Spring has officially arrived and so has the new look for the RIMS Canada Newsletter. As you can see we are showing off our new logo which incorporates the graphic used in the new RIMS logo. We hope you like the new look for the RIMS Canada Council. The 2011 RIMS Conference and Exhibition in Vancouver, British Columbia will be in full swing during the printing of this edition of the newsletter. We hope that attendees to RIMS 2011 were able to connect with friends and colleagues, discover innovative and exciting opportunities in the exhibition and conference proceedings and be inspired by the natural beauty Canada has to offer. For those unable to attend Vancouver, do not despair. “The” annual risk management conference in Canada this year has yet to take place.

The local organizing committee for the 2011 RIMS Canada Conference in Ottawa is working diligently to ensure all of the conference preparations are ready for you to connect in Canada’s Capital. If you haven’t already, be sure to book your hotel for this year’s conference, Capital ConneXions, September 18 – 21, 2011. To find out more about the 2011 RIMS Canada Conference, read the article from the Co-Chairs and visit http://rimscanadaconference.ca. We look forward to seeing you there.

RIMS in Canada is more than just the conference. The RIMS Canada Council (RCC) is a standing committee of RIMS that addresses the Canadian activities and strategic initiatives of RIMS and risk management in Canada. Each Canadian chapter has a representative on the Council. Our mandate is achieved through our three subcommittees: the National Conference Committee (NCC), the Communications & External Affairs Committee (CEA) and the National Education Committee (NEC). Our volunteers, through their dedication and hard work, achieve the goals and objectives of the Council.

In January, at the RIMS Canada Council annual planning meeting, we reconfirmed our goals (in italics below) and focus. In March the three RCC subcommittees met to develop the action plans to achieve/advance our goals. In the past year, we have three new Council members and eight new subcommittee members. I am thrilled to see young dynamic representatives from each of the Chapters coming forward to advance RIMS in Canada. I am encouraged to see new volunteers step up as we work on developing an effective volunteer leadership model. The NCC continues to ensure that “the” Risk Management Conference in Canada is relevant and sustainable to all stakeholders. You will see in Ottawa and future conferences that we live up to that goal. The CEA and NEC initiatives will raise the profile in Canada for RIMS and RCC as the global authority in risk management. All of these efforts will ensure that we have a strong and engaged membership at the chapter level and the national level of RIMS in Canada.

RIMS, the RIMS Canada Council and sub-committee members are available throughout the year to discuss any aspect of our operations. Your chapter representative is there for you, please take advantage of this opportunity to advance risk management in Canada.

See you in Ottawa!
You don’t want to miss the 2011 RIMS Canada Conference. Your hosts this year are the Canadian Capital Chapter, who live and work in the beautiful Nation’s Capital, Ottawa. Our team of volunteers is really looking forward to welcoming all delegates and industry partners to connect in Ottawa from September 18 – 21, 2011. An added bonus is that the site of our conference will be the new Ottawa Convention Centre, which is in the historic heart of the city and connected to the Westin Hotel. The Ottawa Convention Centre will house the majority of conference events including plenaries, concurrent sessions, registration, exhibit hall and the Tuesday evening party. The new Ottawa Convention Centre is truly a convention centre worthy of the capital city.

The Program Committee has been diligently working to pull together an educational program that is diverse and will include a variety of different streams including: public sector, enterprise risk management, claims, legal and risk management/insurance. A Program Suggestion Form was issued and the Committee has evaluated all submissions. Topics and speakers have been selected that will assist delegates in achieving their educational goals. The Program Committee wishes to announce that a ‘dragon’ will be making an appearance. Robert Herjavec from Dragons’ Den is confirmed as a plenary speaker. He is the author of “How to Succeed in Business and in Life”. Don’t miss your chance to hear a dragon speak!

Our conference kick-off speaker is John Furlong, CEO, Vancouver 2010 Olympic Games. He led the team that organized and staged the Vancouver 2010 Olympic and Paralympic Winter Games. You will hear what went on inside the Olympics. It’s a beginning not to be missed.

We are pleased to report that our industry partners continue to support the RIMS Canada Conference. Sponsors confirmed to date can be found at our website www.rimscanadaconference.ca.

If you are having difficulty confirming a room at one of the four conference hotels, please contact Charlene Roth-Diddams from POP Kollaborative at charlene@pophasemail.com. She will ensure your name is on a wait-list. When space becomes available closer to the conference date, you will be notified and provided the opportunity to transfer your reservation to the hotel of your choice.

Our Tuesday evening Neighbourhood Party will be held on the fourth floor of the Ottawa Convention Centre. The dinner and show will be fun for all. There’s no need to dress up. Come as you are for a casual evening of camaraderie. You may want to dance in the street.

Come to the Nation’s Capital, the 2010 MoneySense top Canadian city to live in. We are ranked second among cities in the entire hemisphere for quality of living and third among the cleanest cities worldwide. As the Nation’s Capital, we have many architectural gems including the Parliament buildings, the National Gallery of Canada, the Canadian War Museum, the National Arts Centre and the Canadian Museum of Nature. Come experience the Capital and learn the latest risk management trends while networking with your peers.

On behalf of our team of volunteers, we invite you to connect in the Nation’s Capital at the 2011 RIMS Canada Conference from September 18-21, 2011. Come early – stay late! There’s a lot to see and do.

Kim Hunton and Barb Carscadden, Co-Chairs, 2011 RIMS Canada Conference
RIMS CANADA COUNCIL UNVEILS NEW LOOK

The RIMS Canada Council (RCC), the standing committee representing the Canadian chapters of RIMS, unveiled a new logo in March. The contemporary new logo aims to capture the evolving nature of risk management and the RCC’s commitment to enhance the activities of RIMS and risk management in Canada.

The three stripes in both the RIMS and RIMS Canada logos represent the Society’s key areas of service to its members: resources, networking and education. More conceptually, the stripes also represent upward movement, symbolic of growth and action. They join together as they grow, demonstrating the integration of risk management within an enterprise and the effectiveness of collaboration. In keeping with the new RIMS logo, the new RIMS Canada branding conveys the progressive nature of RIMS’ interactions with its members, chapters and business partners, while adding a distinctly Canadian look.

The new RIMS Canada logo was designed with both vertical and horizontal variations (pictured above) so that it could be flexibly used in a variety of print and electronic applications.

The RIMS Canada Council Strategic Plan will continue to deliver:

- Effective volunteer leadership
- A strong and engaged membership
- The Risk Management Conference in Canada
- A higher profile in Canada for RIMS and the RIMS Canada Council as the global authority in risk management

Visit www.rimscanada.ca to view the online appearance of RCC’s re-brand. Further elements that incorporate the new logo will be rolled out over the course of 2011. The new brand will be present in RCC’s print, event and online components.

CONFERENCE • EDUCATION • REPRESENTATION
MAY 2011 • PAGE THREE

RIMS CANADA QUALITY FORUM

RIMS held the first RIMS Canada Quality Forum event in November 2010 in Toronto. This gathering of RIMS and RIMS Canada Council leadership and senior executives from leading Canadian insurers and brokers focused primarily on promoting the advancement of quality in the industry – a key RIMS objective.

The meeting was highlighted by an open discussion on just what the term “quality” meant in the context of the tri-party relationship of risk manager, insurer, and broker. Many attendees offered insight from their perspective as either a broker or insurer on ways all three groups could work to improve the relationship. RIMS Canada Council Chair, Tino Brambilla, presented the RIMS Quality Partnership Initiative as an example of how risk managers look to strengthen the tri-party relationship by effectively implementing three guiding principles: integrity, transparency, and a client-centric process.

Other themes that emerged from the discussion were the need to better communicate the expectations of each party during the insurance procurement cycle and to better understand the stressors that underlie service delivery issues so as to ensure a transparent and cooperative relationship.

Overall, the first RIMS Canada Quality Forum was well received by all attendees and plans are underway for the 2011 edition this Fall.

THE FIRST RIMS CANADA QUALITY FORUM

Client-centric process

RIMS CANADA QUALITY PARTNERSHIP

Integrity

Transparency

The Puffin Report

The RIMS Canada Council meets face to face twice a year – once at a planning meeting at the end of January and the second time at the RIMS Canada Conference in the fall. After each meeting, the RCC secretary releases a short report called “The Puffin Report” highlighting the key discussion points and news from the meeting to convey to each chapter. Chapter representatives use The Puffin Report to ensure they deliver the key meeting points back to their chapter boards. The report is also posted on the RIMS in Canada website under the “RIMS Canada Council” tab at www.rimscanada.ca.

The Puffin Report was named by the RCC Secretary who initially proposed and implemented the report, Paul Power of the Newfoundland and Labrador Chapter.

More information about the workings of the RCC can be found under the “RIMS Canada Council” tab, including the mandates and members of the three subcommittees, the RCC Strategic Plan and information on how to volunteer.

www.rimscanada.ca
The National Education Committee (NEC) met in Toronto March 4th-6th and reviewed a number of strategic goals and objectives to increase the profile of education in risk management. The areas of education delivery that the Committee identified included an assessment of the current educational programs (CRM, RF); course delivery options; designation requirements for the CRM and RF programs; funding for Chapter education programming; instructor engagement; workshops/webinars; and education program development at the undergraduate level. The Committee then identified a number of measurement criteria that will be used in the reporting of Committee activities.

One of the key tools that the NEC is using to move forward with its strategic objectives is the results of a survey that was conducted in October of 2010. The survey results revealed many strong opinions from the Canadian RIMS membership on issues that the committee has been debating for some time. Some of the survey results of interest include: 94% of respondents confirmed that the CRM courses covered the basic elements of risk management; 70% of the respondents felt that the current academic requirements of the CRM were sufficient for the designation; 62% of the respondents were opposed to a capstone exam that would be written after the completion of all three mandatory CRM courses; 72% of the respondents were in favour of standardizing exams after completion of each CRM course; 62% of the respondents were in favour of adding the new CRM – E course offering to the existing requirements for completion of a CRM designation; 84% of the respondents were satisfied with the current options for course delivery; and 90% of the respondents felt that risk management should be included in some form of higher education at the university level. Overall the respondents were able to provide some excellent suggestions on how to improve on the CRM program. The NEC will be submitting a report to the RIMS Canada Council with a number of recommendations from the survey.

The RF designation and course requirements are currently being examined by the RIMS Professional Development Advisory Council (PDAC). Lynda Lyttle from the NEC Committee is chairing the PDAC and will be reporting back to the NEC on recommended changes to the program. The NEC is also looking at ways to engage instructors of the education courses and is working on a communication strategy with them. We are interested in their feedback. The NEC will be reaching out to Canadian chapters for assistance in recommending qualified instructors and ensuring program offerings are following standardized learning objectives.

The Committee will also be communicating with the Canadian chapters again this year to encourage and promote the financing and development of education related workshops and webinars. The committee will facilitate joint funding options between chapters that are not interested in the entire cost. A $2,000.00 per chapter allowance is still available for education promotion of RIMS fellow workshops or any other professional development initiative related to risk management.

Finally the committee will be in touch with educational institutions throughout the year looking for opportunities to promote risk management learning opportunities at the post secondary level.

There have been a number of changes on the National Conference Committee in 2011 so I thought I would start my report by introducing the 2011 Committee:

Karin McDonald . . . . . . . Hydro One Chair
Patrick Ryan . . . . Newfoundland Power Secretary
Roman Parzei . . . . . . . City of Brampton Ex-Officio/RCC Treasurer
Kim Hunton . . . . . . . City of Ottawa RCC Liaison
Barbara Carscadden . . . . . . . Retired Co-Chair Ottawa 2011
Doug Brown . . . . . . . City of Regina Co-chair Saskatoon 2012
Steve Matterson . . . . . . . BC Ferries Co-Chair BC 2013
Bev Duthoit . . . . . . . MTS Allstream Co-Chair Manitoba 2014
April Savchuk . . . . . . . Catlin Canada Member at large

We say farewell to Past Chair Marley Drainville of Enersus and committee members Gwen Tassone of the City of St. Albert and Glen Frederick of the Government of British Columbia. We thank them for their many years of dedicated service to the NCC and wish them well in their future endeavours.

Continued on page 5
We also welcomed three new members April Savcuk - Catlin Canada, Steve Matterson - BC Ferries and Bev Duthoit - MTS Allstream.

The committee met in March and I am pleased to report on a few of our new initiatives:

- With regards to the goal of providing a relevant and positive conference experience, it is recognized that we need to develop more meaningful surveys of delegates and exhibitors. We are currently developing the framework to host a series of focus groups following the conference in Ottawa. More on this initiative will follow in the months to come.
- We have been working closely with our National Event Planner (NEP) - POP Kollaborative to develop a formalized process for the allocation of booth space starting with the Ottawa conference. The model assigns points to exhibitors based on their past conference participation and sponsorship. Under the new model, exhibitors will be contacted once a month to make their selection based on availability. One of the key pre-requisites for booth selection is receipt of both the signed contract and payment. Exhibitors are encouraged to get them in early.
- We had hoped to be able to establish a Conference Programming Committee similar to RIMS. Unfortunately we have been unable to find a chair to champion this initiative. I am inviting any members who may have a specific interest in heading up this committee to contact me as soon as possible. As an interim measure, the National Conference Committee (NCC) in conjunction with the National Education Committee (NEC) will develop 2-3 hot topic sessions to assist the Local Organizing Committees (LOC) with their programming.
- The NCC is also looking into the merits/feasibility of videotaping of conference plenaries and concurrent sessions and making them available to our members through the conference website. We believe this would create value for our members and our conference delegates by including the content for all sessions (not only the ones they attended) as part of the registration fee. If we proceed with this new initiative it will be rolled out in Saskatoon 2012. Stay tuned for more information on this new and exciting initiative.
- Work continues on the development of resource materials for the LOCs such as the conference planning manual, budget templates, development of a critical path outline, guidelines for signage, etc. We are also looking to establish a single conference GST/HST number and reduce the need for each LOC to apply for one. These are a but a few of the initiatives being worked on by the NCC. We hope that our efforts along with those of the LOCs will result in a relevant and positive conference experience by all participants.

We are looking forward to seeing you all at the 2011 RIMS Canada Conference in Ottawa in September.
On October 13, 2010, Metron Construction Corp. became the fourth corporation in Canada to be criminally charged as a result of the amendments to the Criminal Code under Bill C-45. On Christmas Eve 2009, four Metron workers were killed in a scaffolding accident. Metron, along with two directors and one project manager, were charged with criminal negligence causing death and criminal negligence causing bodily harm. If convicted, the company and its directing minds could face significant fines or even imprisonment. These and other recent charges may represent a movement towards holding corporations criminally responsible for injuries that happen to their employees in the workplace.

Background

Prior to 2004, corporations could be charged for criminal negligence and criminal offences, but none had resulted in a conviction in Canada. This is because the criminal law in Canada requires the Crown to prove two elements: (1) that a criminal or criminally negligent act occurred, and (2) that the necessary intent to commit the act was present. Showing that both elements occurred in the same “directing mind” of a corporation proved to be a difficult burden. However, on May 31, 2004, with the passing of Bill C-45, the principles underlying corporate criminal liability changed.

In 1992, twenty-six miners were killed in an explosion in Pictou County, Nova Scotia while working in the Westray Mine. The Crown pressed charges, but ultimately failed to successfully prosecute the mine’s management. In response to the growing consensus that criminal reform was needed, the federal government enacted Bill C-45, also known as the “Westray Bill”. Bill C-45 allowed for liability to be engaged even in instances where the two elements of the criminal act may not be present in the same individual. The Bill became law on March 31, 2004 and was codified into the Criminal Code by the addition of sections 22.1, 22.2 and 217.1.

Recent charges under Section 217.1

For now, there is little case law to clarify exactly how the new provisions will be interpreted. On December 7, 2007, a Quebec manufacturer, Transpavé Inc., became the first organization in Canada to be convicted under the amendments. This groundbreaking case resulted from an accident involving a 23 year old concrete worker who was crushed by machinery when a lever malfunctioned. At trial, Transpavé admitted that it should have anticipated the risks involved in operating certain machinery and that it did not ensure that employees respected security measures. Transpavé entered a plea of guilty and ultimately was fined $100,000. The court noted that Transpavé was a small, family owned company. Larger corporations can likely expect significantly larger fines in similar situations. The case of Transpavé represents an opening of the doors to corporate criminal liability.

Most recently, the cases of Millennium Crane and Metron indicate a move towards stricter enforcement of the Bill C-45 amendments and a willingness to explore their boundaries. In February 2010, criminal charges were laid against Millennium Crane Rentals, along with its president and a crane operator. The charges stemmed from the death of a city employee in April 2009. The city of Sault Ste. Marie had hired Millennium Crane to provide a crane and an operator to lower concrete into an excavation. During the project the crane slid into the excavation and killed a public works employee. On March 21, 2011 the Crown withdrew criminal charges against Millennium Crane. The Crown attorney advised the Ontario Court that the Crown was duty bound to withdraw the charges as there was no reasonable prospect of conviction based on the evidence it had obtained. After reviewing an engineer’s report the Crown concluded that they could not establish the element of causation, a requirement for a company to be found criminally negligent, beyond a reasonable doubt. Although it appears the authorities are becoming more vigilant about pressing criminal charges under s. 217.1, only time will tell how these provisions will be applied to corporations and their management. The withdrawal of charges against Millennium Crane demonstrates that the Crown still faces a heavy burden in proving that a corporation or its management has acted in a criminally negligent manner. Nevertheless, corporations should be diligent in relation to matters of workplace safety to guard themselves from the risk of criminal liability.

What can be done to limit liability?

From a risk management perspective, corporations should be sure to have appropriate policies, procedures and training in place to address and prevent workplace hazards. Management should be well versed in their legal obligations under occupational health and safety laws and standards. Potential hazards that exist in the workplace should be identified and steps should be taken to effectively reduce or eliminate them. Employees should be carefully educated and trained on the safety risks of the machinery they operate. Companies should pay special attention to the actions of contractors and temporary staff, as they now can be considered to be “representatives” under the Criminal Code. Since individuals and organizations cannot be charged under Section 217.1 unless there is “bodily harm”, prevention of injury is key. Care should be taken to document all steps taken by the employer to optimize workplace safety so there is clear proof that the “legal duty to take reasonable steps to prevent bodily harm” has been fulfilled.

Recent charges in the Metron and Millennium Crane cases, along with the conviction of Transpavé, may signal a growing expansion of the criminal law into workplace safety issues. These proceedings should remind corporations and those who direct them that they must be diligent in meeting their legal duties to ensure safety in the workplace.

Bruno De Vita is a partner with the Vancouver law firm of Alexander Holburn Beaudin & Lang LLP. He is recognized in Lexpert and The Best Lawyers in Canada as a leading lawyer in the field of Insurance Law.
Photos courtesy of Canadian Underwriter magazine
www.canadianunderwriter.ca
CANADIANS WIN RIMS HONOURS IN VANCOUVER

A dding to the excitement of the RIMS Annual Conference being held here in Canada this year, Canadian members had something extra to cheer about as several Canadian individuals and chapters accepted well-deserved RIMS Awards "on home ice".

The Risk and Insurance Management Society (RIMS) announced the winners of its industry awards on May 2 during the RIMS 2011 Annual Conference & Exhibition Award Luncheon in Vancouver.

RIMS’ most prestigious honour, the Harry and Dorothy Goodell Award, was presented to Glen Fredrick, CRM, Director, Risk Management Client Services for the Government of British Columbia. Named in honour of RIMS first president, the award pays tribute to an individual who has furthered the goals of the Society and the risk management discipline through outstanding service and achievement. Glen has served RIMS, the RIMS Canada Council and the RIMS British Columbia chapter in many roles as well as teaching the three CRM courses at Simon Fraser University. He is most deserving of this high honour.

The Ron Judd “Heart of RIMS” Award was presented to another deserving Canadian, Janice McGraw, CRM, RF, Associate Director of McGill University and current President of the Quebec Chapter. The award pays tribute to the legacy of Ron Judd, who served as RIMS executive director for 22 years. Individuals are nominated by chapters for outstanding performance in furthering risk management at the chapter level. Janice has served in many capacities for RIMS, the RIMS Canada Council and the RIMS Quebec Chapter, and she teaches the Risk Assessment course at McGill University.

RIMS also recognized the exceptional work of its Chapters for Outstanding Chapter Programming, Advancing the Risk Management Profession, Outstanding Member Services, Overall Chapter Excellence and the new Membership Growth Awards.

The RIMS Ontario chapter earned an award for chapter achievement in Social Events in the large chapter category.

Several Canadian chapters won Membership Growth Awards. Winning Membership Superstars for chapter growth over 9% were the RIMS British Columbia, Maritime, Southern Alberta and Northern Alberta Chapters. Membership Star Awards for chapter growth between 6 and 8.9% went to the RIMS Manitoba, Quebec, Ontario and Southern Alberta Chapters.

RIMS membership in Canada continues to increase across all categories of membership.

In 2010, Canadian membership broke the 1,000 mark at the RIMS Canada Conference in Edmonton, and grew to a total of 1,030 individual members by year end, an increase of 7% over 2009.

All Canadian chapters showed growth in 2010, with four chapters earning “superstar” status and two earning “star” status. Canadian membership “superstars” (9% plus growth) for 2010 are Northern Alberta, Southern Alberta, British Columbia and Maritime Chapters. Membership “stars” (6.0 – 8.9% growth) for 2010 go to the Quebec and Canadian Capital Chapters.

For 2011, the RCC is developing a plan to support chapters to increase corporate membership in Canada, including a Canadian focused membership benefit package.

RIMS PROFESSIONAL DEVELOPMENT CALENDAR

Enterprise-Wide Risk Management: Developing and Implementing
Toronto, ON
June 1 – 3, 2011

Integrating Enterprise Risk Management and Strategic Planning
Montreal, QC
June 2 – 3, 2011

Harnessing ERM to Tap Risk Appetite, Anticipate Emerging Risk and Limit Future Shock
This workshop follows the RIMS Canada Conference in Ottawa
Ottawa, ON
Sept 30 - Oct 1 2010

For further information or to register, visit
www.RIMS.org/education

RIMS CANADIAN MEMBERSHIP ON THE RISE

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The RIMS Canada Newsletter is a publication of the RIMS Canada Council and is published periodically throughout the calendar year. The opinions expressed are those of the writers and volunteer members of the RIMS Canada Newsletter Editorial Committee. Articles submitted to the RIMS Canada Newsletter for publication are subject to the approval of the RIMS Canada Newsletter Editorial Committee. Approval of such articles is based on newsworthiness, and perceived benefit to the readership. All decisions of the RIMS Canada Newsletter Editorial Committee are final and not subject to appeal. Individuals submitting articles to the RIMS Canada Newsletter hereby acknowledge their acceptance of the RIMS Canada Newsletter Editorial Policy.

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