General Insurance OmbudService

Service de conciliation en assurance de dommages

2008 - 2009 Annual Report

General Insurance OmbudService

Service de conciliation en assurance de dommages

TABLE OF CONTENTS

P.01 MISSION + COMMITMENT

P.02 CHAIR'S MESSAGE

P.03 EXECUTIVE DIRECTOR'S MESSAGE

P.04 CASE STUDY: 1

P.05 CALLS ANALYSIS

P.06 CASE STUDY: 2

P.07 RESOLUTION ANALYSIS + WEB SITE ACTIVITY

P.08 CASE STUDY: 3

P.09 BOARD OF DIRECTORS

P.10 LIST OF MEMBERS

ABOUT US

The General Insurance OmbudService (GIO) is an independent organization, created in 2002, with the sole purpose of helping Canadian consumers resolve disputes or concerns with their home, auto or business insurers. Our goal is to use our extensive experience and industry-related insight to work towards a fair solution between individuals and their insurance providers.

Any home, auto or business insurance consumer in Canada who has a concern or dispute with one of GIO's member insurance companies can initiate the process by contacting us with the details of his or her complaint. GIO's services are available free of charge, in both English and French. The majority of issues GIO deals with concern claims, interpretation of policy coverage and policy processing and handling.

HOW TO REACH US

GIO can be accessed right across Canada. For help with problems with your insurance company, call General Insurance OmbudService on its national toll free number at 1.877.225.0446 or visit www.giocanada.org

Head Office

10 Milner Business Court, Suite 701 • Toronto, Ontario M1B 3C6

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Front cover illustration: Original acrylic on canvas, inspired by an aerial view of forest and lakes by Lea (Algar) Lauren.

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Archival and acid-free

MISSION + COMMITMENT

OUR MISSION

The General Insurance OmbudService mission is to provide consumers of car, home and business insurance in Canada with a cost-free, independent and impartial process to resolve their complaints. To achieve our mission, we are committed to:

- Making insurance consumers aware of the service we provide;
- Applying best practices and standards in addressing complaints;
- Providing access for consumers by toll-free telephone, mail, e-mail, internet and facsimile;
- Maintaining a knowledgeable and courteous consumer service staff;
- Ensuring that all cases are treated in a confidential, balanced and fair manner.

OUR COMMITMENT TO CONSUMERS

The General Insurance OmbudService treats all consumers with fairness, impartiality and integrity. We cultivate an environment characterized by the highest ethical standards and consistently adhere to the following principles:

ACCESSIBILITY

Providing convenient ease of contact for consumers to express and pursue their concerns. Consumers wishing to access our services may contact GIO in a variety of ways, including our national toll-free telephone number 1.877.225.0446, mail, electronic mail, facsimile and through our web site, www.giocanada.org. Our Consumer Service Officers will assist consumers in either English or French.

TIMELINESS

Responding promptly to consumer inquiries and complaints. In the case of fax or e-mail messages, we strive to get back to the consumer within one business day. In most cases, our telephones are answered directly. When that is not possible, we will respond to messages within one business day. For all situations, GIO will strive to keep the consumer informed at all times of the status of their concern.

COURTESY

Always treating consumers with respect, civility and politeness.

CONSISTENCY

Treating similar cases in a similar fashion. We learn from each experience and use that knowledge to refine and enhance the perspective we can bring to recurring issues.

ACCURACY

Always providing consumers with information that is accurate and correct. If we don't fully understand any aspect of the issue, we will ask the appropriate party for clarification.

FAIRNESS & IMPARTIALITY

Approaching every interaction with integrity and objectivity, dealing with each case on the basis of due diligence and factual information.

CLARITY

Using simple, easy-to-understand language in all our communications, delivered in the consumer's choice of English or French.

KNOWLEDGE

Demonstrating an understanding of the product and providing accurate information and guidance on the complaint resolution process.

PRIVACY/CONFIDENTIALITY

Ensuring that personal/proprietary information is kept absolutely private and confidential. Our employees are bound by rigorous confidentiality standards and agreements as defined in our privacy policy.

INDEPENDENCE & OBJECTIVITY

Ensuring that GIO is independent and separate from government and industry, with its own Board of Directors, whose members represent a range of professional backgrounds, the majority coming from outside the insurance industry.

CHAIR'S REPORT

LEA ALGAR

Chair, General Insurance OmbudService

It gives me great pleasure to present the Annual Report of the General Insurance OmbudService (GIO) for its seventh year of operation, ending April 30, 2009.

GIO's mission is to provide consumers of car, home and business insurance in Canada with a cost-free, independent and impartial process to resolve their complaints.

This past year, once again, the majority of GIO cases were resolved either by the company or by the GIO consumer service officers. A few unresolved cases were referred to mediation and two were referred to the Senior Adjudicative Officer (SAO), the Honourable Charles Harnick. Mr. Harnick's distinguished legal career and his former position as Attorney General for the Province of Ontario will give consumers confidence in his decisions.

This has been a year of change and the Board is also pleased to announce several other appointments.

We welcomed two new directors, Marguerite Vogel, Independent Director from British Columbia and Wayne Ross, Industry Director. They have already made valuable contributions to GIO and we thank them for joining us.

We also welcomed our new Executive Director, Brian Maltman. Brian's legal background and his extensive experience in various senior positions in the insurance industry have strengthened GIO management.

Raising awareness of our services continues to be a high priority just as it has been since our inception. It is not an easy task. It is a question of how to provide the information so that is available at the time when it is most needed – when a complaint arises.

We are continuing our work with brokers and our member companies as they are the ones who first learn about their customers' complaints. It is important for them to know when to send their customers to GIO for assistance.

We promised better communication with our member companies and we have delivered on that promise. Members have received a number of e-bulletins updating them on GIO's progress and asking for comments. We always welcome feedback from our members.

We continue our work with the Financial Services OmbudsNetwork Joint Committee (FSON), comprising the three OmbudServices covering banking and investment services, life and health insurance and home, car and business insurance. This relationship is an important link for sharing ideas and dealing with matters of mutual interest. It ensures that consumers can easily access the service they need.

As a Pan-Canadian organization, the Board of Directors meets once each year in different locations throughout the country. This gives the Board an opportunity to meet with provincial regulators to keep them informed about GIO activities and for us to learn about any new provincial initiatives and how GIO might assist. This year we had a productive meeting in Edmonton.

The success of any organization is dependent upon its people. GIO is fortunate to have a strong, committed Board of Directors. I would like to thank the directors for their dedication, leadership and support and a special thank you to the committee chairs and our general counsel. Together, their vision provides the direction that leads GIO to refining and improving its services.

On behalf of the Board of Directors, I wish to thank GIO management and staff for the superb job they do. Their friendly, empathetic approach, based on fairness to consumers and member companies alike, are the elements that create the trust that is so necessary to successfully resolve complaints.

GIO is committed to working with consumers, member companies and governments to reach our goal of being a centre of excellence.

Lea Algar
Chair, General Insurance OmbudService

EXECUTIVE DIRECTOR'S MESSAGE

BRIAN MALTMAN

Executive Director

I am pleased to deliver my first annual report message as Executive Director and give an overview of GIO's progress over the last year.

GIO has always had an impressive record of resolving complaints and concerns for consumers of insurance in Canada. Over its history GIO has augmented and refined its services in the pursuit of best practices in dispute resolution. The completion of our Terms of Reference for Dispute Resolution provided clarity in the delivery of each stage of our process, and the addition of the Senior Adjudicative phase rounded out the spectrum of services we offer. One of the cases that proceeded to Senior Adjudication is summarized in this report.

Along the way our Consumer Service Officers (CSOs) have become experts in helping people with complaints. This is demonstrated strongly in the breakdown of last year's calls. Of 2,411 calls received, only 4 proceeded to mediation and 2 to Senior Adjudication. The rest were resolved directly by our CSOs either with information or through Informal Conciliation. That is a 99.8% "batting average".

A particular challenge for GIO is public awareness. To address this we took out strategic print media advertisements last year, and approached some consumer advocates. This in turn generated "earned" media, including a segment on a popular consumer advocate's call-in radio show and interviews with both industry media and a broadly circulated magazine. Response to the media show was evident with visits to our website breaking all records during the month of the radio show appearance.

Realizing that our industry colleagues are an equally important resource for increased awareness, several steps have been taken here. Our electronic member bulletins have increased in frequency (to at least once per quarter), in scope, covering a broad range of GIO's activities, and are sent to industry and government colleagues as well as to member company contacts. We invited our member contacts to our Annual General Meeting in October 2008. Forty company representatives attended and contributed to the discussion of how to best deal with insurance related complaints. It was evident in our discussions that the Complaints Liaison Officers in our member companies are committed to best practices in dealing with consumer complaints. On behalf of the entire GIO team, thank you to the member company CLOs for their cooperation and expertise.

This past year GIO had an independent review conducted of its governance and operations. This was done by Mr. Lawrie Savage, a former superintendent of insurance for Ontario and an expert in financial services governance. Although his report will not be made public until our Annual General Meeting in October, we are very pleased with the results of Mr. Savage's examination of GIO and have already begun implementing some of his recommendations. The review will also be discussed with the Joint Forum of Financial Regulators and our colleagues in the Financial Services Ombudservice Network.

GIO is also independent of the insurance industry, yet we are funded by member companies. We consider it our responsibility to spend each dollar wisely and demonstrate prudent financial management. Last year ended with a surplus of revenue over expenses for GIO. In past, any surplus has been used to build a prudent reserve fund, a good practice for any organization. This year such an allocation is not necessary, and we have been able to "return" some of our members' assessment money by way of a 10% discount on each assessment. This was particularly appropriate given the difficult year many insurers faced in 2008. We will continue this practice when possible in future years.

Finally, I want to convey what a pleasure it is to work with both excellent staff and an excellent board. Their support and depth of understanding of our organization makes all things possible. Thank you.

Brian Maltman
Executive Director, General Insurance OmbudService

CASE STUDY

HOW AN ACCIDENT CAN AFFECT INSURANCE PREMIUMS

A CONSUMER IS AT A LOSS REGARDING THE IMPACT OF AN ACCIDENT ON HER POLICY RATING.

THE INSURER NEVER EXPLAINED THE APPLICABLE LEGISLATION REGARDING FAULT AND NEGLECTED TO ADVISE THE POLICY HOLDER HOW THE ACCIDENT COULD AFFECT HER DRIVING RECORD.

CASE

The consumer rear-ended another driver and reported the accident to her insurer. She was confused about the determination of fault and could not get a clear understanding of any possible ramifications of the accident on her driving record. As a policy holder she believed that she was entitled to a full and clear explanation of what was happening.

The consumer had escalated her concerns to her company agent, adjuster and Claims Management personnel. She told them she did not understand the technical insurance jargon. She also felt that she was getting conflicting information and was very unhappy with the delays in people getting back to her. She did not feel that people were responding to her follow up questions and was so upset that she planned to go the press.

RESOLUTION

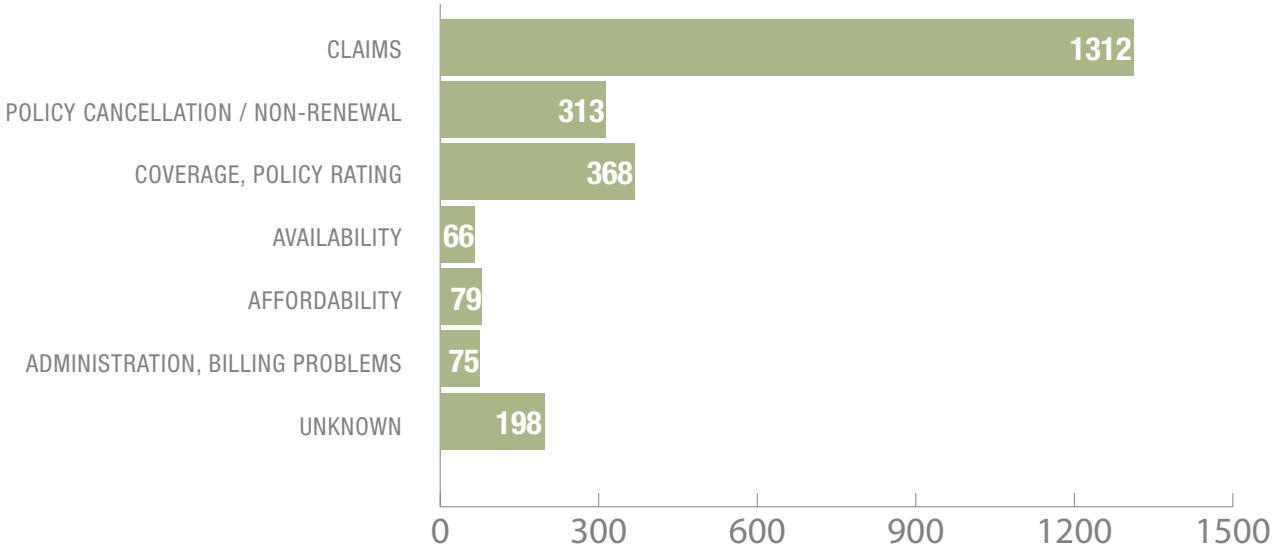
A GIO Consumer Service Officer (CSO) first explained the allocation of fault under the Fault Determination Rules. Additionally, the CSO advised the consumer to escalate her concern to the company's Company Liaison Officer (CLO) and stressed the need to obtain information that could help her understand the ramifications of her accident on her policy rating. After speaking with the CLO, the consumer understood the effects of her accident on her policy rating and received a Claims Experience Letter documenting the explanation. She was so pleased that she decided not to go to the press and stayed with the insurer.

Disclaimer: *Names, places and facts have been modified in the above example in order to protect the privacy of the individuals involved.*

"SHE WAS CONFUSED ABOUT THE DETERMINATION OF FAULT..."

CALLS ANALYSIS

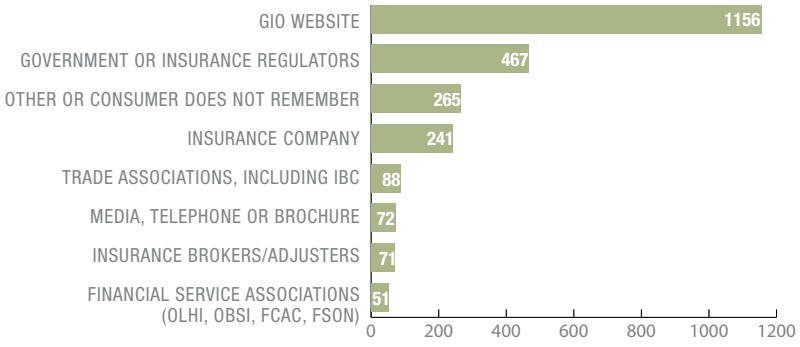
CALLS BY AREA OF CONCERN



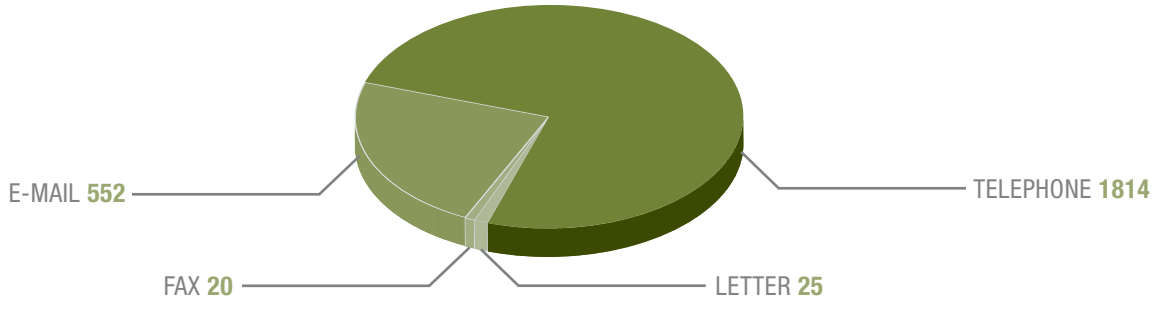
CALLS BY PROVINCE OF ORIGIN

AB	409
BC	172
MB	41
NB	23
NL	12
NS	57
NT	3
NU	2
ON	1,603
Outside Canada	11
PE	2
QC	54
SK	16
YT	6

HOW DID CONSUMERS FIND GIO?



HOW DID CONSUMERS CONTACT GIO?



CASE STUDY

UNDERSTAND WHAT YOU SIGN

MISUNDERSTANDING OF A TERM IN AN INSURANCE APPLICATION CAN VOID COVERAGE FOR A CLAIM.

EVEN AN HONEST MISUNDERSTANDING ABOUT THE DEFINITION OF A TERM IN THE APPLICATION CAN LEAD TO A LOSS OF COVERAGE.

CASE

The consumer applied for travel medical insurance coverage prior to leaving for the winter in the USA. She was assisted in filling out the application, over the telephone, by a representative of the insurance company.

The representative went over each question in the application and indicated exactly the amount of premium due.

The form was signed and dated by the consumer and then sent by her to the insurance company with her cheque in the amount of the premium calculated when she filled out the application form. An emergency Travel Health and Accident Policy was issued for the stated coverage for a period of 4 months.

While vacationing in the United States the consumer sustained a medical emergency.

The consumer's claim was denied and the policy voided based on the non-compliance of a policy condition. The consumer did not answer a question correctly resulting in the insurer not charging the proper premium.

RESOLUTION

The case went before the Senior Adjudicator. The Adjudicator concluded that the insurer had the right to deny the claim.

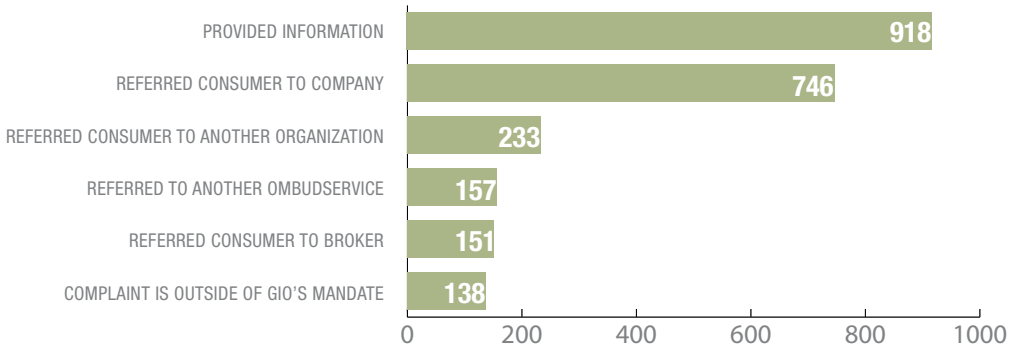
The consumer read and approved the answers when she signed and forwarded the application. Each question could affect the amount of the premium charged, depending on how it was answered. By signing the application, the consumer made each answer on the application "her own words", even though she misunderstood how a complete medical examination was defined in the application and policy.

Disclaimer: *Names, places and facts have been modified in the above example in order to protect the privacy of the individuals involved.*

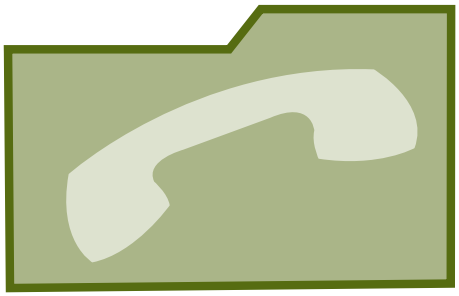
"THE CONSUMER SUSTAINED A MEDICAL EMERGENCY"

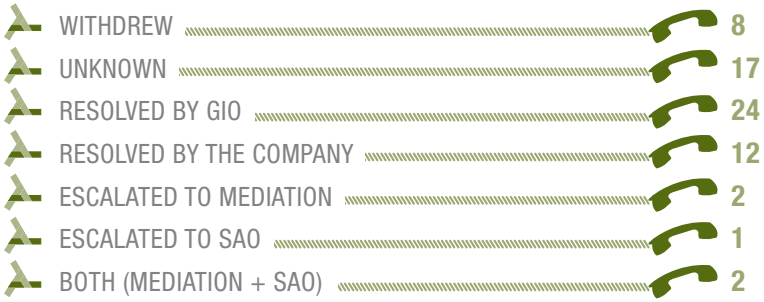
RESOLUTION ANALYSIS

INQUIRY RESOLUTION

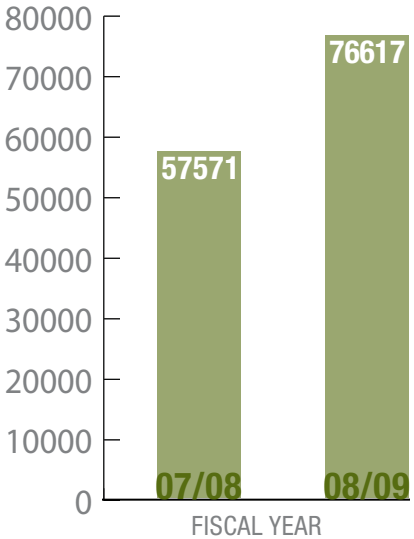


CALLS THAT BECAME CASES





WEB SITE ACTIVITY



The giocanada.org web site recorded 76,617 unique visitors for the fiscal year, marking a 34% increase over the previous fiscal year.

Earned media with select radio, print advertising spots and media interviews added to GIO's enhanced awareness and traffic. Wherever possible, the web site address was promoted as a resource for consumers to access GIO's online complaint form and complete member listing.

As we move forward with online communication initiatives, we will continue to reach out to consumers and industry groups in an effort to enhance the role of GIO.

CASE STUDY

WHAT'S THE HITCH?

A CONSUMER DOESN'T UNDERSTAND THAT HIS INSURER HAS GIVEN HIM EXCELLENT SERVICE.

WHEN A CONSUMER UPGRADED HIS TRAILER AFTER A LOSS, HE DID NOT UNDERSTAND THAT HIS INSURER HAD COMPENSATED HIM WELL.

CASE

The consumer owned a travel trailer which was insured under a separate policy from his auto insurance. When he purchased it he upgraded the hitch mechanism from the one supplied with the trailer, but did not advise his insurer of the change. The hitch, although attached to the trailer, was not listed on the policy. After a total loss of the trailer, he did not understand why the insurer would not replace the hitch he had originally attached to the trailer. His insurance company ombudsman referred him to GIO.

RESOLUTION

In discussion with the consumer our Consumer Service Officer was able to confirm that the insurer had paid out the full amount of the replacement cost for the trailer, in accord with the policy. Further discussion with the company's Complaints Liaison Officer revealed that the insurer also paid for an upgrade to a different type of trailer and hitch that the consumer chose to purchase after the loss; and for items inside the trailer that had also been destroyed. Their decision not to pay for the original hitch was "put in context" so that the consumer understood that his insurer had been very fair to him.

Disclaimer: *Names, places and facts have been modified in the above example in order to protect the privacy of the individuals involved.*

"THE HITCH... WAS NOT LISTED ON THE POLICY..."

BOARD OF DIRECTORS

THE SEVEN-MEMBER BOARD OF DIRECTORS IS COMPRISED OF FIVE INDEPENDENT MEMBERS AND TWO INDUSTRY DIRECTORS.

The independent members of the Board meet stringent conflict of interest guidelines to ensure the public that they operate independently from the P&C insurance industry. They are chosen to reflect a diversity of experience, interests, backgrounds, and geographic representation. They are individuals known and respected on a national and regional basis.

GIO has established three Committees of the Board: the Standards Committee, Budget & Audit Committee and a Human Resources Committee. Each Committee is comprised of at least three members, the majority of whom are Independent Directors of the Board. The Committees assist the Board on matters related to standards and best practices, development and compliance, and supervision in the management of the financial and business affairs of the Corporation.

FINANCIAL SERVICES OMBUDSNETWORK (FSON)

GIO is a member of the Financial Services OmbudsNetwork. The other members include:

Ombudsman for Banking Services and Investments (OBSI)
(Banking Services and Investments Questions and Concerns)
Tel: 1-888-451-4519
Fax: 1-888-422-2865
E-mail: ombudsman@obsi.ca
Website: www.obsi.ca

OmbudService for Life & Health Insurance (OLHI)
(Life and Health Insurance)
Tel: 416-777-9002
Toll-free: 1-888-295-8112
Fax: 416-777-9750
Email: info@olhi.ca
Website: www.olhi.ca

Independent Directors:

Lea Algar, BA, CIP *
Chair of the Board
Independent Director, Ontario Region
Retired Ontario Insurance Ombudsman
Thornhill, Ontario

Doane Hallett, LL.B., D.Ed. (Hon.), D.C.L. (Hon.)
Chair, Standards Committee
Member, Human Resources Committee
Independent Director, Atlantic Region
Retired Justice of the Nova Scotia Court of Appeal
Halifax, Nova Scotia

Pierre Meyland,
Member, Budget & Audit Committee
Independent Director, Québec Region
Financial Affairs Consultant
St.-Antoine sur le Richelieu, Quebec

Roger Palmer, Ph.D.
Chair, Budget & Audit Committee
Member, Human Resources Committee
Independent Director, Prairies, Northwest Territories and Nunavut
Dean, School of Public Health, University of Alberta
Edmonton, Alberta

Marguerite Vogel, BA, MA, LL.B., CMNS
Chair, Human Resources Committee
Member, Standards Committee
Independent Director, British Columbia & Yukon
President, BCSPCA
Past President, Animal Welfare Foundation Canada
Duncan, British Columbia

Industry Directors:

Stanley Griffin, MA, CIP
Member, Standards Committee
Former President and CEO
Insurance Bureau of Canada
Toronto, Ontario

Wayne Ross, BA, CIP
Member, Human Resources Committee
Vice President, Claims
Aviva Pilot
Toronto, Ontario

Executive Director:

Brian Maltman, BA, LL.B.
General Insurance OmbudService

General Counsel:

Jacques J.M. Shore LL.L., LL.B.
Partner, Gowling Lafleur Henderson LLP

*Ms. Algar is Chair of the Nominating Committee. Ms. Algar is a de facto member of the Standards, Budget & Audit, and Human Resources Committees.

LIST OF MEMBERS

Membership in GIO is available to all federally regulated property and casualty (P&C) insurers, including companies in run-off, to comply with the obligations of the Insurance Companies Act. Several provincially regulated insurance companies have joined GIO on a voluntary basis to offer consumers the same level of service as their federal counterparts.

GIO has two categories of members – voting and non-voting. Board members, made up of independent and industry directors, are voting members. Non-voting members include: insurers; re-insurers; companies discontinuing business, licensed in Canada to carry on the business of general insurance; and Lloyd's which has been admitted pursuant to the by-laws of GIO. This structure was created to guarantee an appropriate degree of separation and independence from non-voting members who are in the insurance industry. As of printing, GIO had 154 member companies, as follows:

ACE INA Insurance
Affiliated FM Insurance Company
AIG Commercial Insurance Company of Canada (AIGCIC)
AIG United Guaranty Mortgage Insurance Company Canada
Alberta Motor Association Insurance Company*
Allianz Global Risks US Insurance Company
Allstate Insurance Company
Allstate Insurance Company of Canada
American Bankers Insurance Company of Florida*
American Home Assurance Company
American Road Insurance Company- Canadian Branch
Arch Insurance Company
Ascentus Insurance Ltd.
Aspen Insurance UK Limited
Associated Electric & Gas Insurance Services Limited (AEGIS)
Aviation & General Insurance Company Limited c/o D.M. Williams & Assoc. Ltd.
Aviva Insurance Company of Canada
AXA Assurances Inc.
AXA General Insurance
AXA Insurance (Canada)
AXA Pacific Insurance Company
AXIS Reinsurance Company- Canadian Branch
Belair Insurance Company
Berkley Insurance Company c/o D.M. Williams & Assoc. Ltd.
Boiler Inspection & Insurance Company of Canada (The)
British Aviation Insurance Company Limited (The)
Canadian Direct Insurance Incorporated
Canadian Northern Shield Insurance
Cardif Assurances Risques Divers
Centennial Insurance Company c/o Focus Group Inc.
Certas Direct Insurance Company
Certas Home and Auto Insurance Company
Chicago Title Insurance Company
Chrysler Insurance Company
Chubb Insurance Company of Canada
Commonwealth Insurance Company
Compagnie Francaise d Assurance pour le Commerce Exterieur-Canada Branch
Continental Casualty Company
Co-Operators General Insurance Company
Coseco Insurance Company c/o HB Group Insurance Management Ltd.
Cumis General Insurance
Dominion of Canada General Insurance Company (The)
Eagle Star Insurance Company Limited
Ecclesiastical Insurance Office plc
Echelon General Insurance Company
Economical Mutual Insurance Company
Electric Insurance Company c/o Cassels Brock & Blackwell LLP
Elite Insurance Company
Employers Insurance Company of Wausau
Equitable General Insurance Company
Euler American Credit Indemnity
Factory Mutual Insurance Company
FCT Insurance Company Ltd.
Federal Insurance Company
Federated Insurance Company of Canada
Federation Insurance Company of Canada
Fenchurch General Insurance Company
First American Title Insurance Company
First North American Insurance Co.
Fortress Insurance Company*
General Reinsurance Corporation
Genworth Financial Mortgage Insurance Company of Canada
Gold Circle Insurance Company
Gore Mutual Insurance Company*
Grain Insurance and Guarantee Company
Great American Insurance Company
Great American Insurance Company of New York
Guarantee Company of North America
Hartford Fire Insurance Company
Industrial Alliance Pacific General Insurance Corporation
Intact Insurance Company
Jevco Insurance Company
Jewelers Mutual Insurance Company
Kingsway General Insurance Company
Lawyers Title Insurance Corporation
Legacy General Insurance Company
Liberty Mutual Insurance Company
Lloyd's
Lombard General Insurance Company of Canada
Lombard Insurance Company
London and Midland General Insurance Company
Lumbermen's Underwriting Alliance
Markel Insurance Company of Canada
Metro General Insurance Corporation Ltd.
Millennium Insurance Corporation
Missisquoi Insurance Company
Mitsui Sumitomo Insurance Company
Motors Insurance Corporation
National Liability & Fire Insurance Company
Nipponkoa Insurance Company Limited
Nordic Insurance Company of Canada
North American Specialty Insurance Company (Canadian Branch)
North Waterloo Farmers Mutual Insurance Company*
Novex Insurance Company
Old Republic Insurance Company of Canada
Omega General Insurance Company
Optimum West Insurance Company*
Pafco Insurance Company
Peace Hills General Insurance Company
Pembridge Insurance Company
Personal Insurance Company of Canada
Perth Insurance Company
Pilot Insurance Company
PMI Mortgage Insurance Company Canada
Portage la Prairie Mutual Insurance Company*
Primmum Insurance Company
Progressive Casualty Insurance Company
Protective Insurance Company
Providence Washington Insurance Company
Quebec Assurance Company
RBC General Insurance Company
RBC Insurance Company of Canada
Royal & Sun Alliance Canada
S&Y Insurance Company
Safety National Casualty Corporation
Saskatchewan Mutual Insurance Company*
Scotia General Insurance Company
Scottish & York Insurance Company Ltd.
Securican General Insurance Company
Security Insurance Company of Hartford
Security National Insurance Company
Sentry Insurance a Mutual Company c/o Cassels Brock & Blackwell LLP
SGI Canada Insurance Services Ltd.*
Sompo Japan Insurance Inc.
Sovereign General Insurance Company
St.Paul Fire & Marine Insurance Company
State Farm Fire and Casualty Company
State Farm Mutual Automobile Insurance Company
Stewart Title Guaranty Company
T.H.E. Insurance Company
TD Direct Insurance Inc.
TD General Insurance Company
TD Home and Auto Insurance Company
Temple Insurance Company
TIG Insurance Company
Tokio Marine & Nichido Fire Insurance Co. Ltd
Traders General Insurance Company
Trafalgar Insurance Company of Canada
Travelers Guarantee Company of Canada
Trisura Guarantee Insurance Company
Triton Insurance Company - Canadian Branch
UAP NewRotterdam Insurance Company N.V.
Unifund Assurance Company
Utica Mutual Insurance Company
Virginia Surety Company Inc c/o D.M. Williams & Assoc. Ltd.
Waterloo Insurance Company
Wawanesa Mutual Insurance Company
Western Assurance Company
Westport Insurance Corporation (fka ERC)
XL Insurance Company Limited
York Fire & Casualty Insurance Company
Zenith Insurance Company
Zurich Insurance Company

*(Alberta Only)