

Agenda Item 4(g)
February 26/19 EOC Meeting

From: Tony Toy <Tony.Toy@fscs.gov.on.ca>

Sent: February-12-19 11:18 AM

To: Brendan Wycks <brendan.wycks@cafii.com>

Cc: Keith Martin <Keith.Martin@cafii.com>; CCIR-CCRA <ccir-ccra@fscs.gov.on.ca>; Saveria Villanti <Saveria.Villanti@fscs.gov.on.ca>; Joanna Reading <Joanna.Reading@fscs.gov.on.ca>

Subject: FW: Fair Treatment of Customers Industry Meetings

Hi Brendan,

As noted below, CCIR and CISRO have scheduled the first 2019 quarterly in-person meeting with the CAFII for 3:30-5:00pm on Wednesday, March 27, 2019.

The meeting will be held at the FSCO Offices located at:

5160 Yonge Street
Toronto ON
M2N 6L9
4th floor boardroom

For your members that are unable to attend in person, the dial in information is as follows:

Dial-in number: 416-212-8012
Toll Free: 1-866-633-0848
Passcode: 4069240#

If there are specific issues or questions CAFII would like to raise, please provide those items in advance of the meeting. Also, please confirm the individuals you anticipate to participate in person and on the phone. Feel free to contact me directly for any further questions.

CCIR looks forward to meeting with its stakeholders as we work towards implementing the principles of the Fair Treatment of Customers Guidance.

Tony Toy

Senior Policy Manager

Regulatory Coordination Branch

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From: Tony Toy
Sent: Monday, January 14, 2019 9:59 AM
To: 'Brendan Wycks' <brendan.wycks@cafii.com>
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Subject: Fair Treatment of Customers Industry Meetings

Hi Brendan,

CCIR and CISRO would like to thank CAFII for participating at the November 28, 2018 meeting regarding the Fair Treatment of Customers (FTC) Guidance in Toronto.

The meeting provided an opportunity for industry participants to engage with CCIR and CISRO, in-person, post release of the Guidance in September, 2018. The meeting allowed regulators to clarify issues industry had at the time and communicate their expectations. As regulators and industry start to align practices to the principles of the Guidance, it was agreed that we would have quarterly in-person meetings into 2019 to address any further clarifications and provide updates on developments.

The first quarterly meeting is anticipated to be on March 27 and 28. We are in the process of scheduling the times for each group.

If you have any questions, please feel free to contact me directly.

Thank you.

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CAFII Meeting With CCIR/CISRO Fair Treatment of Consumers Working Group: 28 November, 2018
Meeting Summary

Attendees From CCIR/CISRO:

Louise Gauthier, AMF; Chair of CCIR/CISRO Fair Treatment of Consumers Working Group
Nathalie Sirois, AMF
Izabel Scovino, FSCO
Ron Fullan, Insurance Councils of Saskatchewan (ICS); Chair of CISRO
April Stadnek, ICS
Timothy Goff, RIBO
Vivian Lee, RIBO
Tony Toy, CCIR Policy Manager
Joanna Reading, CISRO Policy Manager

Attendees From CAFII:

In-Person

Rob Dobbins, Assurant
Charles MacLean, RBC Insurance
Huma Pubani, TD Insurance
Martin Boyle, BMO Insurance
Brendan Wycks, CAFII
Keith Martin, CAFII

On The Phone

John Lewsen, BMO Insurance
Michelle Costello, CUMIS Services Inc.
Brad Kuiper, ScotiaLife Financial
Sue Manson, CIBC Insurance
Laura Bedford, RBC Insurance
Leena Khan, Manulife Financial
Anita Mukherjee, RBC Insurance
Dallas Ewen, Canada Life Assurance
Dana Easthope, Canadian Premier Life Insurance/Valeyo

The agenda was focused on reviewing CAFII members' progress on implementing CCIR/CISRO's "Guidance: Conduct of Insurance Business and Fair Treatment of Customers," the final version of which was released on September 27/18. However, between the time the original agenda was circulated to Brendan Wycks and Keith Martin on 19 November and the 28 November meeting itself, an additional item on "credit card balance insurance" had been added to the agenda.

Louise Gauthier, Chair of the CCIR/CISRO FTC Working Group, welcomed all in attendance to the meeting and indicated that the CCIR/CISRO FTC Working Group was the "regulators' hub" on FTC and it was continuing to meet biweekly with a recurring agenda item on "the FTC Guidance" at each meeting, with a particular focus on the industry's implementation efforts.

Initially seeming to be reading from a prepared script during the introductory part of the meeting, Ms. Gauthier said that the Working Group wanted an open and collaborative dialogue with the industry on FTC Guidance implementation, and wanted the Working Group to be a "safe environment" for open discussion. She repeatedly said that the Working Group would find it valuable if industry could provide it with data and information about its practices, and share information as openly as possible.

She stated that there is more than one way for regulators to monitor industry implementation of the FTC Guidance; regulators could bring in Regulations. At several points in the meeting, she made reference to "possible future Supervisory action." On that same subject of monitoring and enforcement options, Ms. Gauthier added that some of the provincial insurance regulators already have a "full enforcement kit" which they are willing to use, if necessary, to compel implementation of and compliance with the FTC Guidance. But she also indicated that another option is for the industry to self-regulate; and good industry practices and adhered-to industry Guidelines are respected by the regulators. She stated that that it was better for the industry to align itself with the FTC Guidance, rather than regulatory authorities having to dictate what the industry must do.

The FTC Working Group's ultimate goal at this stage is to find and strike the right balance or "the right cocktail of actions" between regulatory enforcement and industry self-regulation, Ms. Gauthier emphasized.

(Ms. Gauthier also mentioned that a related initiative being undertaken by the FTC Working Group at this time is a canvas of all provincial/territorial insurance regulators to find out exactly "what is in their enforcement toolkit?")

It was suggested and agreed that these FTC Guidance implementation monitoring-focused meetings between the CCIR/CISRO FTC Working Group and CAFII should be held quarterly. *(In a phone call on January 8/19, Tony Toy advised that the next quarterly meeting would be held on Wednesday, March 27/19, with CAFII's slot likely being from 3:30 to 5:00 p.m.)*

Ms. Gauthier asked for feedback and input from CAFII representatives on where additional clarity in the Guidance was needed, and where elements of the FTC Guidance might not be fully understood. In response, Keith Martin advised that because many elements of the FTC Guidance were about corporate culture, it could be challenging to provide hard measures of the adoption and implementation of some elements, as these are softer attributes that can be difficult to measure concretely. Ms. Gauthier replied that she thought that was a valid point.

CAFII representatives then offered preliminary examples of how the FTC Guidance is being implemented within their own businesses:

Huma Pabani, TD Insurance, said that TD Insurance was reviewing many existing TD Insurance documents to ensure their complete consistency with the FTC Guidance.

Rob Dobbins, Assurant, said that his company had given the Guidance a considerable amount of thought, and has developed an FTC Policy; implemented a complaints workshop with the FTC Guidance's regulatory expectations built-in; and is developing a training module to reflect the Guidance's expectations.

Charles MacLean, RBC Insurance, said that his company was working with its HR team to bake FTC components into "Executive Mandates" and that everyone in the chain of command was now focused on FTC expectations. There were multiple documents and policies at his company that addressed issues in the Guidance, but they were not centralized in one document. RBC Insurance was therefore examining how to develop one framework that captured everything FTC Guidance-related within one document or policy.

Ms. Gauthier said that one of the current priorities for the FTC Working Group was securing evidence that the industry's FTC Guidance implementation efforts were filtering down to the front line. Evidence of good governance policies among industry players was also a key area of focus. She asked CAFII to provide input at the next quarterly meeting on what priorities the FTC Working Group should focus in the area of governance policies and practices.

She said the FTC Working Group was concerned that there were incentives or sales practices that could trigger "bad behaviour" among employees, and could create conflicts of interest. The FTC Working Group wanted to have a frank and open dialogue with the industry about these issues; that there might be some "difficult discussions" around the ways things have been done in the past; and that we may need to rethink our approach on some of product offerings in the future.

Ms. Gauthier re-emphasized that the FTC Working Group wanted data and information, and asked us to focus on the following issues:

- how we handle credit card balance protection insurance;
- information on our incentive management programs;
- demonstrating some “quick wins” that involve our changing or eliminating certain practices, which CCIR and CISRO could then share on their websites; and
- our recommendations around demonstrating that we have absolutely complied with informed consumer consent, and the need to respond to negative public perceptions and doubts about some of our products.

The subject of the CBC Marketplace 9 November, 2018 story on credit card balance protection insurance was raised, with Ms. Gauthier saying it had publicized certain issues that required a response. She implied that the CBC story put pressure on the regulators, who now needed to demonstrate that they were “doing something” in response, and this led her to ask if there were any actions which CAFII or its members could take which the regulators could publicize as an example that they were responding.

Ms. Gauthier specifically asked “are there incentives embedded in the credit card balance protection insurance business which stimulate bad behaviours, i.e. sales targets?” As an addendum to this question, she again re-iterated that “there may be intense discussions about this that we need to have with you.”

Brendan Wycks let the Working Group know that CAFII and its members did not view the story as fair or evidence-based, and invited Keith Martin to elaborate on this point.

Mr. Martin said that the story was one-sided, had many factual inaccuracies, and did not provide an even-handed overview of how these products worked.

Ms. Gauthier and the FTC Working Group did not challenge these comments, but an impression was left that the story had created pressures on them as regulatory authorities to demonstrate that they were regulating effectively and addressing industry bad practices.

In closing, Ms. Gauthier said that while there should be standard agendas for the agreed-upon quarterly FTC Guidance implementation-focused meetings between the FTC Working Group and CAFII, there could also be a special meeting on credit card balance protection insurance alone. It was agreed that there would be quarterly, one-hour meetings for the time being, at which CAFII and its members would be expected to demonstrate how the FTC Guidance was being implemented.