

7 July, 2020

Mr. Mario Beaudoin, Director, Alternative Insurance Distribution Policy
Autorité des marchés financiers
Place de la Cité, tour Cominar
2640, boulevard Laurier, bureau 400
Québec (Québec) G1V 5C1

c.c. Mr. Frédéric Pérodeau, Superintendent, Client Services and Distribution Oversight
Mr. Patrick Déry, Superintendent, Solvency
Ms. Nathalie Sirois, Senior Director, Supervision of Insurers and Control of Right to Practise
Ms. Louise Gauthier, Senior Director, Distribution Policies

WITHOUT PREJUDICE

Dear Mr. Beaudoin:

Re: Credit Card-Embedded Insurance Benefits

CAFII thanks the AMF for granting a deadline extension to 15 July, 2020 for this submission, in response to our request due to the COVID-19 pandemic.

During our Association's 11 February, 2020 meeting with you and your AMF colleagues at the Autorité's office in Quebec City, CAFII communicated its strongly held view that the *Regulation respecting Alternative Distribution Methods (RADM)* – as drafted, finalized, and published -- does not apply to credit card-embedded insurance benefits.

Credit card-embedded insurance benefits are not directly purchased or offered, but rather are included with some credit cards as part of the ancillary benefits the card provides to the consumer. If a consumer wants a particular credit card, the embedded insurance benefits are not optional: they are embedded features of the card. If the embedded insurance benefits of a particular card are not desired, the consumer can choose to decline that particular credit card or simply decide not to use the included benefits.

The insurance benefits embedded in a credit card are issued under a group master policy to the policyholder (i.e. a bank or credit union) for the benefit of individual cardholders, who are provided with insurance certificates as participants under the group policy. All cardholders are participants under the group master policy but, unlike in the case of most forms of credit protection insurance, they are not individually enrolled under the policy. Therefore, with respect to credit card-embedded insurance benefits, an individual cardholder cannot choose to cancel coverage under the certificate, as only the policyholder can terminate a group policy which would have the effect of cancelling coverage for all cardholders.

Despite our firm view that credit card-embedded insurance benefits are not offers of insurance and therefore the *RADM* does not apply to this product line, CAFII has endeavoured, through the proposals outlined below, to address the AMF's submission request of our Association by providing consumer outcomes for this product line which align with those that are actual offers of insurance.

Filings and Disclosures to the AMF

With respect to credit card-embedded insurance benefits, CAFII members would be able to meet the following disclosures to the AMF:

1. the name and contact information of the card issuer; and
2. the contact information of the insurer's assistance service.

However, certain aspects of the information currently being disclosed by group insurers to the AMF do not fit with the credit card-embedded insurance benefits product line. More specifically,

1. The number of rescissions or cancellations of credit card-embedded insurance benefits. The consumer cannot cancel credit card-embedded insurance benefits as a component part of the overall credit card package; rather, he/she must cancel the credit card in its entirety. Consumers most often choose to cancel a credit card for other reasons -- including the interest rate, the rewards program, in an effort to reduce the overall amount of credit they are carrying, or because they have found a more desirable alternative credit card.

Since credit card-embedded insurance benefits cannot be cancelled, the only possible way the industry might address the AMF's filings and disclosures requirements in this area would be to report on actual credit card cancellations. However, reporting on credit card cancellations would provide the AMF with no market conduct or consumer protection-related indicators or red flags relevant to embedded insurance benefits.

2. Remuneration paid to all distributors. For credit card-embedded insurance benefits, there is no remuneration paid to card issuers.

Given the realities outlined above and to ensure that the AMF still receives relevant data to fulfill its industry oversight responsibilities, CAFII recommends that the AMF align its reporting requirements of the industry with those in the CCIR's Annual Statement on Market Conduct (ASMC). The ASMC calls for the provision of relevant credit card-embedded insurance benefits data and insurers could provide similar Quebec-specific data to the AMF rather than being required to implement different and/or additional reporting.

Consumer Disclosures

Given that credit cards can have over 10 different embedded insurance benefits, and each card issuer has a portfolio of unique credit cards, a particular card issuer may have dozens of different embedded insurance benefits. It would be impractical to expect that, at the time of card application, the card issuer would provide the consumer with 10-plus summaries of the embedded insurance benefits when the pertinent disclosure information relates to the credit card's annual fee, its interest rate, payment grace period, and its rewards program. Providing summaries of the many embedded insurance benefits at time of application could overwhelm and confuse the consumer, rather than provide clarity.

However, given the AMF's request, CAFII members are prepared to produce summaries of credit card-embedded insurance benefits, which would be made available to all consumers on the insurer's and/or card issuer's website.

The summaries of embedded insurance benefits would

1. be concise;
2. be written in clear, consumer-friendly language;
3. present accurate information;
4. not contain any advertising or any promotional offers; and
5. not be the Certificate of Insurance.

The summaries of embedded insurance benefits would include

1. the insurer's name and contact information;
2. the client number of the insurer registered in the Authority's register of insurers and the Authority's website address;
3. the name and type of insurance product embedded;
4. claims eligibility criteria;
5. the name and contact information of the card issuer that is providing the product;
6. information on the coverage, exclusions, and limitations, and where to find the full details in the certificate of insurance;
7. any other specific clauses which may affect the insurance;
8. the insurer's website address providing access to the information on where the client can file a complaint with the insurer and a summary of the complaint processing policy; and
9. the manner in which the Certificate of Insurance can be accessed on the insurer's and/or card issuer's website.

Fact Sheet

It is CAFII's intent to try to find creative solutions to the AMF's requests which will lead to positive consumer outcomes.

However, because the Fact Sheet, as prescribed by the *RADM*, is not aligned with credit card-embedded insurance benefits and would be a "forced fit", CAFII believes that it would be most beneficial to consumers to not confuse them by requiring card issuers to provide them with a Fact Sheet for this product line.

We must stress that while the "*It's your choice*" and "*How to choose*" Fact Sheet sections are problematic and ill-suited for this product line, the section that is of most concern is "*Right to Cancel*." As stated previously, credit card-embedded insurance benefits cannot be cancelled without cancelling the credit card itself. Similarly, the Notice of Rescission required to be provided to consumers under the *RADM* also does not align with the credit card-embedded insurance benefits product line.

Other Comments:

Information collected from consumers

No information is collected up-front from consumers relative to credit card-embedded insurance benefits. Any information collected from the credit card applicant is compliant with all applicable privacy requirements, including the federal PIPEDA. The insurer does not see any of the details about a specific enrollee in the group plan underlying a credit card-embedded insurance benefit until an enrollee makes a claim.

Consequently, insurers are not in a position to provide an applicant with the summary of the information collected from him/her, as it is not collected for insurance purposes. However, the Certificates of Insurance would be provided, per normal fulfillment procedures.

Insurer Assistance service

CAFII members would be able to meet the AMF's requirement regarding the insurer having an Insurer Assistance Service, to answer questions from the card issuer regarding each benefit provided.

Training

Training of card issuer staff in respect of embedded benefits already exists. Staff are provided with the necessary knowledge to ensure that consumers' questions are addressed and that the appropriate information is being provided about the credit card-embedded insurance benefits. A common practice is for the card issuer's staff to provide high level product information (e.g. *this credit card includes \$X Million in travel medical insurance for up to Y days*) and to direct more detailed questions about claims eligibility, pre-existing conditions, etc. to a specialized customer service representative or licensed agent.

Conclusion

We look forward to dialoguing with the AMF on the proposals we have made in this submission. In that connection, please contact Keith Martin, Co-Executive Director, at keith.martin@cafii.com or 647-460-7725 at your earliest convenience, to set up a teleconference or virtual meeting for that purpose.

Sincerely,



Martin Boyle
Board Secretary and Chair, Executive Operations Committee

About CAFII

CAFII is a not-for-profit industry Association dedicated to the development of an open and flexible insurance marketplace. Our Association was established in 1997 to create a voice for financial institutions involved in selling insurance through a variety of distribution channels. Our members provide insurance through client contact centres, agents and brokers, travel agents, direct mail, branches of financial institutions, and the internet.

CAFII believes consumers are best served when they have meaningful choice in the purchase of insurance products and services. Our members offer travel, life, health, property and casualty, and credit protection insurance across Canada. In particular, credit protection insurance and travel insurance are the product lines of primary focus for CAFII as our members' common ground.

CAFII's diverse membership enables our Association to take a broad view of the regulatory regime governing the insurance marketplace. We work with government and regulators (primarily provincial/territorial) to develop a legislative and regulatory framework for the insurance sector that helps ensure Canadian consumers get the insurance products that suit their needs. Our aim is to ensure appropriate standards are in place for the distribution and marketing of all insurance products and services.

CAFII is currently the only Canadian Association with members involved in all major lines of personal insurance. Our members are the insurance arms of Canada's major financial institutions – BMO Insurance; CIBC Insurance; Desjardins Insurance; National Bank Insurance; RBC Insurance; ScotiaLife Financial; and TD Insurance – along with major industry players Assurant Canada, Canadian Premier Life Insurance Company/Valeyo, CUMIS Services Incorporated, Manulife (The Manufacturers Life Insurance Company), Sun Life, and The Canada Life Assurance Company.