

ROLLING NOTES, CAFII QUEBEC/AMF COMMITTEE**Notes from the 21 June, 2023 Meeting**

Quebec/AMF Issues Committee chair Jennifer Russell welcomed everyone to the meeting. Keith Martin provided an update on the meeting that CAFII (Rob Dobbins, Karyn Kasperski, and Keith Martin) held with Mario Beaudoin, and his boss Christian Beaulieu, on 8 June, 2023. At that meeting, Mario Beaudoin focused entirely on the claims denial rate statistics, and he said the intention of the statistics gathering exercise the AMF engaged in was high-level understanding of industry trends. It was apparent from the discussion that this was not a top priority for the AMF, and Mario Beaudoin said it was a multiple year effort that was not intended to be punitive, and that the AMF wanted to work with industry on this issue collaboratively. Christian Beaulieu said he felt that these types of meetings were helpful and beneficial. Mario Beaudoin did make reference to credit protection insurance possibly getting captured by industry practices outside the sector, and he specifically referred to insurance in the car dealership space.

Keith Martin provided an update on the meeting coming up on 21 June with the AMF on complaints and dispute resolution. It was noted that the AMF appeared to be making positive adjustments to the regulation, including moving the timeline to resolve simple complaints from 10 days to 20 days, clarifying the definition of a complaint, and possibly providing an 18-24 month implementation period.

Keith Martin provided an overview of the presentations made to regulators and policy-makers during the western regulatory and policy-maker tour, and there was discussion about whether this presentation should be made to the AMF, and if so should it be in-person or virtually, and in French or English? The recommendation was that CAFII should make the presentation to the AMF, and that it might be best to do so in English so members of CAFII who do not speak French could attend. However, it was also suggested that the AMF be offered the option to have the presentation in French if that is their preference. This recommendation will be made to the EOC at the upcoming 27 June, 2023 meeting. Regardless of what is eventually decided on, it was agreed that CAFII should offer a written French version of the presentation deck to the AMF. Brendan Wycks noted that the AMF appears interested in educating its new hires on industry practices, and in that connection 25 new analysts are taking the THIA TRIP course on travel insurance best practices.

On Bill 96, Jennifer Russell noted that the Quebec Canadian Bankers Association is engaging with the Quebec Minister of Finance on getting some clarifications about the law, especially around clause 55 which is about contracts of adhesion.

It was suggested that Peter Thompson should approach Éric Jacob in their regular quarterly meetings about a special session with the right people from the AMF on the upcoming 1 January, 2025 deadline for cancelling remaining spousal coverage policies, and see if the AMF might consider shifting its perspective on this matter. It was also suggested that Mr. Jacob be asked how best to approach the new AMF CEO Yves Ouellet. Burden reduction was also raised as an issue, and the October 2021 CAFII submission on this matter will be shared with Quebec/AMF Issues Committee members.

CAFII Quebec/AMF Issues Committee Agenda, Wednesday, 21 June, 2023 1-2pm

1. Housekeeping updates as needed (Jennifer Russell, All)
2. Update on the 8 June, 2023 meeting regarding with AMF on Statistics Gathered by the AMF (Keith Martin, All)

3. Update on the 21 June, 2023 3-4pm upcoming meeting with the AMF regarding Complaints and Dispute Resolution (Keith Martin, all)
4. Western Regulator and Policy-Maker Tour—should CAFII offer to present the same deck to AMF? [In English or in French? In person or virtually?] (All) (see Attachment “CAFII Presentation Western Tour...”)
5. Bill 96 – June 1, 2023 implementation date—General Discussion (Jennifer Russell, All)
6. Bill 64 – Questions and Discussion from the team (Jennifer Russell, All)
7. AMF Spousal Coverage Withdrawal – confirm approach and timing to raise this with AMF, including plan for Peter Thompson to Raise with Eric Jacob at their next quarterly meeting (Keith Martin, All)
8. Other business (Jennifer Russell, All)

Tracking Issues

- AMF initiative around statistics on Debtor Life, Health, and Employment (DLHE) Insurance claims denial rates, and return of premium to customers
- Next steps, spousal issue

Two attachments relevant to this meeting are:

- French and English Versions of the burden reduction submission to the AMF from CAFII (25 October, 2021) (attached to email sent to Committee members)

In Attendance 21 June, 2023

Jennifer Russell, Assurant * Chair
 Iman Muntazir, RBC Insurance * Vice Chair
 Belinda Lynch, Scotia Insurance
 Bessie Paliouras, Manulife
 Casandra Litniansky, CUMIS
 Catherine Latulippe, Canadian Tire Financial Services
 Cecilia Xiao, Assurant
 David Self, CIBC Insurance
 Deliska Beauregard, Securian Canada
 Élyse Lemay, Canada Life
 Greg Caers, BMO Insurance
 Jason Beauchamp, Canada Life

John Burns, Securian Canada
 Léa Dufresne, Desjardins
 Lindsey LeClair, Valeyo
 Mandy Rutten, CIBC Insurance
 Michelle Costello, CUMIS
 Nadine Roy, Assurant
 Peter Thorn, TD Insurance
 Susan Gibaut, Assurant
 Tom Isake, Canada Life

Notes from the 29 May, 2023 Meeting

Keith Martin provided an overview of the 8 May, 2023 meeting with the AMF on complaints and dispute resolution, at which Louise Gauthier did most of the talking. The AMF acknowledged that there was a lot of confusion about the definition of complaints in the Regulation, and that the AMF would do more work to try and clarify the definition. The AMF also said that they might include in the regulation a list of what is not captured by the regulation. The AMF offered to do more work internally on this Regulation and will reach out to CAFII about another meeting on this topic.

A member has noted that the Regulation is applicable to insurers only, but CAFII's perspective is that in practice the distributor is still going to need to align with the Regulation. CLHIA has offered a view on this matter which will be distributed to members of this Committee.

Keith Martin noted that CAFII's approach to the 8 June, 2023 meeting on statistics gathered by the AMF will be to initially be in listening mode and see how the AMF intends to use the statistics they have gathered. If necessary, CAFII members will indicate that the statistics need to be used in a careful manner and can be misunderstood.

There were no updates on Bill 96 the Quebec Charter of the French Language.

On Bill 64, some members said that they were working on compliance with both that Bill and Bill 96 at the same time.

On AMF spousal coverage withdrawal, it was noted that the 1 January, 2025 deadline to cancel any such remaining policies was fast approaching, and that Peter Thompson would raise this issue with Eric Jacob at their next quarterly meeting and suggest a special-purpose meeting on this issue.

The Quebec/AMF Issues Committee was asked to think about topics for the in-person liaison meeting in October, 2023 in Quebec. One topic suggested as a possible issue to raise is around burden reduction.

Draft CAFII Quebec/AMF Agenda, Monday, 29 May, 2023, 1-2pm

9. Housekeeping updates as needed (Jennifer Russell, All)
10. Update on the May 11th meeting with AMF regarding Complaints (Keith Martin)
11. Plans for Upcoming 8 June, 2023 CAFII Meeting with AMF on Statistics Gathered by the AMF (Keith Martin, All)
12. Bill 96 – June 1, 2023 implementation date—General Discussion (Jennifer Russell, All)
13. Bill 64 – Questions and Discussion from the team (Jennifer Russell, All)
14. AMF Spousal Coverage Withdrawal – confirm approach and timing to raise this with AMF, including plan for Peter Thompson to Raise with Eric Jacob at their next quarterly meeting (Keith Martin, All)
15. Other business (Jennifer Russell, All)

Tracking Issues

- AMF initiative around statistics on Debtor Life, Health, and Employment (DLHE) Insurance claims denial rates, and return of premium to customers
- Next steps, spousal issue

Two attachments relevant to this meeting are:

- CAFII Briefing Note on AMF Annual Priorities
- 18 May, 2023 webinar presentation on the Charter of the French Language

In Attendance 29 May, 2023

Jennifer Russell, Assurant * Chair
Iman Muntazir, RBC Insurance * Vice Chair
Catherine Latulippe, Canadian Tire Financial Services
Cecilia Xiao, Assurant
David Self, CIBC Insurance
Greg Caers, BMO Insurance
Ibrahim Idowu, CIBC Insurance
Silvana Capobianco, BMO Insurance
Isabelle Choquette, Desjardins
Kristal McKay, CIBC Insurance
Léa Dufresne, Desjardins
Marc-André Chartrand, Canada Life
Maude-Marie Dorval, Desjardins
Nadine Roy, Assurant

Peter Thorn, TD Insurance
Sergio Gomes, BMO Insurance
Susan Gibaut, Assurant
Jason Beauchamp, Canada Life

Notes from 26 April, 2023 Meeting

Jennifer Russell opened the meeting.

Shannon Dowe of RBC Insurance had some questions around the RADM. CAFII members said if a credit card is not being sold product summaries do not need to be offered, even if there are holders of the card from before the RADM was introduced, as the Regulation requires the Product Summary to be shared at the time of offer. However, reporting about such cards was provided to the AMF.

It was mentioned that CAFII was meeting with the AMF on 11 May, 2023 to discuss the AMF regulation on complaints and dispute resolution, and Committee members were invited to suggest possible topics of discussion. It was noted that the CLHIA had indicated that the AMF may be softening their position around the definition of complaints, and that this was something CAFII should emphasize as an issue. The AMF was also told that moving from a 10 day to 20 day requirement for resolution of a complaint was not sufficient. It was also suggested that CAFII should repeat that if a customer with a complaint goes to the courts, the complaint should not be kept open.

It was also mentioned that CLHIA had not been able to meet with the Quebec Office of the French Language (Office québécois de la langue française), which is responsible for administering the Charter of the French Language.

It was noted that CAFII is also going to meet with the AMF on the statistics that they are gathering on claims denial. While the AMF has also gathering statistics on return of premium to customers, it was suggested that this not be raised. It was noted that the meeting's intention is to ask the AMF how they are intending to use the statistics they have gathered.

There was a discussion on the privacy requirements that are coming up. A significant set of new requirements will need to be implemented by 23 September, 2023. Most members said that they are on target for meeting the timelines, although some were currently working on impact assessments, while others were solutioning and implementing.

Jennifer Russell (Assurant) said that it was important to reassess how shared services departments are impacted by regulatory implementations that take many years. For example, over time data analytics departments have grown and may now be impacted by the privacy legislation where they may not previously have been a major consideration. Jason Beauchamp (Canada Life) said that reporting breaches are very closely monitored by the AMF department le *comité d'accès d'information*, and may result in follow up inquiries.

The issue of the need to remove spousal insurance by 1 January, 2025 was raised, with many members saying that the natural attrition of this product had resulted in a small percentage of those holding the product no longer doing so. This means that many policies will in principle need to be cancelled by 1 January, 2025. The members of the Committee were supportive of CAFII speaking to the AMF about reconsidering its approach to this issue, and potentially grandfathering the existing holders of spousal coverage. The CAFII attendees at the upcoming 11 May, 2023 meeting with the AMF will discuss how best to approach the AMF about this issue.

Draft CAFII Quebec/AMF Agenda, Wednesday, 26 April, 2023, 1-2pm

16. Welcome and start of meeting (Jennifer Russell, All)
17. Shannon Dowe Questions to the Quebec/AMF Issues Committee (All) (see Addendum A)
18. Feedback Requested—What Would Quebec Committee Members Like CAFII to Raise at the 11 May, 2023 Meeting with the AMF on Complaints and Dispute Resolution? (All) (see Addendum B)
19. Update on Keith Martin Meeting with Michèle Helie, CLHIA/ACCAP on Charter of the French Language, and Other Issues (24 April, 2023) (Keith Martin)
20. Spousal Coverage Remove—Next Steps (All)
21. Bill 64—Quebec Privacy Legislation (All)
22. Other Business (All)

Items of Interest:

- La Presse Article on Government Giving Quebec Ministries, Government Organizations Two Years Exemption to Allow them to Speak to Customers in English (see Addendum C)
- CAFII is organizing a webinar on 18 May, 2023 with two law firms on the Charter of the French Language
- Blakes is organizing a webinar on 11 May, 2023 on the Charter of the French Language (see Addendum D)

Tracking Issues

AMF initiative around statistics on Debtor Life, Health, and Employment (DLHE) Insurance claims denial rates, and return of premium to customers

Next Meeting: 29 May, 2023, 1-2pm

In Attendance 26 April, 2023

Jennifer Russell, Assurant * Chair
Iman Muntazir, RBC Insurance * Vice Chair
Belinda Lynch, Scotia Insurance
Bessie Paliouras, Manulife
Cassandra Litniansky, CUMIS
Catherine Latulippe, Canadian Tire Financial Services
Cecilia Xiao, Assurant
David Self, CIBC Insurance
Deliska Beauregard, Securian Canada
Doug Weir, CIBC
Elliott Yoo
Élyse Lemay, Canada Life
Greg Caers, BMO Insurance
Ibrahim Idowu, CIBC Insurance
Isabelle Choquette, Desjardins
Jonathan Poulin, BNC Insurance
John Burns, Securian Canada
Kristal McKay, CIBC Insurance
Lindsey LeClair, Valeyo
Mandy Rutten, CIBC Insurance
Michelle Costello, CUMIS
Nadine Roy, Assurant
Noel Brackney, BMO Insurance
Peter Thorn, TD Insurance
Shannon Dowe, RBC Insurance
Sergio Gomes, BMO Insurance
Susan Gibaut, Assurant

Addendum A—Question Posed by Shannon Dowe, RBC

From: Dowe, Shannon [<mailto:shannon.dowe@rbc.com>]

Sent: Tuesday, April 11, 2023 10:36 AM

To: Jake Becker <jake.becker@cafii.com>

Subject: Question re DWR Filings

Hi Jake,

I hope that you are doing well.

We'd like to verify if a scenario relating to the DWR (Distribution without a representative) filing with the AMF has been previously discussed or perhaps raised among CAFII members. I wasn't sure who to reach out to and I hope that you can assist with the following inquiry?

If a Bank stopped offering a XYZ credit card to new cardholders **PRIOR** to the implementation of requirements under Bill 141 but still has clients that have the XYZ card:

1. Does the Bank still need to develop and post on its web site a Product Summary for XYZ credit card?
2. Does the Bank still have to file a disclosure to the AMF that it is no longer offering XYZ credit card to new clients?
3. Does a Bank need to include data regarding XYZ credit card as part of its annual filing so long as it continues to have clients that have XYZ credit card?

Thank you,

Shannon Dowe, CIP, CIPP/C | Senior Manager, Insurance Compliance | **RBC Insurance** | 6880 Financial Drive, Mississauga, ON, L5N 4N9 | Tel: 905-816-5705 | Fax: 1-888-844-3331

BRENDAN WYCK RESPONSE:

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

Sent: 2023, April, 11 1:20 PM

To: Dowe, Shannon <shannon.dowe@rbc.com>

Cc: Keith Martin <Keith.Martin@cafii.com>; 'Keith Martin' <kmartin@rogers.com>; Jake Becker <jake.becker@cafii.com>

Subject: FW: Question re DWR Filings

[External]/[Externe]

Hi, Shannon and thanks for the several inter-related questions you've posed in your email of earlier today, below.

Those are questions that are very much in the insurance regulation and regulatory policy sphere, so you should certainly feel free and encouraged to raise such questions directly with Keith and me, as Co-Executive Directors.

To the best of my knowledge, the specific questions/scenarios you've raised related to Quebec's Bill 141 and the AMF's related Regulation respecting Alternative Distribution Methods (RADM) and how those two regulatory requirements apply to credit cards that were **formerly** available to Quebecers have not been previously raised and discussed within CAFII.

However, in my view, we now have in place within our Association the ideal forum to raise such questions and have them discussed for information-sharing among member company representatives: our new Quebec/AMF Issues Committee.

The next regular monthly meeting of that committee is scheduled for Wednesday, April 26/23 from 1:00 to 2:00 p.m. EST.

Would a meeting on that date/time be soon enough for you (or an alternate RBC Insurance representative) to pose the questions you've raised, and hopefully gain some beneficial insights through member company information-sharing?

Or are you hoping for some CAFII-level guidance on those questions sooner than that?

Brendan Wycks, BA, MBA, CAE

Co-Executive Director

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Addendum B—Meeting on 11 May, 2023 Between CAFII and AMF on Complaints and Dispute Resolution Regulation

At the Meeting from CAFII:

Peter Thompson, CAFII Board Chair

Rob Dobbins, EOC Chair

Karyn Kasperski, EOC Vice Chair

Keith Martin, Co-Executive Director

From AMF:

Eric Jacob, Superintendent, Client Services and Distribution Oversight

Louise Gauthier, Senior Director, Distribution Policies

De : Jacob Eric <Eric.Jacob@lautorite.qc.ca>

Envoyé : 5 avril 2023 17:40

À : Thompson, Peter <Peter.Thompson@bnc.ca>

Cc : Gauthier Louise <Louise.Gauthier@lautorite.qc.ca>; Beaulieu Christian

<Christian.Beaulieu@lautorite.qc.ca>; Keith Martin <keith.martin@cafii.com>; Rob Dobbins

<rob.dobbins@assurant.com>; karyn.kasperski@rbc.com; Goncalves, Cecilia <cecilia.goncalves@bnc.ca>

Objet : RE: Échanges Autorité - ACIFA

PRUDENCE/CAUTION - EXTERNE/EXTERNAL

Hello Peter,

Thank you and we certainly are looking forward to these conversations.

Best regards,

Eric

Eric Jacob, LL.B. MBA

Superintendent, Client Services and Distribution Oversight
Executive Director, Enforcement (Interim)

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De : Thompson, Peter <Peter.Thompson@bnc.ca>

Envoyé : 5 avril 2023 16:58

À : Jacob Eric <Eric.Jacob@lautorite.qc.ca>

Cc : Gauthier Louise <Louise.Gauthier@lautorite.qc.ca>; Beaulieu Christian <Christian.Beaulieu@lautorite.qc.ca>; Keith Martin <keith.martin@cafii.com>; Rob Dobbins <rob.dobbins@assurant.com>; karyn.kasperski@rbc.com; Goncalves, Cecilia <cecilia.goncalves@bnc.ca>; Thompson, Peter <Peter.Thompson@bnc.ca>

Objet : RE: Échanges Autorité - ACIFA

ATTENTION : Ce courriel provient de l'extérieur de l'Autorité.

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Bonjour Eric,

Un grand merci pour ce courriel. Nous avons eu la chance d'en discuter à l'ACIFA, à savoir qui serait les meilleures personnes pour avoir ces discussions. Nous sommes venus à la conclusion que pour les 2 sujets en question nous devrions avoir notre Président et Vice-présidente du conseil du Comité des Operations Exécutive, soit Rob Dobbins (Assurant) et Karyn Kasperski (RBC). Les deux sont très connaissant de ces dossiers et des perspectives des membres de l'ACIFA. Nous proposons que Keith

Martin et moi-même soyons également présent à ces rencontres. Finalement, nous apprécierons si ces rencontres puissent avoir lieu en anglais.

Mon adjointe, Cecilia, vous fournira sous peu plusieurs plages de disponibilités pour la deuxième moitié d'avril en espérant qu'on puisse trouver des moments qui fonctionnent pour tous pour ces deux rencontres.

Un grand merci pour votre ouverture de vouloir échanger sur ces deux sujets d'importance. Nous en sommes très reconnaissant.

A bientôt!

TRANSLATION :

Hello Eric,

Many thanks for this email. We had the chance to discuss this at the ACIFA, to know who would be the best people to have these discussions. We have come to the conclusion that for the 2 subjects in question we should have our Chairman and Vice Chairman of the Board of the Executive Operations Committee, being Rob Dobbins (Assurant) and Karyn Kasperski (RBC). Both are very knowledgeable about these issues and the perspectives of ACIFA members. We propose that Keith Martin and myself also be present at these meetings. Finally, we will appreciate if these meetings can take place in English. My assistant, Cecilia, will soon provide you with several availability slots for the second half of April, hoping that we can find times that work for everyone for these two meetings. Many thanks for your openness in wanting to discuss these two important topics. We are very grateful. See you soon!

Peter

Peter D. Thompson



Peter D. Thompson

Président Banque Nationale Assurances et Cabinet d'assurance Banque Nationale inc.

President of National Bank Insurance & National Bank Insurance Firm inc.

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From: Jacob Eric <Eric.Jacob@lautorite.qc.ca>
Sent: Friday, March 31, 2023 8:58 AM
To: Thompson, Peter <Peter.Thompson@bnc.ca>
Cc: Gauthier Louise <Louise.Gauthier@lautorite.qc.ca>; Beaulieu Christian <Christian.Beaulieu@lautorite.qc.ca>
Subject: Échanges Autorité - ACIFA

PRUDENCE/CAUTION - EXTERNE/EXTERNAL

Bonjour Peter,

J'espère que tout va bien de ton côté.

À la suite de notre dernière conversation, je te confirme que nous pouvons tenir les discussions suivantes avec Keith et les bonnes personnes de l'ACIFA quant aux sujets suivants :

- Avec Louise Gauthier, directrice principale des politiques d'encadrement de la distribution : dossier du Règlement sur le traitement des plaintes et du règlement des différends

Et

- Avec Christian Beaulieu, directeur principal des opérations d'encadrement de la distribution : dossier des données et statistiques

Mes collègues se feront également accompagner par les bonnes personnes de leurs équipes respectives afin d'optimiser les échanges.

Nous laisserons Keith revenir à nos équipes avec des propositions de rencontres.

Je te remercie et demeure disponible.

Bon week-end!

Éric

Éric Jacob, LL.B. MBA

Surintendant de l'assistance aux clientèles et de l'encadrement de la distribution
Directeur général du contrôle des marchés (Intérim)

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TRANSLATION:

Hello Peter,

I hope all is well on your side.

Following our last conversation, I confirm that we can hold the following discussions with Keith and the right people at CAFII on the following subjects:

- With Louise Gauthier, Senior Director of Distribution Regulation Policies: File on the Regulation respecting the processing of complaints and the resolution of disputes

And

- With Christian Beaulieu, Senior Director of Distribution Management Operations: data and statistics file

My colleagues will also be accompanied by the right people from their respective teams in order to optimize exchanges.

We will let Keith come back to our teams with meeting proposals.

Thank you and I remain available.

Have a nice week end!

Eric

Addendum C—La Presse Article on Charter of the French Language Exemptions (French Original Follows)

STATE-BUSINESS COMMUNICATIONS

QUEBEC CREATES AN EXCEPTION TO USE ENGLISH

TOMMY CHOUINARD THE PRESS

QUEBEC — The Legault government allows ministries and public bodies to communicate in English with companies based in Quebec for another two years when they deem it necessary.

It introduces an exception to a new rule in the Charter of the French Language that requires the state to communicate only in French with legal persons established in Quebec.

Under its Bill 96 passed last year, the Legault government decided to require "exemplary" and "exclusive" use of French by the state in its communications, with a few exceptions. It has set itself the goal of putting an end to the "bilingualization of the state" with this reform of Bill 101.

The Conseil supérieur de la langue française had shown in 2019 that 39% of staff members of departments and agencies "having written interactions with legal persons or businesses established in Quebec sometimes use a language other than French in this type of interaction." It is 63% in the Outaouais and 51% in Montreal, had added the organization that no longer exists today.

Developed following the adoption of Bill 96, the government's new Language Policy, which the government has just made public, emphasizes the state's "duty to set an example" with respect to the use of French.

Nevertheless, "the Administration may use a language other than French only in the exceptional cases provided for in the Charter of the French Language" – for the English-speaking community, for example – "or by its regulatory framework."

However, this "regulatory framework" has just been established. The Minister responsible for the French Language, Jean-François Roberge, submitted the Administration's Language Regulation to the Council of Ministers. This regulation will enter into force^{on} 1 June. It "specifies the legal framework applicable to the Administration so that it can fully meet its duty of exemplarity".

Above all, "it provides for new exceptions to the general principle, which is the exclusive use of French," reads Mr. Roberge's brief to the Council of Ministers.

"SUNSET PROVISIONS"

The state may thus use English with a legal person established in Québec when it is "necessary to prevent a communication written solely in the official language from compromising the accomplishment of the mission of the Authority's body and the latter has taken all reasonable means to communicate only in the official language."

Similarly, "a writing sent to a body of the Administration by a legal person or enterprise to obtain a permit, another authorization of the same nature, a subsidy or another form of financial assistance [...] may be written in a language other than French" when "the transmission of writing in French only compromises the accomplishment of the mission of the body of the Administration and the latter has taken all reasonable means to ensure that the writing is transmitted to it only in the official language".

Both of these measures are referred to as "sunset clauses." They will be in effect for two years. They "cease to have effect^{on} June 1, 2025," says the Regulations.

At what point is the "accomplishment of the mission" of an organization compromised and would allow the use of English? We don't know.

Organizations will have to answer this question and define "language practices that are consistent with their reality" and the Charter.

"In light of the comprehensive applicable legal regime, each body will have to adopt a directive that will specify how it will exercise its duty of exemplarity. He will indicate the nature of the situations in which he intends to use a language other than French," continues the brief of Jean-François Roberge submitted to the Council of Ministers.

The idea of using only French in government communications with legal persons established in Quebec has long been debated and has been the subject of numerous postponements.

It is a measure that was part of Bill 101 when it was passed in 1977, but was lifted by the Liberals in 1993. In 2001, the Larose Commission on the Future of French recommended that it be reinstated. The Landry government passed legislation the following year to, among other things, implement this recommendation. However, the measure never entered into force; the Charest, Marois and Couillard governments maintained the status quo. The Legault government had promised that the measure would be implemented in June 2022, but the operation had been postponed for a year, in the context of the adoption of Bill 96.

QUÉBEC CRÉE UNE EXCEPTION POUR UTILISER L'ANGLAIS

TOMMY CHOUINARD LA PRESSE

QUÉBEC — Le gouvernement Legault permet pour encore deux ans aux ministères et aux organismes publics de communiquer en anglais avec des entreprises installées au Québec lorsqu'ils le jugent nécessaire.

Il introduit en effet une exception à une nouvelle règle de la Charte de la langue française qui oblige l'État à communiquer uniquement en français avec les personnes morales établies au Québec.

En vertu de son projet de loi 96 adopté l'année dernière, le gouvernement Legault a décidé d'exiger une utilisation « exemplaire » et « exclusive » du français de la part de l'État dans ses communications, à quelques exceptions près. Il s'est donné pour objectif de mettre fin à la « bilinguisation de l'État » avec cette réforme de la loi 101.

Le Conseil supérieur de la langue française avait démontré en 2019 que 39 % des membres du personnel de ministères et d'organismes « ayant des interactions écrites avec des personnes morales ou des entreprises établies au Québec utilisent parfois une autre langue que le français dans ce type d'interaction ». C'est 63 % en Outaouais et 51 % à Montréal, avait ajouté l'organisme qui n'existe plus aujourd'hui.

Élaborée à la suite de l'adoption du projet de loi 96, la nouvelle Politique linguistique de l'État, que le gouvernement vient tout juste de rendre publique, insiste sur le « devoir d'exemplarité » de l'État à l'égard de l'utilisation du français.

Néanmoins, « l'Administration peut utiliser une autre langue que le français uniquement dans les cas exceptionnels prévus par la Charte de la langue française » – pour la communauté anglophone par exemple – « ou par son cadre réglementaire ».

Or ce « cadre réglementaire » vient justement d'être fixé. Le ministre responsable de la Langue française, Jean-François Roberge, a soumis au Conseil des ministres le Règlement sur la langue de l'Administration. Ce règlement entrera en vigueur le 1^{er} juin. Il « précise le cadre juridique applicable à l'Administration afin qu'elle puisse satisfaire pleinement à son devoir d'exemplarité ».

Surtout, « il prévoit de nouvelles exceptions au principe général qui est l'utilisation exclusive du français », peut-on lire dans le mémoire de M. Roberge au Conseil des ministres.

« DISPOSITIONS DE TEMPORISATION »

L'État peut ainsi utiliser l'anglais avec une personne morale établie au Québec lorsque cela est « nécessaire pour éviter qu'une communication rédigée uniquement dans la langue officielle compromette l'accomplissement de la mission de l'organisme de l'Administration et que ce dernier a pris tous les moyens raisonnables pour communiquer uniquement dans la langue officielle ».

De même, « un écrit transmis à un organisme de l'Administration par une personne morale ou une entreprise pour obtenir un permis, une autre autorisation de même nature, une subvention ou une autre forme d'aide financière [...] peut être rédigé dans une autre langue que le français » lorsque « la transmission de l'écrit en français uniquement compromet l'accomplissement de la mission de l'organisme de l'Administration et que ce dernier a pris tous les moyens raisonnables pour que l'écrit lui soit transmis uniquement dans la langue officielle ».

Ces deux mesures sont présentées comme des « dispositions de temporisation ». Elles seront en vigueur pendant deux ans. Elles « cessent d'avoir effet le 1^{er} juin 2025 », précise d'ailleurs le Règlement.

À partir de quel moment « l'accomplissement de la mission » d'un organisme est compromis et permettrait d'utiliser l'anglais ? On l'ignore.

Les organismes auront à répondre à cette question et à définir des « pratiques linguistiques conformes à leur réalité » et à la Charte.

« À la lumière du régime juridique complet applicable, chaque organisme devra adopter une directive qui précisera la façon dont il exercera son devoir d'exemplarité. Il y indiquera la nature des situations dans lesquelles il entend utiliser une autre langue que le français », poursuit le mémoire de Jean-François Roberge soumis au Conseil des ministres.

L'idée d'utiliser uniquement le français dans les communications de l'État avec les personnes morales établies au Québec fait débat depuis longtemps et est l'objet de multiples reports.

C'est une mesure qui faisait partie de la loi 101 dès son adoption en 1977, mais qui avait été levée par les libéraux en 1993. En 2001, la commission Larose sur l'avenir du français recommandait de la remettre en place. Le gouvernement Landry avait adopté une loi l'année suivante pour entre autres mettre en œuvre cette recommandation. Or, la mesure n'est jamais entrée en vigueur ; les gouvernements Charest, Marois et Couillard ont maintenu le statu quo. Le gouvernement Legault avait promis que la mesure serait mise en application en juin 2022, mais l'opération avait été reportée d'un an, dans le contexte de l'adoption du projet de loi 96.

Ce texte provenant de La Presse+ est une copie en format web. Consultez-le gratuitement en version interactive dans l'application La Presse+.

Addendum D—Blakes Webinar on the Charter of the French Language

You're invited to a Blakes Business Class Seminar:


Quebec's Charter of the French Language: Where We Are Now and What to
Look Out for in the Coming Months


La version française suit le texte anglais.


The graphic features the Blakes logo in a red banner at the top left. To the right, the text "Business Class" is displayed. Below this, a large image shows a tablet displaying a video conference with four participants. On the left side of the image, the word "Seminar" is written in a large, white, serif font. At the bottom left, there is a small icon of a computer monitor and the text "This event is only available online".

EMPLOYMENT & LABOUR / CORPORATE & COMMERCIAL

Quebec's Charter of the French Language: Where We Are Now and What to Look Out for in the Coming Months

 Thursday, May 11, 2023

 12 – 1 p.m. (ET) | Livestream begins 15 min prior to start

 Online

 Please register by Wednesday, May 10, 2023.

 [More information](#)

 [Register now](#)

Please note that this webinar will take place in English only.

Event Description

Join Blakes lawyers for a discussion on the impacts of the adoption of Bill 96 and new obligations coming into effect for employers in Quebec. Our speakers will review the main amendments to Quebec's *Charter of the French Language* and examine the significant changes employers have made to their practices and policies, as well as the strategies they have put in place in this regard over the past year.

Our speakers will also discuss key amendments to the Charter that apply to commercial contracts and the significant changes that businesses operating in Quebec must make to their commercial practices.

Speakers:



Catherine Gagné
Associate, Montréal



Francis Laperrière
Racine
Associate, Montréal



Jenny Ross
Partner, Montréal

Streaming will begin 15 minutes before the presentation.

This invitation is intended for Keith Martin and is not transferable.

Mandatory Continuing Education

Ontario

This program is eligible for up to 1 Substantive hour.

Quebec

Please note that pursuant to the amendments to the [*Règlement sur la formation continue obligatoire des avocats*](#) (Regulation respecting mandatory continuing education for lawyers – available in French only) of the Barreau du Québec, which came into force on April 1, 2019, the status of “accredited provider” has been abolished.

Blakes will continue to provide you with a confirmation of participation for your records. As stipulated in the above-mentioned regulation, members must preserve supporting documents attesting their completion of training activities for a period of seven years beginning on April 30 following the end of the reference period during which such activities were completed.

British Columbia

This program has been accredited for up to 1 CPD Credit Hour with [The Law Society of British Columbia](#).

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Vous êtes invité à un séminaire Classes affaires de Blakes :

Charte de la langue française : où nous en sommes et ce qu'il faut surveiller
au cours des prochains mois

Classes affaires

Séminaire




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TRAVAIL ET EMPLOI / DROIT COMMERCIAL ET DES SOCIÉTÉS

Charte de la langue française : où nous en sommes et ce qu'il faut surveiller au cours des prochains mois

 Jeudi 11 mai 2023

 12 h – 13 h (HE) | La diffusion commence 15 min. avant le séminaire

 En ligne

 Veuillez vous inscrire au plus tard le mercredi 10 mai 2023

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Veuillez noter que ce webinaire se déroulera en anglais.

Description de l'événement

Joignez-vous à des avocats de Blakes pour discuter des répercussions de l'adoption du projet de loi 96 et de l'entrée en vigueur de nouvelles obligations sur les employeurs au Québec. Nos conférenciers passeront en revue les principales modifications apportées à la *Charte de la langue française* et se pencheront sur les changements importants que les employeurs ont apportés à leurs pratiques et politiques, ainsi que sur les stratégies qu'ils ont mises en place à cet égard au cours de la dernière année.

Par ailleurs, vu l'entrée en vigueur de certaines dispositions de la Charte visant les contrats commerciaux, les conférenciers discuteront également des principales

modifications apportées à la Charte relativement à ces contrats et des changements importants aux pratiques commerciales des entreprises faisant affaire au Québec.

Conférenciers



Catherine Gagné
Avocate, Montréal



**Francis Laperrière
Racine**
Avocat, Montréal



Jenny Ross
Associée, Montréal

La diffusion commencera 15 minutes avant le séminaire.

Cette invitation est destinée à Keith Martin et ne peut être transférée.

Formation continue obligatoire

Ontario

Ce programme est admissible à 1 heure de contenu de droit de fond.

Québec

Veuillez noter qu'en vertu des modifications au [Règlement sur la formation continue obligatoire des avocats](#), qui sont entrées en vigueur le 1^{er} avril 2019, le statut de « dispensateur reconnu » a été aboli.

Blakes vous remettra tout de même une confirmation de participation pour vos dossiers. Tel que le prévoit le Règlement, le membre de l'Ordre doit conserver les pièces justificatives permettant de

vérifier qu'il a suivi une activité de formation jusqu'à l'expiration d'un délai de sept ans débutant le 30 avril qui suit la fin de la période de référence pendant laquelle l'activité a été suivie.

Colombie-Britannique

[The Law Society of British Columbia](#) a reconnu ce programme pour une durée maximale de 1 heure de crédits de formation continue.

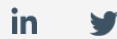
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CAFII Quebec/AMF Agenda, Wednesday, 29 March, 2023

23. Welcome and start of meeting (Jennifer Russell, All)
24. 22 March, 2023 Meeting between Peter Thompson and Éric Jacob (Keith Martin—please see Addendum A)
25. Feedback Requested—What Would Quebec Committee Members Like CAFII to Raise at the June, 2023 Meeting with Éric Jacob? (All)
26. 23 March, 2023 Meeting “*Présentation panier de solutions, échanges et questions*” (Keith Martin)
27. Bill-96, Quebec Charter of the French Language—Application to insurance contracts (contracts of adhesion) (Jennifer Russell, All)

28. Recently implemented new Quebec privacy legislation (Bill-64) and related initiatives (Jennifer Russell, All)
29. Removal of spousal cover exemption by January 1, 2025 (all)
30. Other Business

Tracking Issues

AMF initiative around statistics on Debtor Life, Health, and Employment (DLHE) Insurance claims denial rates, and return of premium to customers

Addendum A—Briefing Note from Peter Thompson on his 22 March, 2023 Meeting with Éric Jacob


CAFII-AMF quarterly discussion



Thompson, Peter <Peter.Thompson@bnc.ca>

To ○ Keith Martin; ○ Brendan Wycks; ○ Rob Dobbins; ○ karyn.kasperski@rbc.com

Cc ○ Thompson, Peter

 You forwarded this message on 2023-03-27 12:36 PM.

Hi everyone,

A short recap of my discussion with Eric Jacob on March 22nd, 2023:

- friendly discussion around how last meeting with Keith and Mario was very positive to help bring credit card embedded insurance issue to a close. I mentioned it would be good if we could each add one or two people each to our discussions depending on the issue to enable us to go deeper as needed. He agreed that could be helpful.
- I mentioned to Eric how CAFII was preparing for Brendan's retirement at the end of the year and the new structure going forward (Keith as sole Executive Director with 2 direct reports). He felt that was good planning on CAFII's part.
- Eric spoke about his added responsibilities on an interim basis (team of about 200 people responsible for "enforcement") further to JF Fortin's retirement. He has experience in this type of role which he indicated would be helpful. He expects this added responsibility would last at least 6-9 months to allow for new CEO to come on board who would then likely be looking at structures.
- I told Eric CAFII still had 2 primary issues when it came to Quebec that it had concerns about: 1) the "complaints" definition which was much broader and not harmonized with other jurisdictions (thereby leading to a significant increase in number of "reported complaints" without any real value added for consumers); and 2) the lack of clarity around the intent/objective/next steps for the claims data which the AMF had requested from CAFII members (and other insurance distributors). This is the issue which was first introduced by Mario Beaudoin last October at the AMF-CAFII meeting in Montreal.
- On the "complaints" definition issue, he said he understood our concerns and that the team was working through all the feedback received after the second round of consultations. It sounded as though they had a lot of feedback from many different constituents to work through and that it was challenging work. He did not commit to any timeline but said they would be getting back to us on this.
- On the claims data issue, he was very keen on discussing this further with us to ensure we (CAFII & AMF) have a common understanding of why data is being collected, how it should be

interpreted, what are next steps, etc. He said this could be a good subject to have one or two others join the discussion. On our end, I mentioned Keith and also Rob, as head of the EOC, who should have a good understanding of most of our members questions/concerns around this issue. Although I would revert to them and see if this is what made most sense on this issue. On AMF's end, Éric mentioned Mario and possibly Christian (Mario's boss) although he too would check with them. Eric also offered to prepare a proposed agenda and schedule the meeting. He will keep us posted.

Overall, positive tone and I continue to believe we are headed in right direction with AMF.

I think I captured most of what was discussed but don't hesitate to ask any questions you may have.

Thanks and have a great week!

Peter

Notes from 29 March, 2023 Meeting

Jennifer Russell thanked everyone for participating in the meeting, and asked Keith Martin to give a summary of the most recent meeting between Éric Jacob and Peter Thompson. Keith Martin said that the meeting was very productive and positive, with discussion on the statistics being collected on claim denial rates by the AMF, as well as the AMF second consultation on complaints. Éric Jacob said he was appreciative of our sharing our thoughts on both those issues, and the AMF was working on them. There was also agreement that Keith Martin would attend these meetings going forward, along with additional participation from the AMF.

Keith Martin gave an overview of the 23 March 2023 presentation by the AMF on burden reduction, noting that it was very general, high-level, and generic, with no specific commitments beyond listening better and being more transparent. Deliska Beauregard (Securian Canada) was also at the session and agreed with Keith Martin's interpretation. David Self (CIBC Insurance) suggested that requesting that the AMF make concrete comments on burden reduction could be a topic at a future Éric Jacob and Peter Thompson session.

Iman Muntazir (RBC Insurance) said that they were still trying to determine how to deal with the phone channel for the Charter of the French Language; Peter Thorn (TD Insurance) said that they were also trying to determine how to deal with certain elements of the implementation of the Charter's requirements, with fulfilment being one option being explored (getting customer permission to send documentation later). Elyse Lemay (Canada Life) said that the Charter has amended its language to "remit" which means that a French version needs to be sent, but an English version could be sent at the same time.

Catherine Latulippe (Canadian Tire Financial Services) said that the Charter does not require that the document be sent in French only, but to send the document in English only requires consent after the document is sent in French or in bilingual fashion. The intention is not to deny English customers access to English documents, but rather to ensure that the documents are sent in French as well. Documents have to be in French only, or bilingual, but to send them in English only can only happen if the customer explicitly requests this after having received the contract of adhesion in French. Silvana Capobianco (BMO Insurance) said that they will be fulfilling packages bilingually if the customer indicates an English preference, including for the contract of adhesion; and those who say they prefer French will be send

documentation in French only. Cecillia Xiao (Assurant) said that the contract of adhesion for an insurance contract could raise some issues if there is no clarity of the language preference of the customer. This is why there is some requirement to use fulfilment to share documents after the discussion with customers on the phone. The issue is that whatever choice the customer makes with a distributor may be different than what a customer may need to be provided in a legally-binding document from the insurer. A customer, in some interpretations, cannot chose English as their preference until they have first received the contract of adhesion. However, a different interpretation is that the company needs to “remit” the document, which may permit sending the bilingual version of the document.

Jennifer Russell (Assurant) felt that the customer still had to indicate that they wanted to receive documentation in English after receiving the contract of adhesion, but Pete Thorn (TD Insurance) felt that in practice this would never happen. “Remit” replaces “examine” in the latest version of the Charter, which provides more flexibility. Another issue is that francophones may not wish to receive bilingual documents. Catherine Latulippe felt that if you cannot deliver the contract of adhesion to the customer on the phone call, you cannot avoid sending documentation in French only. Catherine Latulippe asked about the possibility of sending emails of the contract, and then getting confirmation of receipt and language preferences on the phone.

Iman Muntazir (RBC Insurance) said that RBC Insurance is intending to fulfil in the preferred language whenever possible. Contracts of adhesion may also be provided in both languages for customers where it is not clear what is the language preference. Nadine Roy said that she tried to get clarity from the Office of the French Language, but has not heard back. CAFII will ask CLHIA to see if they have more clarity around the expectations created by the Charter of the French Language.

In Attendance

Jennifer Russell, Assurant * Chair
 Iman Muntazir, RBC Insurance * Vice Chair
 Belinda Lynch, Scotia Insurance
 Bessie Paliouras, Manulife
 Cassandra Litniansky, CUMIS
 Catherine Latulippe, Canadian Tire Financial Services
 Cecilia Xiao, Assurant
 David Self, CIBC Insurance
 Deliska Beauregard, Securian Canada
 Doug Weir, CIBC
 Élyse Lemay, Canada Life
 Greg Caers, BMO Insurance
 Ibrahim Idowu, CIBC Insurance
 Isabelle Choquette, Desjardins
 Jonathan Poulin, BNC Insurance
 Lindsey LeClair, Valeyo
 Michelle Costello, CUMIS
 Nadine Roy, Assurant
 Peter Thorn, TD Insurance
 Sergio Gomes, BMO Insurance
 Susan Gibaut, Assurant

Silvana Capobianco, BMO Insurance

Next Meeting: Wednesday, 26 April, 2023, 1-2pm

CAFII Quebec/AMF Agenda, Wednesday, 1 March, 2023

31. Welcome and start of meeting (Jennifer Russell, All)
32. Jennifer Russell Formally Confirmed as Chair of the Quebec/AMF Committee at 14 February, 2023 EOC Meeting (Keith Martin)
33. Updates on intelligence gained about AMF Including 7 March, 2023 Meeting with Eric Jacob; and 23 March, 2023 Meeting “*Présentation panier de solutions, échanges et questions*” (Keith Martin)
34. Round 2 of AMF consultation on its updated Draft Regulation respecting Complaints Handling and Dispute Resolution in the Financial Services Sector – Submission Sent to AMF (Brendan Wycks, All)
35. Bill-96, Quebec Charter of the French Language—Application to insurance contracts (contracts of adhesion) (Jennifer Russell, All)
36. Recently updated and implemented new AMF Sound Commercial Practices Guideline, including problematic clause regarding reporting any conflicts of interest to customers (Jennifer Russell, All)
 - a. Open Discussion—How do members intend to implement the conflict of interest clause? (All)
37. Recently implemented new Quebec privacy legislation (Bill-64) and related initiatives (Jennifer Russell, All)
38. Removal of spousal cover exemption by January 1, 2025 (all)
39. Other Business

Tracking Issues

AMF initiative around statistics on Debtor Life, Health, and Employment (DLHE) Insurance claims denial rates, and return of premium to customers.

Jennifer Russell opened the meeting and noted that we had a very robust Agenda today. Keith Martin confirmed that the EOC formally confirmed that Jennifer Russell was approved as the new Chair of the Quebec/AMF Committee at its 14 February, 2023 meeting.

Keith Martin provided an update on the resolution of the issue of the RADM and credit card-embedded insurance benefits, noting that a meeting would be held on 7 March, 2023 to confirm the understanding of the AMF and CAFII that the Fact Sheet and Notice of Rescission would not need to be distributed for these products, and that the AMF would have an “unwritten understanding” on this issue with CAFII. Keith Martin would be in attendance of that meeting along with Mario Beaudoin from the AMF, as “witnesses.” As well, Keith Martin noted that a French-only session would be held on 23 March, 2023 on burden reduction initiatives by the AMF. Keith Martin will attend that meeting and provide an English summary; and it was noted that the AMF was increasingly holding meetings only in French, and distributing written documents in French only, or with the English translation only provided many weeks after the distribution of the French.

Brendan Wycks noted that CAFII had submitted its formal submission to the updated AMF draft regulation respecting complaints handling and dispute resolution. The Quebec/AMF Committee was consulted on that submission.

The Committee turned next to Bill-96 on the Charter of the French Language. Michelle Costello from CUMIS asked whether the group policy was also considered a “contract of adhesion.” The group policy is provided by the insurer to the distributor, but the customer may request to see that policy. At Assurant, the group master policy is not viewed to fall within the definition of a “contract of adhesion.” If requested by a policy holder, it would be provided in the language of choice of the consumer. Pete Thorn said TD was in agreement with this interpretation. Isabelle Choquette said that Desjardins was still determining its position, but was leaning towards considering the group policy to fall within the contract of adhesion, so that if a consumer requests to see it the French would be shared first. Kristal McKay from CIBC also felt that CIBC would likely view the group policy to fall within the contract of adhesion.

A question was asked about whether underwriting which might require communication with the customer might be considered to fall within Section 55. The whole issue is whether these documents relate to the contract. Catherine Latulippe from CTFS said that fulfilment packages would be sent by her institution in the language preference of the customer, because it would fall under the consent from customers around language preference, which would already have been received. There is uncertainty around how phone channel enrollment will occur.

It was agreed that “Recently updated and implemented new AMF Sound Commercial Practices Guideline, including problematic clause regarding reporting any conflicts of interest to customers” would be moved to a tracking issue.

Isabelle Choquette said that Desjardins were facing major issues around cancelling the remaining spousal insurance policies by 2025, and had concerns about how to do this. Kristal McKay said CIBC was on track to cancel these spousal insurance policies. There was discussion about whether a spouse who has been enrolled by the primary card holder and who is paying additional premium would need to be removed from spousal coverage, and Desjardins felt that yes that was the view of the AMF.

In Attendance

Jennifer Russell, Assurant * Chair
 Belinda Lynch, Scotia Insurance
 Bessie Paliouras, Manulife
 Cassandra Litniansky, CUMIS
 Catherine Latulippe, Canadian Tire Financial Services
 David Self, CIBC Insurance
 Doug Weir, CIBC
 Greg Caers, BMO Insurance
 Jonathan Poulin, BNC Insurance
 Kristal McKay, CIBC Insurance
 Lindsey LeClair, Valeyo
 Marc-Andre Chartrand, Canada Life

Michelle Costello, CUMIS
Nadine Roy, Assurant
Peter Thorn, TD Insurance
Silvana Capobianco, BMO Insurance

From staff:
Keith Martin, CAFII Co-Executive Director
Brendan Wycks, CAFII Co-Executive Director

NEXT MEETING: Wednesday, 29 March, 2023, 1-2pm

9 February, 2023 Quebec/AMF Committee Special Purpose Meeting on Bill-96

A special purpose meeting of the Quebec/AMF Committee was held on 9 February, 2023 to discuss how CAFII member companies would be responding to Bill-96, the Charter of the French Language with an implementation deadline of 1 June, 2023.

However, before that part of the meeting started Committee Chair Jennifer Russell (Assurant) called on Keith Martin to update the Committee on a development with the AMF. Keith Martin mentioned that he sent a note to CAFII members on 8 February, 2023 about a resolution to the RADM and credit card-embedded insurance benefits issue with the AMF, where the AMF's Superintendent of Client Services and Distribution Oversight said that there would be an "unwritten agreement" that the AMF would take no action with respect to regulated entities who have chosen not to distribute the Fact Sheet and Notice of Rescission.

David Self (CIBC Insurance) asked if there would be any issues due to CIBC Insurance distributing the Fact Sheet and Notice of Rescission to credit card-embedded insurance benefits, and Keith Martin said that the AMF was already well-aware of this and their decision was more around "we will not do anything if a company does not distribute these documents for embedded insurance" as opposed to a company not being able to distribute those documents if they wished to.

Peter Thorn (TD Insurance) said that he supported the outcome, but that there was a risk of a customer or a consumer organization complaining that the Regulation was not being complied with. Keith Martin agreed that there was some risk of that, but that it was still the best solution available in the circumstances, and it would be difficult for the AMF to reverse position at a later point in time on a matter which they were fully aware of and which had been in place for years.

The meeting then turned to Bill-96, with Jennifer Russell providing an overview of her understanding of the Bill and how Assurant was thinking of implementing it. In reviewing the bill, especially with respect to "Contracts of adhesion" which are final contracts that are non-negotiable, the conclusion reached at her company is that for credit protection insurance (CPI), customer certificates meet the definition of a contract of adhesion. However, it is less clear that embedded benefits within a credit card meet the definition of a contract of adhesion.

There are exceptions in the Bill to the application of the Charter to contracts of adhesion, but there is nothing in the Charter that says that group creditor certificates are exempted. The contract in this case

is the certificate for the policy-holder. If that interpretation is correct, then for certificates for CPI French documents must be presented first even if the consumer is English. The consumer may then choose to continue in French or request the English version and continue to discuss the contract in English, but they must first see the contract in French.

Farhad Eslah (Canadian Tire Financial Services) said CTFS would offer the certificates as two links, one in French, and one in English. The same would be done for the Fact Sheet etc. The individual at the end of the credit card application would have an extra sentence in French and English asking them to confirm that if they are a resident of Quebec they have received all documentation in French first, and that they chose to proceed in English for all subsequent communications and reception of documentation. In-store customers would only receive documentation in French, to avoid the risk of staff accidentally providing documentation in English first. In general for credit card applications there will be more physical handouts at the branch, because this lowers the amount of information that needs to be distributed with the material sent in the mail afterwards to the customer.

Elyse Lemay (Canada Life) asked about the Charter's exemptions for loans. If the insurance offer is separate from the loan it would have to be subject to the Charter, but if they are done together it is not clear if the exemption would apply to the loan and the insurance as well. The loan would come first and so how Section 55 applies to the insurance associated with the loan is not completely clear.

Elyse Lemay also said that the interpretation Jennifer Russell is advancing is based on treating the certificate as though it was an individual contract, which is not necessarily everyone's interpretation. Peter Thorn (TD Insurance) asked if there was any legal basis for the interpretation that the certificate is in fact a contract? Peter Thorn said that the incidental insurance to the loan should not be separated from the decision to apply for the loan, which is the primary contract. Catherine Latulippe (Canadian Tire Financial Services) said that there has been work been done at the CBA level on this issue. Section 55 exempts some loan contracts, but subsequent Section 26 amendments to the Consumer Protection Act may remove those exemptions in practice, so the Section 55 exemptions may not matter in practice.

Iman Muntzir (RBC Insurance) said that at RBC they will act as if the insurance needs to be subject to Bill-96. The process for digital and online applications are still up in the air, but one approach may be to send the application and certificate in French first, and then customer can choose or request after the fact to receive an English version. The Product Summary and Fact Sheet are not viewed as part of the contract of adhesion. So the links will be provided in French first, but only for the application and the certificate. That likely includes the approach for documents that are mailed out. RBC Insurance has chosen to not send out the English version of the documents as well to avoid sending out too much paper. There is still discussion internally on the approach to take, however, as there may be an easier way to let the customer get a copy of the document in English.

Jennifer Russell noted that in addition to the customer experience being negatively affected by some of these processes, there is also the issue of communicating with the customer in a reasonable timeline. She noted that the implications of not complying with the rules are significant, as if the contract of adhesion is not offered in French the contract is voided.

Maude-Marie Dorval (Desjardins) said that underwriting is viewed as part of the contract as well, for example if a customer is told that their application is rejected as part of an underwriting process, that this needs to be communicated in French first. A question was asked if some members are thinking of

not providing an English version of the contract at all? Some members said that they will provide general information bilingually, but the fulfillment element may be in French only.

Kristal McKay (CIBC Insurance) asked if there is consideration of fulfilment being bilingual for some members, and Sergio Gomes (BMO Insurance) said BMO was planning on sending fulfilment packages in both languages, with French being first for everyone. Keith Martin noted that this has the ironic outcome of sending English versions of documents to French speakers, which is not the intention of the Charter which seeks to promote French in Quebec.

David Self (CIBC Insurance) said that there was still uncertainty around the how to interpret Bill-96 for embedded coverages.

Michelle Costello (CUMIS) asked about whether the French contract needed to be signed, and the general view was that it was the presentation of the contract that needed to be in French first, and it was fine if the customer chose to sign the English version of the document thereafter. Maude-Marie Dorval (Desjardins) and Cecillia Xiao (Assurant) agreed with that interpretation.

Farhad Eslah (CTFS) said that for the phone channel, CTFS will send the certificate over email during the phone call, and so they will only make an offer to a customer when they have an email. It was noted that the RADM indicates that the Fact Sheet and Notice of Rescission do not need to be provided to the customer during a phone call if there is no way to provide the customer with those documents during the call; if the certificate is being sent during the call to the customer, does that mean the customer should also be sent the Fact Sheet and Notice of Rescission?

Mandy Rutten (CIBC Insurance) said that her view was that embedded insurance is included as part of the credit card so the insurance does not require a separate process, and Keith Martin noted that while that is logical, it is not the interpretation that the AMF has used. Having said that, it is also important to keep in mind that Bill-96 is not an AMF regulation.

Lea Dufresne (Desjardins) asked about the process for travel insurance, and members generally felt that the process should be the same as for credit protection insurance. Silvana Capobianco (BMO Insurance) asked if the Fact Sheet and Notice of Rescission are in scope for Bill-96, and the general consensus was that these documents were not captured by the bill.

There was some discussion of asking for an extension of the 1 June, 2023 deadline, and Catherine Latulippe (CTFS) said that even if there was an extension, there is a private right of action that will be available as of 1 June, 2023. It was noted that monitoring and enforcement of the Charter of the French Language was the jurisdiction of the *Office québécois de la langue française*.

Additional Information

Please find links to two legal opinions on Bill-96:

[Charter of the French language | Knowledge | Fasken](#)

[Stikeman Elliott on Bill-96](#)

In Attendance

Jennifer Russell, Assurant * Chair
Iman Muntazir, RBC Insurance ** Vice Chair
Belinda Lynch, Scotia Insurance
Cassandra Litniansky, CUMIS
Catherine Latulippe, Canadian Tire Financial Services
Cecilia Xiao, Assurant
David Self, CIBC Insurance
Deliska Beauregard, Canadian Premier Life
Elliot Yoo, Scotia Insurance
Elyse Lemay, Canada Life
Farhad Eslah, Canada Tire Financial Services
Greg Caers, BMO Insurance
Jason Beauchamp, Canada Life
Jonathan Poulin, BNC Insurance
Kristal McKay, CIBC Insurance
Léa Dufresne, Desjardins
Mandy Rutten, CIBC Insurance
Marc-Andre Chartrand, Canada Life
Maude-Marie Dorval, Desjardins
Michelle Costello, CUMIS
Nadine Roy, Assurant
Peter Thorn, TD Insurance
Sergio Gomez, BMO Insurance
Silvana Capobianco, BMO Insurance
Susan Gibaut, Assurant
Tejal Harri-Morar, BMO Insurance

STAFF:

Keith Martin, CAFII
Brendan Wycks, CAFII

1 February, 2023 Quebec/AMF Agenda Meeting

Draft CAFII Quebec/AMF Agenda, Wednesday, 1 February, 2023

40. Jennifer Russell as Chair of the Quebec/AMF Committee (Keith Martin)
41. Welcome and Introductions (Jennifer Russell, All)
42. Terms of Reference for this Committee (Jennifer Russell, All)
43. Nominating Iman Muntazir, RBC Insurance as Vice-Chair of this Committee— (Jennifer Russell)
44. Updates on intelligence gained about AMF (Keith Martin)
45. AMF initiative around statistics on Debtor Life, Health, and Employment (DLHE) Insurance claims denial rates, and return of premium to customers (Jennifer Russell, All)

46. Round 2 of AMF consultation on its updated Draft Regulation respecting Complaints Handling and Dispute Resolution in the Financial Services Sector (Jennifer Russell, All)
47. Recently updated and implemented new AMF Sound Commercial Practices Guideline, including problematic clause regarding reporting any conflicts of interest to customers (Jennifer Russell, All)
 - a. Open Discussion—How do members intend to implement the conflict of interest clause? (All)
48. Bill-96, Quebec Charter of the French Language—Application to insurance contracts (contracts of adhesion) (Jennifer Russell, All)
49. Recently implemented new Quebec privacy legislation (Bill-64) and related initiatives (Jennifer Russell, All)
50. Removal of spousal cover exemption by January 1, 2025 (all)
51. Frequency of Meetings (all)
52. Other Business

Notes 1 February 2023

Agenda #1: The Committee unanimously supported Jennifer Russell as the new Chair with a motion from David Self, seconded by Peter Thorn.

Agenda #2: Welcome to all by Committee Chair Jennifer Russell.

Agenda #3: Terms of Reference were approved by the at the 17 January, 2023 EOC Meeting. Jennifer Russell will join the EOC as the Chair of the Committee. It was suggested that the creation of this Committee should be shared with the AMF.

Agenda #4: Iman Muntazir as Vice Chair of the Quebec/AMF Committee was approved by the Committee. Moved by David Self, seconded by Deliska Beauregard.

Agenda #5: Keith Martin noted that Louis Morriset, CEO of the AMF would not be renewing his contract and would be leaving in the summer of 2023. Internal candidates to succeed him include Patrick Déry. Keith Martin spoke to Lynne Duhaime of the Quebec CLHIA on 19 January, 2023 at a FSRA Conference, and she said that meetings in recent years with the AMF had been very difficult and awkward. It was noted that on Monday, 6 February 2023 CAFII Chair Peter Thompson would be meeting virtually with AMF's Eric Jacob, in their first quarterly virtual meeting.

Agenda #6: The AMF exercise around insurance denial rates and return of premium to customers was discussed. This was first brought to CAFII's attending in September, 2022 and is based on annual reporting done by industry for the AMF around insurance benefits. This time around, embedded benefits were not included in the exercise. The AMF has sent companies that are not meeting the averages for the industry letters requiring additional information. The letters were sent in November, 2022 and 1 February, 2023 is the deadline for responding. It is not clear if the AMF will have any follow up on this. The focus of the AMF has been on claims denial rates more than loss ratios. TD Insurance's letter only spoke about claims denial rates. CUMIS also did not have any loss ratio questions. It was suggested that for the Peter Thompson/Eric Jacob virtual meeting on 1 February, 2023 the question of whether this exercise would occur again could be asked, as well as how the data would be used.

Agenda #7: The AMF consultation on complaints handling and dispute resolution was discussed. It was noted that the AMF draft is still prescriptive, is not harmonized with other jurisdictions and the CCIR, and is aligned more with the FCAC definition of complaints. This could also be a question Peter Thompson raises with Eric Jacob, around the strategic direction that the AMF is taking on these files. The letter CAFII has drafted for the AMF will be circulated to the EOC and the Quebec/AMF Committee for comment. Feedback was originally due by February 6th, but industry received an extension offer from the AMF for another two weeks. Plan is to have letter circulated and approved by the EOC and the Quebec/AMF Committee very shortly, and well prior to the deadline.

Agenda #8: AMF Sound Commercial Practices Guideline includes a problematic conflict of interest clause where all potential conflicts need to be captured and all changes need to be shared with customers. Members were encouraged to review the appropriate documents and this can be discussed in future meetings.

Agenda #9: Bill 96 is an open issue in terms of how to interpret the new rules. Section 55 is a concern for group insurance. This might be something that CAFII needs to explore. How are member companies planning to apply this provision? This was something that members of the Committee felt should be added to the Agenda for future meetings. Perhaps there could be a dedicated group that discusses this, or a separate meeting on this issue. CIBC Insurance is taking an approach where documents will be bilingual. CTB said that in a bilingual document the French has to be viewed first.
ACTION: A separate meeting will be organized on this issue alone.

Agenda #10: It was agreed that the issue of Quebec privacy legislation with certain elements requiring implementation by September 2023 would be tabled at future meetings. There was an interest in having a separate meeting on Bill 64 at some point, but it will be on the Agenda for the next meeting as well.

Agenda #11: Postponed due to time issues.

Agenda #12: Agreed to hold monthly meetings every 4 weeks on Wednesdays from 1-2pm.

In Attendance

Jennifer Russell, Assurant * Chair
Iman Muntazir, RBC Insurance ** Vice Chair
Deliska Beauregard, Canadian Premier Life
Silvana Capobianco, BMO Insurance
Cecilia Xiao, Assurant
Elyse Lemay, Canada Life
Farhad Eslah, Canada Tire Financial Services
Jonathan Poulin, BNC Insurance
Léa Dufresne, Desjardins
Belinda Lynch, Scotia Insurance
Marc-Andre Chartrand, Canada Life
Maude-Marie Dorval, Desjardins
Michelle Costello, CUMIS
Kristal McKay, CIBC Insurance
Nadine Roy, Assurant
David Self, CIBC Insurance
Susan Gibaut, Assurant
Peter Thorn, TD Insurance

STAFF:

Keith Martin, CAFII
Brendan Wycks, CAFII