance to work AWAY from my family."

April 2019: Vicki Livingstone is elected as IBAA's 98<sup>th</sup> president.

This is not the first time Livingstone has had to rise to challenges presented by forces of circumstance.

Livingstone's parents, Jim and Sherry Watson, purchased Freeman Insurance in Innisfail in 1984. Years later, when

a staff member began missing a lot of work to care for her very ill child, Livingstone volunteered to go in and help with the smaller tasks. “When she decided to quit to be with her family, I was a natural to fill her position,” recalls Livingstone of her insurance career’s inception. She obtained her level-one license in 1989, which was also the same year she met Paul, whom she would later marry and go on to have three children: Tyler (27), Kyra (25) and Cassie (22). Of those years working with her parents, Livingstone says, “I learned a great deal from my parents, both personally and professionally, when I decided to smarten up and listen to them.”

In 1992, Jim Watson was forced out of the business due to multiple sclerosis. (Unfortunately, this would not be the last time this disease touched Livingstone’s family.) Livingstone continued to work with her mother Sherry until she and Paul moved to Regina in 1998, where she did a one-year stint with government insurance. “I decided that I did not like that so I got involved with coaching competitive gymnastics.”

In 2004, Jim Watson passed away and Sherry retired from Freeman Insurance, leaving the brokerage operations in the hands of a staff manager. A few years later, forces of circumstance once again presented a challenge (and opportunity) to Livingstone with the brokerage manager’s announcement that she would soon be retiring. The Livingstones moved back to Innisfail in 2009 and Vicki assumed the brokerage’s reins the following year.

Livingstone and her sister purchased their mother’s shares in 2014, and Paul Livingstone purchased her sister’s shares in 2017. Freeman Insurance now has 10 staff members, plus another four in the affiliated registry business. Included amongst the staff are the couple’s two daughters, Kyra and Cassie, meaning Livingstone has now worked with her parents, sibling, husband and children. It is on the topic

of working with family that we begin our Q&A with IBAA’s 2019–2020 president.

## WORKING WITH FAMILY

What are the benefits and challenges that come with working with family?

I love working with my family. I joke a lot about it, but in all honesty it is fantastic. Paul is my very best friend in the world, and I am very close with both of my girls. That is not saying there are not challenges. Paul and I have had many disagreements and more than one fight over the way things should be done. We have to be able to discuss those and do our very best to remove emotion from the disagreements and do what is best for the office. And, as long as he agrees to do it my way, all works out well.

I feel more comfortable talking to my daughters about errors that they have made or problems they have than I sometimes do with other staff. It is also a challenge to make sure that the rest of the staff do not feel like Paul and I are favouring our daughters. We are all very conscious of this. Sometimes we are a little harder on them because of this.

Does your family have any “rules” to make business and family life run smoothly?

We try very hard to make sure that personal issues never come into the workplace. Alternatively, we also try to leave work at work. Not discussing work at home is A LOT harder though, and we are all still working on that.

You have worked with your parents, spouse and children—are there differences relative to the generation/relationship you’re dealing with?

I really don’t think that there are too many differences. Anyone who works with family knows that the main challenge is to treat work as work and

home as home and to do your best to keep them separate. I do not think this challenge changes with the different generations. I hear my kids complain about the same things that I used to complain about when I worked for my parents.

I make sure that any new person that I hire understands that we are a very family-oriented office. They also have to understand that if they accept a position with me they are in fact becoming part of my family. If there is a blizzard and they have to travel, they have to text me to let me know they are safe; otherwise, they will be in trouble with me!

## BEING AN INSURANCE BROKER

What do you like best about being an insurance broker?

I really like the daily challenge—nothing is ever boring. There is constant change within the industry so you will never have a chance to get bored.

Least?

Keeping up with the constant change—LOL. Seriously, I am getting too old to remember all the new things.

What are your roles/responsibilities in the company?

I wear many hats in the office. I do a lot of the day-to-day operations. I do all of the accounting, human resources, privacy administration and a lot of training. I also still cover reception at times and deal with clients on a regular basis. I do not deal with IT.

What is your business philosophy?

Have fun and get ‘er done. We work hard but have fun doing it. Customer satisfaction is a priority in our office. We believe in being proactive with our clientele. If there are changes or problems, call the clients and talk to them.

continued on page 12



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Are there main charitable/community initiatives that you, your brokerage or your employees are involved in? Why are they meaningful to you?

We are big supporters of the Multiple Sclerosis Society. Paul and I have been involved with the Central Alberta MS Society for many years and two years ago, we decided that we would close our office for the annual MS golf tournament. All of our staff have to golf or volunteer that day. The cause is very near to me as my father passed away from complications with MS, my mother is currently bed ridden with MS and I myself was diagnosed in 2007.

How do you try to distinguish your brokerage from the competition?

We have a bigger sign! Seriously though, we are very big on customer service. If you tell a client you will call them back, DO IT! Even if you don't have an answer, call and talk to them. We call our clients and review on all renewals. We call and follow up with all claims from beginning to end. I even have some clients that I call to remind them to change their pink cards in their vehicle and some that I call to remind them it is their spouse's birthday or anniversary. It's the personal touch with the client. They like that we don't JUST call for money.

What's been the greatest challenge you have faced as a broker and how did you overcome it?

Hiring and retaining good staff. I hired family because we can rely on them to maintain a good work ethic.

## BEING IBAA PRESIDENT

What skills and abilities do you bring to the role of IBAA president?

I am hoping that what I bring to the role is the fact that I am very actively involved in all aspects of our office. I still write up the single auto policy

or the small tenant. I still work the reception. Because of this, all the issues still hit me directly, the same as all the other front-line brokers, as well as hitting me as an owner/principal of the business.

What issues will you focus on during your term as IBAA president?

I think it goes without saying that there is a lot of work to do with government to advocate on the auto product. We would like to see the rate cap lifted completely. I also think that the landscape has completely changed with regards to auto insurance, so education will be a big push for me. We need to educate our staff so that they can educate the clients on ways to help themselves. Knowledge is power! With all of the changes that insurance has seen in the last couple of years, brokers have a responsibility to educate the public on ways to mitigate risk as well as ways to save money.

Why is this issue most important?

Brokers are struggling with where to place clients. Clients are angry. The current system is not working and we cannot continue to operate this way. More and more clients are choosing to drive without insurance as they are unable to obtain the coverage needed and that is not acceptable.

What have you learned from each of your predecessors that you would like to incorporate as IBAA president?

Paul VanderHooft: Listen. This is also my strength.

Gerry Baert: Has strong opinions and is not afraid to speak out. I could really use some lessons with that.

Julia Marshall: Calm confidence. I definitely need some lessons with this!

How does your brokerage benefit most from your association membership?

Education—as a member, we have access to a lot of education so that is a huge benefit for us. Advocacy—we

benefit from having an association that is continually and actively fighting for our industry's best interests.

What are the key legislative/regulatory issues that IBAA is dealing with? How do you think they will be impacted by the recent change in provincial government and upcoming fall federal election?

We have been fighting for equivalencies for the past couple of years, trying to get approval for an individual to be licensed upon successful completion of CAIB. This is an easy "win" for the new government to pass this quickly. Then we need to deal with lifting the cap on auto premiums. We need auto insurance to be competitive and accessible for all consumers.

What are the key issues/trends with insurers and what will the impact be on brokers? How will IBAA help its members address them?

Insurers are not profitable and are making drastic changes to their products—in some cases cancelling the broker. IBAA will be advocating to government to allow insurers to make the changes necessary to become profitable again.

What goals have you set to achieve as IBAA president?

I think that it would be amazing if I could help to fix the auto problem. This is a very lofty goal, but we need to aim for something. I do not necessarily think it can be totally fixed in one year; however, if we can lay some good ground work so that the next president can complete it, I would consider that to be very successful.



**ANNETTE HUBICK**

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# 20 QUESTIONS FOR THE PREZ

If you could meet anyone, alive or not, who would it be and why?

*I would like to be able to have a conversation with my father again. I know there are a lot of things that he could tell me that I would listen to this time around.*

What super power would you like to have?

*Alter the laws of probability*

What's your favourite app?

*Vacation Countdown—means I have a great vacay to look forward to.*

If you could see one concert, who would it be?



*I am not a big concert goer, but maybe Cher.*

What's your guilty pleasure TV show?

*I don't watch much TV but I really enjoyed Brooklyn 99 and Grace and Frankie.*

If we're buying, what are you having for dinner?

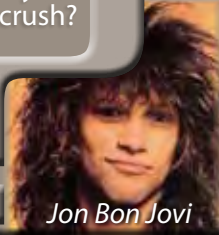
*Penne Alfredo*

Weddings and children aside, what is the coolest experience you've ever had?

*I have ridden the Hogwarts Express.*



Who was your childhood crush?



*John Cusack*

*Jon Bon Jovi*

If you could go anywhere in the world on vacation, where would you go?

*Touring Ireland and Scotland for a couple of months*

What's your dream car?

*'67 Mustang*

What are your pet peeves?

*Rude people and people who don't own up to their mistakes are probably my top two, but I have many.*

What's your culinary specialty?

*I panic in the kitchen. Paul is my chef.*



What are your three favourite movies?

At which single store would you choose to max out your credit card?

*That's tough—probably Kobo or Cleo.*

If you didn't do what you do for a living, what would you be?

*Selling oranges on the side of the road in Jamaica*

If you could build a house anywhere, where would it be?

*Jamaica*

What's your snack food guilty pleasure?

*Burger King*

What advice would you give to your 20-year-old self?

*Invest in Google, Apple and Microsoft*



What's tops on your bucket list (that you have yet to do)?

*Riding "The Sasquatch" in Whistler*

What would people be surprised to learn about you?

*I am very superstitious.*



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# THE BOTTOM LINE

## Insurance Brokers Support Canada's Prosperity and Well-Being

**T**he insurance broker profession is made up of individuals from every background and walk of life. The common denominator is their commitment to serving their clients and their community. A new study by Deloitte Canada commissioned by the Insurance Brokers Association of Canada (IBAC) highlights the important contributions that brokers make to Canada's economy and to society.

The typical broker owns or works in a small business that creates local employment and contributes many economic benefits. At the same time, brokers are making a positive difference in their communities in countless ways: coaching children's sports, volunteering and donating to charities, and knocking on doors for local politicians, just to name a few.

Property and casualty insurance is the backstop for financial security in our economy. The proper coverage enables families, businesses and communities to recover from losses that might otherwise threaten their future prosperity. Insurance brokers are an integral and trusted part of the insurance process, working on behalf of their clients to provide expert advice, choice and advocacy.

In this important consumer-focused role, brokers make significant contributions to the local and national economies. The Deloitte study found that the insurance brokerage industry contributed approximately \$5.4 billion to Canada's GDP in 2017, including \$3.3 billion in labour income. In other words, every dollar spent on broker business activities generated approximately \$1.49 in total GDP in Canada's economy. In

addition, the industry also contributed production and consumption taxes for the government estimated at more than \$480 million and sustained approximately 58,300 full-time-equivalent jobs.

This means that in cities and towns all across Canada, thousands of individuals are able to support their families through employment at a brokerage, and all Canadians benefit from the resulting economic stimulus and tax revenues.

The Deloitte study also identified a range of social benefits that insurance brokers bring to their communities. A survey of brokerage owners showed that 90% of brokerages donate financially and 70% of their employees volunteer their time to local charities and social causes. In addition, brokers make a meaningful difference in the lives of others by responding to



floods, wildfires and other natural disasters, conducting safety training and education, promoting diversity and inclusion, and supporting rural and Indigenous communities.

The IBAC report underscores the high regard that Canadians have for the insurance broker profession, and lends credibility to broker advocacy on consumer protection and public policy issues.

Brokers everywhere can be proud of their profession and the significant contributions they make to Canada's economic prosperity and social well-being.



**CHRIS FLOYD**  
President  
IBAC  
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In 2017, the insurance brokerage industry contributed

\$5.4 billion to Canada's GDP

\$3.3 billion in labour income

\$480 million in taxes

58,300 full time jobs

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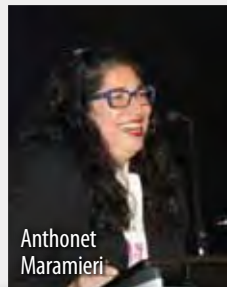
# Connecting

IBAA Convention Highlights from May 5–8 in Banff

Photos by Tracy Grabowski



Andrew Au



Anthonet Maramieri



Shaun Kanungo



Dave Vass

## SESSIONS & WORKSHOPS

There was something for everyone: fascinating bold views of the future broker business models, transforming brokerages through digital innovations, employee growth and retention, economic review and forecast and open dialogue at the town hall!



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**HOSPITALITY NIGHT & SGI CANADA AFTER PARTY**  
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## Restoring Affordable and Sustainable Auto Insurance for Consumers

**I**t's time for change in Alberta's auto insurance market. The system is broken and in crisis. It's not working for brokers, insurers and, most importantly, for consumers. Drivers pay too much for coverage or can't find the coverage they want. Insurers pay as much as \$1.29 in claims and operating expenses for every dollar they earn. It's unsustainable. But April's election has given us an opportunity to try to change that and provide stability for Alberta's three million drivers.

### Restoring Stability

How do we restore stability for consumers, the government and our industry? The first priority: the elimination of the government's imposed 5% cap on rate increases for private passenger vehicles. The arbitrary cap has meant that insurers have continued to lose on claims payouts without any hope of collecting enough in premiums to cover their costs. It's also meant less choice

for consumers: certain coverages or payment options may not be available.

"Our challenge? Our industry is one of many with problems seeking the new government's attention."

But eliminating the arbitrary rate cap on its own isn't enough. IBC and its members are advocating for changes to the Minor Injury Regulation to help control costs and to the Diagnostic and Treatment Protocols Regulation to enhance care, as well as changes to control legal costs. We need the government to ensure that sprains and strains fall within the minor injury cap, as it was intended.

### Improving the Consumer Experience

The new government should improve the consumer experience by following the lead of other provinces

and transition to direct compensation property damage (DCPC). Under this model, consumers deal only with their own insurer to repair their vehicle, instead of the at-fault driver's insurer. Simplifying the process and eliminating the majority of subrogation claims between insurers would free up resources and remove costs from the system. Other provinces have figured that out. Here in Alberta, we should, too.

### Joining the 21<sup>st</sup> Century

Alberta's recent provincial election creates another opportunity for us: to bring our industry into the 21<sup>st</sup> century. Today's consumers expect the best designed, most convenient and most affordable services tailored to them. And they get it—from the industries meeting their transportation, hospitality, banking, media and telecom needs.

The auto insurance industry in Alberta, however, lags behind because of obsolete laws and regulations. Alberta drivers are still forced to carry

a pink piece of paper in their wallets to prove they have auto insurance coverage.

Research tells us that our industry is also out of step when it comes to pricing our auto insurance products. Two-thirds of respondents to a poll, commissioned by IBC, believe that insurers should set the price of auto insurance based on the individual driving record of the insured. In other words, two out of three Canadians want their insurance companies to offer usage-based insurance (UBI).

### Getting on the Government Agenda

Our customers are demanding that we move faster. But, because we are a highly regulated industry, we must always work in tandem with governments to meet our customers' evolving needs.

Alberta now has a new provincial government with a four-year mandate. For any new government, the risk appetite for making big changes is highest in the first and second years of its mandate.

Getting legislation or regulatory amendments onto the government's agenda requires months of education and consultation. Learning from the past, we have been doing that work for months.

Our challenge? Our industry is one of many with problems seeking the new government's attention. So how do we move our issue up to the top of their agenda? First, we have to convince consumers that there is an issue.

### Working Together for Consumers

That is where all of you come in. You are our industry's best ambassadors. You live and work in the community. You have customers with real issues, looking for solutions. Customers who are telling our consumer information centre that they are having trouble finding payment plans. Or coverage for theft. Or coverage at a price they can afford. We want to work with you to tell our story.

Unless changes are made, we are headed for a crisis, and we all have a role to play in convincing the government that our problem needs fixing, **now**.

It's indeed time for a change for auto insurance in Alberta.

**CELYESTE POWER**  
Vice President, Western  
Insurance Bureau  
of Canada  
cpower@ibc.ca



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# Chinook COUNTRY REPORT

## BROKER NEWS

- In April, BrokerLink acquired Allegiant Insurance Corporation based out of Canmore.
- Rogers Insurance acquired A-WIN in March.
- BrokerLink's Glenmore branch celebrated its grand opening on May 8.
- McKillop Insurance has a new address on 21A Street in Lethbridge.
- Jessica Smith, Esraa Hamdan and Tracy-Lee Miller moved from Lundgren & Young Insurance to Costen Insurance.

## COMPANY NEWS

- Clinton Broeksma of Intact Insurance will add Novex to his portfolio. He will be responsible for Novex across the west.
- Samantha Wolfe joined Intact's commercial service team as a unit manager.

- Christine Clowser, former RSA technical account manager, is now at AON. She is the new head of construction.
- Colby Green, also formerly of RSA, moved to CNA Insurance. He has a new role as a commercial underwriter.
- Cassandra Myer, manager of marketing and communications for Intact Insurance, left on maternity leave and will be replaced by Jessica Wilkes.

## INDUSTRY PARTNERS

- Paul Davis Calgary celebrated its new management structure with a grand opening at the end of May.
- Crawford & Company was a runner up for the 2018 Insurance Nexus Innovator award. The Nexus Innovator award recognizes companies who fundamentally improve and enhance traditional methods and approaches.

- Also new and exciting at Crawford & Company is its partnership with Tesla as of March. They are leading the development of a luxury claims experience for Tesla's new insurance product.
- The Insurance Institute of Southern Alberta hosted a symposium on April 16, covering several topics including disaster management, insuring cannabis and Alberta auto. Thanks to the team at the institute for hosting a great day of networking and learning.

## CONDOLENCES

Many of you knew and worked with Billie Burke, retired Intact personal lines underwriter. Billie passed away May 7, 2019, after a battle with brain cancer.



2019-20 IBAA Board of Directors



## GIVING BACK

- Intact Insurance donated \$200,000 to the Red Cross to support communities in Quebec, Ontario & New Brunswick.
- The numbers are in! IBAA brokers raised just over \$24,000 for Ronald McDonald House (RMHC) in 2018. With the \$11,750 raised at the 2019 convention and \$500 from the 2019 PYIBonspiel, IBAA brokers have contributed \$94,846 to RMHC since 2016.
- Peace Hills also donated \$2,794 to Ronald McDonald House charities in April.

## 2019 IBAA CONVENTION

This year's convention started off with a four-letter word: SNOW! The weather resulted in the cancellation of the annual golf tournament. I spoke with tournament organizer Kelly Albert who responded with his usual good grace, "Nothing that you can do." (Congratulations to Kelly on his recent appointment as vice president, national account executive with Crawford & Company.) Banff is a beautiful location though and, from the sounds of it, most delegates found other fun things to do, including the three education sessions offered that day.

The convention was well attended and everyone I spoke with felt the same about enjoying the opportunity to network and speak with colleagues they have not seen since last convention. The only thing I heard from a constructive feedback point of view was a desire for the companies to send more claims representatives to network and to discuss the customer experience.

When I asked about the favourite parts of convention 2019, there were the traditional responses of "the Peace Hills party!" and, of course, "moose milk!" a Crawford & Company tradition. Kelly Albert told me the best part was that they had many new people this year who were trying this convention fave for the first time. I


also heard that if there were awards for best dancer at the disco party, of course it would be Roger Marcelo of RSA, hands down! (Although his perennial dance-off challenger, Barry Haggis, also has a strong fan base.)

Regarding the speakers this year, many of you felt that *The Broker of 2030* and *Be Bold, Be Brave, Be Experimental* keynotes were timely and reiterated the fact that digital innovations can improve and change the way we do our work; but, at the end of the day, our business is still a people business. Other favourites of note were the well-discussed topic of Alberta auto including Peter Braid's presentation from the IBC perspective as well as National Bank economist Stéfane Marion's discussion on the economy. A new addition to the convention program this year was the SGI CANADA after party, which started right as hospitality-night festivities ended. There was a photo booth, mini golf, surf board simulator

and something not often seen at parties: a mechanical riding shark.

Newly elected 2019–20 IBAA president Vicki Livingstone was thrilled to be joined by her children (and of course her business partner/husband Paul) at the president's gala. She and her fellow executive and board members were officially sworn in by Insurance Brokers Association of Canada president, Chris Floyd.

Overall, it was another successful IBAA convention. Thanks to all the organizers, participants, sponsors, exhibitors and volunteers!

Also, a big thank you to everyone who contributed information for this edition of the *Chinook Country Report*. Your help is always appreciated. 

### MICHELLE HAMMEL

Director of Strategic  
Business Development  
Intact

[Michelle.Hammel@intact.net](mailto:Michelle.Hammel@intact.net)



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# MAXIMUM IMPACT

## How Good Management Affects a Brokerage



Just as a president is essential to the leadership of an organization such as IBAA, a manager is similarly important to an insurance brokerage. A good manager or a bad manager could mean the difference on whether a business succeeds or fails. Having a good manager means well-adjusted and happy employees.

When customers walk into a business, one thing they will notice is whether or not the staff enjoys their jobs. When people do not like where they are working, discontent affects them, their co-workers and their customers. Being assisted by those who are not happy with their workplace is uncomfortable for everyone involved in the situation. Employees may have issues with each other, but a good brokerage manager will create peace among the staff. Continuous animosity amongst staff members will always result in people leaving their positions within the company. The few following examples show what it takes to be an effective manager.

**Conflict resolution** is essential to a healthy office environment. A good manager must be able to enter any office conflict and use the following steps to resolve it:

1. Communicate
2. Actively listen
3. Review Options
4. End with a win-win solution.

When people are upset, managers must communicate that they understand why the people feel the way they do and that they want to help resolve the issue. Actively listening refers to sitting down and truly listening to why the people involved are upset and what they would like to happen to resolve the current situation. (This process usually involves asking probing questions and paraphrasing responses to ensure clear understanding.) After speaking to the people involved in the conflict, a manager must review the options to resolve this problem. Sometimes, the hardest of consequences may not

be good for all the parties involved, but it may be good for the office as a whole and, therefore, necessary. Lastly, managers should always try to end with a win-win solution. When it comes to a conflict between two co-workers, a manager may have to fire one of them, which is not necessarily a win for the person being fired. However, that person may have been experiencing job dissatisfaction for a long time, which ultimately contributes to many types of conflict. Firing such people will give them the kick in the butt they needed to make that change in their lives.


**Reward and praise** are two things that all people need in their workplace. We all want to feel appreciated for the things we do and, for most of us, a good portion of our life is spent at work. Feeling like a cog in a clock—always working, never appreciated for effort—builds resentment. Even the simplest of a praise, such as “good job” when a manager is leaving the office at the end of the day, will brighten

most people's day and help them feel recognized. Pizza parties, or actual prizes from programs that show gratitude towards the staff, may not cost a lot of money, but they do go a long way in showing the staff that they are valued and appreciated.

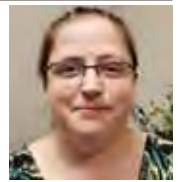
**Helping clients and contributing to the work flow** is important for a manager. Seeing the manager helping clients, just like the rest of the brokers when the office is busy, means a lot to staff and clients and builds team morale in the workplace. The insurance industry can be stressful. Staff get frustrated when clients pile up, they have an overwhelming amount of paperwork on their desks and they look over to see their manager sitting back with a coffee and newspaper, without a care in the world. Resentment builds when managers talk about the office being a team environment, yet the managers themselves refuse to contribute to a peaceful, happy working environment. A good manager should lead by example.

**Structure in a workplace** is another aspect of good management. The lack of structure or standards set for all the staff inclusively can result in different outcomes. Some people are just wired to have instructions, rules and regulations in their lives. Without these, they do not know how to function properly. Others may enjoy the lack of structure but get complacent and not put much effort into their work. Chaos in the office would definitely ensue without something as important as structure to keep employees on track. Workloads would be off as some staff would do little work and others would do way more than their share, resulting in low productivity. Structure is significant to any successful business, so it needs to be consistently implemented for all employees and enforced by the manager.

As the adage says, "People don't quit jobs; they quit managers." Keeping employees happy and feeling valued is the key to running a profitable

business. Creating an enjoyable environment for both employees and customers leads to retention of valuable employees and growth in the team, the clientele and the productivity. 

**LORI WELLS**  
PYIB Director  
Lori@  
WhitecourtInsurance.ca



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# The Hole in the Corporate Veil

## Potential Personal Liability of Directors in Personal Injury Claims

**C**orporations are people, too. That is, they are legal “persons” that exist separate from those natural “persons” who incorporate and give the corporation its fictitious “life.”<sup>1</sup> This doctrine of corporate personality is the basis for limited liability, which protects shareholders from personal exposure for the corporation’s liabilities. Further, a corporation’s distinct legal personality can protect directors, who are in charge of the corporation, from liability for its acts. Naturally, many businesses will choose to incorporate to take advantage of this protection, which is called the “corporate veil.”

Still, this stalwart shroud is no impassable rampart. Courts can lift or pierce the corporate veil to attach liability to those persons behind a corporation when doing so is required to avoid injustice, although Canadian courts use this power sparingly. One can imagine, then, the tension

between corporate law, which is based upon the separateness between a corporation and its shareholders and directors, and tort law, which aims to hold individuals responsible for the torts they commit. Given that corporations, as legal persons, can only act through natural persons such as directors, the question arises: when will directors be held personally liable for a tortious act, even though they only acted on behalf of the corporation?

A recent decision of the Alberta Court of Appeal provides some helpful clarification on this point.

### The Case of Hall v. Stewart

In Hall v. Stewart, the defendant Doug Stewart (“Stewart”) was a director of DWS Construction Ltd. (“DWS”), a corporation retained to work on the construction

of a new home. Part of DWS' work was to install a temporary staircase into the basement, which it did, with Stewart's supervision and participation. However, the staircase later collapsed, causing personal injury to another sub-contractor's employees (the "claimants").

Alberta's Workers' Compensation Act (the "Act") establishes a no-fault compensation and immunity-from-suit regime whereby injured workers lose their cause of action against their employers and fellow employees in exchange for security of compensation. Since both DWS and the claimants' employer were "employers" under the Act, the claimants lost their right to sue either of them for damages, but received compensation from the Workers' Compensation Board (the "WCB"). However, through a subrogated claim in the name of the claimants, the WCB started a lawsuit against Stewart personally.

Stewart brought an application to dismiss the action against him, arguing that any negligent act that he may have committed was committed in his capacity as an employee of DWS, not as an officer. Both the master who heard the application and the justice who heard the first appeal agreed that the corporation was immune from suit and that Stewart had been acting within the scope of his employment at the relevant time. On that basis, both the master and justice held that the subrogated action against Stewart should be dismissed. However, the Court of Appeal disagreed, declining to allow Stewart to escape the possibility of personal liability if he was ultimately found to be negligent at trial.

## The Director's Exposure

Importantly, the Act does not provide "directors" with the same protections as "employers" unless the

directors purchase additional coverage from WCB:

*15(1) Subject to section 16, an employer, a partner in a partnership, a proprietor and a director of a corporation are not workers for the purpose of this Act unless they apply to the Board in accordance with the regulations to have the Act apply to them as workers and the Board approves the application...*

*16(1) Where an individual performs any work for any other person in an industry to which this Act applies, that individual is deemed to be a worker of the other person, except when the individual*

Courts can lift or pierce the corporate veil to attach liability to those persons behind a corporation when doing so is required to avoid injustice ...

- a) is performing the work as a worker of another employer,*
- b) is an employer and is performing the work as part of the business of the employer, whether by way of manual labour or otherwise,*
- c) is a director of a corporation and is performing the work as part of the business of the corporation, whether by way of manual labour or otherwise ...*

In this case, Stewart had not applied for additional coverage as a director under section 15 of the Act, nor had he or DWS arranged for general commercial liability coverage, which would have provided additional liability protection.

The court discussed when personal liability could be attached to a corporate tort and provided the following factors for consideration:

- a) whether the negligent act was committed while engaged in the business of the corporation and whether the negligence of the employee was contemporaneous with that of the corporation;
- b) whether the individual was pursuing any personal interest beyond the corporate interest;
- c) whether the director/corporate representative owed a separate and distinct duty of care towards the injured party;
- d) whether the conduct was 'in the best interests of the company';
  - e) whether the plaintiff voluntarily dealt with the limited liability corporation or had the corporate relationship imposed on it;
  - f) the expectations of the parties;
  - g) whether the tort was 'independent' and not sufficiently closely identified with corporate activity;
  - h) whether the claim was for inducing breach of contract, for which directors may have recourse to a recognized defence;
  - i) the nature of the tort and whether it was an intentional tort; and
  - j) whether the damage was physical or economic.


In its analysis, the court acknowledged the tension between the competing public policy objectives of tort law (to compensate injured parties and to hold tortfeasors accountable) with corporate law (to provide limited liability and to protect corporations' directing minds).

A number of factors tended to negate personal liability for Stewart: the work that caused the injury was clearly done on behalf of a limited liability corporation, was in the best interests of the corporation and did not reflect any personal interest of Stewart's. However, the fact that this was a personal injury case was the deciding factor in favour of liability.

Therefore, “although [Stewart’s] tort was not at all ‘independent’ of the corporation, DWS Construction, the modern corporation was not designed to be a method of providing immunity to corporation actions for this sort of loss.” The court held that there was no reason not to enforce the duty of care between co-workers to avoid causing physical injury to one another, given the strong public policy reasons for ensuring that physically injured plaintiffs are compensated. Pure economic loss, the court suggested, would be a different issue.

## The Take Away

The court in *Hall* lamented that DWS had elected not to purchase director’s coverage under the Act or to arrange for general commercial liability insurance to manage the risk of personal injury and property damage. The court expressly stated: “In assessing whether a corporate representative should be exposed to personal liability for corporate torts, it must be acknowledged that the underlying risk can readily be managed and diverted through the purchase of appropriate insurance.” Without the proper insurance, Stewart remained exposed to the subrogated claim of the WCB. Hence, “As an uninsured person participating in the activities at the new home construction site outside the workers’ compensation system, [Stewart] was subject to the ordinary laws governing torts and corporations.”

*Hall* fleshes out the fringes of the corporate veil. While separate corporate personality can serve to protect from risks of personal exposure, the Alberta Court of Appeal has evinced its willingness to hold directors personally liable in certain circumstances, particularly in the personal injury context. As a result, corporations and their directors must ensure that they acquire the appropriate insurance to cover these known types of risks of directors’ personal liability, whether it be through director’s liability coverage under the Workers’ Compensation Act or through a commercial general liability policy. Clearly, the corporate veil offers robust protections for the individuals behind a corporation, but just as important as its protections are the ways that it can leave directors exposed. 

<sup>1</sup> *Hold on, though. Whether or not having your incorporation papers in the passenger seat is enough to let you drive in the carpool lane without getting a ticket is a separate issue. In 2013, a California man got such a ticket and argued that, at law, he wasn’t driving alone, because he had his incorporation papers with him. Apparently, he had been trying for over a decade to get this ticket and to make this argument to protest the significant rights being afforded to corporations on the basis of their distinct personhood. See, for instance, a January 7, 2013, Huffington Post article, Jonathan Frieman, California Political Activist, Asks, “If Corporations Are People, Can They Ride in the Carpool Lane?”*



SARA E. HART & DAVID COWLEY-SALEGIO

are lawyers with  
Dentons Canada LLP and practice in the  
professional liability insurance area.

Sara.Hart@dentons.com



David.Cowley-Salegio@dentons.com



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Errors & Omissions	Jun 20
Claims Process for Brokers	Jun 26

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Edmonton Immersion	M-F, Aug 19-23

## LICENSING 2

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Live Online (evenings)	M-F, Aug 19-29

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