MESSAGE FROM THE RIMS CANADA COUNCIL CHAIR ROMAN PARZEI

Those of you who were at the RIMS Canada Conference in Winnipeg this past September will agree with me that the Conference was a huge success. It was well attended by delegates and industry partners from across Canada and from the U.S. The RIMS Canada Council (RCC) was a proud co-sponsor of the Opening Reception that was held on Sunday evening at the new Canadian Museum for Human Rights. The Museum was not yet open to the public but the Winnipeg Conference Local Organizing Committee made it possible for the delegates to have a sneak peak at the impressive facility, including the spectacular view of the city from the Tower of Hope.

The Conference began on Monday with an impressive line-up of plenary speakers which included Amanda Lang, Chris Mathers and Diane Francis. There was also a wide variety of professional development sessions that were presented over 2.5 days. And let’s not forget the excellent networking the Conference provided. It was great to see delegates renewing friendships and making new ones as well.

Thank you to the Manitoba RIMS Chapter Local Organizing Committee, led by Bev Duthoit and Valerie Barber, for putting together a great conference. This issue of the RIMS Canada Newsletter contains a recap of the Conference in words and photos.

On the Saturday before the start of the Conference, I had the pleasure to chair a full day, face to face meeting of the RCC. The meeting included RCC representatives from all 10 Canadian RIMS Chapters, the Chairs of the 3 RCC Sub-committees; the RIMS President, Carolyn Snow; RIMS Executive Director, Mary Roth; RIM’s Board Liaison, Michael Phillipus; RIMS Staff liaison, Cindy Tiritilli; Canadian Consultant, Bonnie Wasser; and, of course, the RCC Executive. It was a full agenda that could have easily gone into a second day. At the end of the day the RCC was able to deal with all of the items and many important decisions were reached.

The Puffin Report reports on the key points of the face to face RCC meeting.

rimcanadaconference.ca
Our 40th annual gathering of the Canadian Risk Management Community delivered top notch education and networking.

The crossroads – where risk professionals are being asked to address increasingly complex risks and leverage them into valuable opportunities for their organizations – was the focus of the 2014 RIMS Canada Conference held September 14 – 17, 2014 at the RBC Convention Centre in Winnipeg, Manitoba. The conference delivered an engaging educational program and networking opportunities for over 1,100 risk managers, industry partners and students.

Keynote speakers were Amanda Lang, senior business correspondent, CBC News and host of The Exchange, Eric Noël, initiator of the Canada Towards 2030 Project and senior vice president, North America of Oxford Analytica, Chris Mathers, a crime and risk expert, Diane Francis, American-Canadian award-winning columnist, bestselling author, Editor-at-Large at the National Post and Professor at Ryerson University’s Ted Rogers School of Management and renowned memory expert Bob Gray. More than 25 concurrent sessions were offered on topics ranging from enterprise risk management and cyber risks, to property, business continuity and social media risks. Concurrent session presentation slides can be found at the “Crossroads 2014” page on the RCC website at www.rimscanada.ca.

The sneak peek of the soon to be opened Canadian Museum of Human Rights at the conference opening reception and a memorable gala evening celebration rounded out the event. Thank you to the Manitoba Chapter Local Organizing Committee, co-chaired by Valerie Barber and Bev Duthoit for producing an excellent conference!
At the 2014 RIMS Canada Conference, the RIMS Ontario Chapter presented the Donald M. Stuart Award to Anne Chalmers, Vice President Risk & Security and Chair, Materials Stewardship Committee for Teck Resources. Widely recognized as Canada's highest honour within the risk management field, the Donald M. Stuart Award has been bestowed annually since 1979 by the RIMS Ontario Chapter (ORIMS) to celebrate Canadians who have made outstanding contributions in the risk management profession.

“Anne Chalmers brings a palpable passion to her work that has allowed her to successfully manage and elevate the global risk management program for one of the world’s largest mining companies,” said Paul Provis, Chair of the Donald Stuart Nominating Committee and vice president of ORIMS. “Beyond her professional accomplishments, Anne continues to demonstrate a profound commitment to the future of risk management as an educator, lecturer, author and, most importantly, a RIMS volunteer. It is with great honour that ORIMS presents the Donald M. Stuart Award to this most deserving individual.”

As Vice President of Risk and Security for Teck Resources, Canada’s largest diversified mining, mineral processing and metallurgical company, Anne stands at the head of Teck’s Risk Group; a team responsible for its global risk management program. In addition to her responsibilities of risk management and corporate security she oversees loss control, emergency services, the commercial insurance program, coordinates the Crisis Management Team for the operations of Teck Resources and its partnerships and chairs the Materials Stewardship Committee.

“Every day the risk management profession allows us to take on new challenges, interact with new people and departments and, collaboratively, develop and implement solutions that have a direct impact on our organization’s success,” said Ms. Chalmers. “Sharing my experiences has been extremely rewarding and I encourage others to get involved in this thriving risk management community and do the same. I am humbled and honoured to be recognized by my peers as this year’s Donald M. Stuart Award recipient.”

Anne joined RIMS in the mid-1980’s and is a member of the Society’s British Columbia Chapter based in Vancouver. She is a member of the RIMS Annual Conference Programming Committee, director on the Board of OIL Casualty Insurance Company in Bermuda, a director of Mining Insurance Group, a member of FM Global Risk Management Council, and is a director of STAND Foundation, a not for profit public foundation whose purpose is to support the enhancement of skills, knowledge and livelihoods of marginalized young adults in the Greater Vancouver area.

Also presented at the conference was the Fred H. Bossons Award, which each year honours the risk management professional who earns the highest marks on the three courses required to receive the CRM designation. This year’s winner is Joanne Chow, Senior Financial Analyst for Brookfield Asset Management in Toronto.
It all began a few years ago (five to be exact) while innocently attending a meeting of the local Manitoba RIMS (MaRIMS) Chapter meeting. There was a general discussion regarding the RIMS Canada Conference being hosted in Winnipeg in 2014 and what a great opportunity it would be to showcase Winnipeg to our fellow risk management professionals across the country. As is typical at these types of meetings, at least in Winnipeg, with our small group of dedicated but crazy risk management professionals, the conversation quickly disintegrated and a couple of our well-seasoned risk managers set their minds free to create all sorts of absurd scenarios. Before you knew it the group had developed a conference revolving around the city’s Ukrainian heritage with the theme “Perogies for all” in what they had dubbed “Babushka 2014”. Although there is no doubt that Winnipeg has by far the best Perogies in the country, all conference creative responsibilities were quickly re-assigned. And that was the beginning.

Over the next five years Crossroads: Changing Landscapes took shape thanks to a small but very committed group of Winnipeg volunteers. This journey was a learning experience for both of the co-chairs who had never been involved in organizing anything of this magnitude. There were a few “learning experiences” (i.e. missteps) along the way, a couple of course corrections, the odd bad word, but all in all, an exciting and positive experience.

Our advice to anyone contemplating this type of volunteer opportunity is to partner with someone that has complementary strengths, a good sense of humour, and a strong work ethic. The Winnipeg chapter was very fortunate that our entire local organizing committee shared these qualities and worked very well as a team. At the end of it all, and perhaps most importantly, we are still joking with one another.
THE FUTURE OF RISK MANAGEMENT

McGannon Students on their Conference Experience

This year, four of us from the Insurance Program at the McKeil School of Business at Mohawk College in Hamilton, Ontario were fortunate enough, along with three other students, to be given the opportunity to attend the 40th annual RIMS Canada Conference, held in Winnipeg, Manitoba. Alyssa Newton, Vanessa Armstrong, Daniel Flanagan and Kiley McCusker, were chosen.

We were all looking forward to the conference, and the prospect of seeing behind the curtain of the risk management world, but we never expected the sights we would come across over the jam-packed four-day experience.

In the Exhibit Hall, we visited booths filled with some of the best companies in the risk management industry, from the top local restoration firms to large, globally established insurance companies. All were excited to speak about their business and to ask and answer questions. In asking questions we learned what each company did and how they contributed to the insurance and risk management industry.

The conference was also full of interesting and informative seminars with a wide variety of experts lecturing on their specialties, from captives in insurance to cyber liability; all topics that are affecting our world and the world of risk management.

There were also helpful lectures that were not specifically related to risk management, like the charming and entertaining memory expert, Bob Gray, who taught visualization techniques to improve anyone’s recall, which always helps, especially during a conference when you are meeting so many new faces. There was also a presentation from Amanda Lang, Canadian anchor and journalist, who spoke about our natural curiosity, that is usually discouraged at a certain point in our childhood, but if implemented, can lead to breakthroughs in every field, not just in risk management and insurance. Chris Mather’s ‘Crime in the Business and the Business of Crime’ session outlined how to spot and avoid the risk of white-collar crime and his experiences working undercover in money laundering schemes. Finally we had a presentation with Eric Noel called ‘Canada 2030’ which looked at what the possible major risk issues would be in the next sixteen years.

One of the most influential meetings we attended was the William H. McGannon Foundation’s annual general board meeting. We had the opportunity to meet generous benefactors who all graciously donated their time and energy to promoting insurance and risk management careers to students. A big thank you to the McGannon Foundation, Joe Restoule, President, Wayne Hickey, Director, Ashley Becker, Officer and Treasurer, Marley Drainville, Director, Mark Robertson, Director, April Savchuk, Director and Secretary, Denis Schaeffer, Director and all the chapter representatives for being so wonderful, and inspiring us all. Without the foundation and its goals of student involvement, we would not have been able to attend this stimulating opportunity.

We heard a jolting statistic at the conference: for every five people in the industry that are retiring, only one is entering the field. It feels like this industry is a hidden gem; one with ample prospects and friendly, helpful professionals who are just waiting to welcome students into the field.

We feel blessed to have found this group of people and to have been given this enormous opportunity.

The RIMS Canada Conference welcome reception was held in Winnipeg’s newly constructed Canadian Museum of Human Rights; an awe-inspiring, unique piece of architecture, with a tall spire rising from the very top, called the Tower of Hope.

During the reception, as we looked out over the city’s skyline, standing at the highest point, that is exactly what we felt: hope. Hope for future opportunities in risk management. Hope for the friendships yet to be made in the industry. And hope for a fulfilling career that is just beginning.

We look forward to attending Quebec City in 2015 after we graduate and embark on our careers in the insurance and risk management field.

Written by Alyssa Newton, Vanessa Armstrong, Kiley McCusker
Please visit the RIMS Canada (http://rimscanada.ca), William H. McGannon Foundation (www.mcgannonfoundation.ca), and Mohawk College Insurance program websites (www.mohawkcollege.ca).
The Quebec 2015 organizing committee was delighted to be in Winnipeg to launch the conference logo and theme. It was a great experience to meet with the delegates, sponsors, and exhibitors to talk about the conference and some of the changes that will be implemented for next year. There was so much enthusiasm that it energized the committee members. If you are game, we will see you in Quebec City.

PANORAMA QUEBEC 2015 – ORGANIZING COMMITTEE

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Manitoba Local Organizing Committee passes on wheat sheaf to Quebec City Local Organizing Committee.
“INTRUSION OF SECLUSION” AND CYBER LIABILITY

By: Bruno De Vita, Alexander Holburn Beaudin + Lang

The Ontario Court of Appeal in Jones v. Trige, 2012 ONCA 32 (“Jones”) recognized for the first time the right to bring a civil action for damages as a result of the invasion of privacy. It was referred to in that judgment as the “emerging tort of intrusion upon seclusion.” In recognizing this cause of action, the Ontario courts emphasized the importance of the protection of individual privacy. The decision in Jones has been brought to the attention of the courts in British Columbia in the case of Ufuk Ari v. Insurance Corporation of British Columbia. That case maintained that in BC, there is no common law tort for breach of privacy. Nonetheless, the Jones decision continues to be applied as good law in Ontario and has been endorsed in Nova Scotia and in the Federal Court.

The judgement in Jones, although not recognized in every Canadian jurisdiction, may still have a broad effect in terms of cyber-liability and the protection of an individual’s privacy in the online sphere. In Jones the plaintiff and defendant worked for different branches of the same bank and at different times they had both been involved in common law relationships with the plaintiff’s ex-husband. For about four years, the defendant used her workplace computer to access the plaintiff’s bank records. The plaintiff claimed damages for invasion of privacy, breach of fiduciary duty and punitive and exemplary damages. The court decided to recognize the tort of breach of privacy and in doing so recognized that technological change was posing a novel threat to the right to privacy in the form of electronic information.

What is interesting about the Jones judgement is its potential effect when considered in a much wider context. Two major issues have emerged that may affect cyber liability substantially:

1. Can companies be held liable for the tort of intrusion upon seclusion of sensitive information that they possess, and if so,

2. What form will these actions take.

The manner in which the tort of intrusion upon seclusion is described and applied in Jones clearly allows for the possibility that corporate entities may be held liable. The court in Jones stated that to make out a cause of action for intrusion upon seclusion, a plaintiff must show:

1. An unauthorized intrusion;

2. That the intrusion was highly offensive to the reasonable person;

3. That the matter intruded upon was private; and

4. That the intrusion caused anguish and suffering.

Importantly, the court also noted that the criteria for an unauthorized intrusion may be satisfied by demonstrating recklessness. This may open the door to litigation based on allegations of security breaches from either inside or outside of a company.

By way of example, in the recent decision of Hopkins v. Kay, 2014 ONSC 321, it was alleged that approximately 280 patient records at a hospital were intentionally and wrongfully accessed without the consent of the patients. In some cases, these records were disseminated to third parties. The hospital and several of its employees were sued for damages by the various individuals affected by the alleged breach of privacy. The plaintiffs alleged that they had sustained psychological damage as a result of the intrusion into their privacy. An application was brought by the defendants to strike the action on the basis that it disclosed no reasonable cause of action. The court held that the ruling in Jones should not be restricted to the facts of that case and that a common law action based on the tort of breach of privacy is sustainable. The court therefore dismissed the defendants’ motion.

The ruling in Hopkins seems to indicate that the door is open for the possibility of finding an employer liable for intrusions by its employees into the private records of its client, if the employer is reckless in protecting that information.

The case of Evans v. The Bank of Nova Scotia, 2014 ONSC 2135, dealt with whether an employer could be held vicariously liable for the actions of an employee amounting to the tort of intrusion upon seclusion. In that case, the plaintiffs sought to certify a class action proceeding against the Bank of Nova Scotia and one of its employees who admitted to providing private and confidential banking information that was then disseminated to third parties for fraudulent and improper purposes. The court held that there was some basis in fact to support the claim that the bank would be vicariously liable for its employee’s tort of intrusion upon seclusion. This finding may open further avenues for claims in cyber liability.

Another emerging trend, as seen in The Bank of Nova Scotia case, is that cases alleging the tort of intrusion against seclusion are now taking the form of class action proceedings. While the parties in Jones did not know each other directly, they operated in the same societal sphere. New class action litigation for the tort of intrusion upon seclusion is taking place between individuals with no personal connection at all. In addition, because the BC Courts have refused to recognize this cause of action, Ontario is becoming the popular venue for the launch of class action litigation that includes plaintiffs across Canada. While the one time award of a case like Jones may be relatively small, the potential for exposure to large scale awards in class action litigation is becoming a reality.

The Bank of Nova Scotia case is one example of a class proceeding being certified that includes an allegation of intrusion upon seclusion. Another case of note is the Federal Court decision in Condon v. Canada, 2014 FC 250, where representative plaintiffs brought certification proceedings against the Minister of Human Resources and Skills Development Canada for the loss of an external hard drive storing the personal information of approximately 583,000 individuals across Canada. The plaintiffs brought an action for intrusion upon seclusion which the court refused to dismiss as obvious to fail. Ultimately, the court allowed the plaintiff’s motion for certification in part pertaining to the tort of intrusion upon seclusion.

Finally, while current litigation in this area has centered on torts committed by employees, there is also concern that employers, if reckless in the installation of their security systems, may be exposed to claims due to computer hacking that they are not directly responsible for. This may open up an entirely new avenue of cyber liability.

The court in Jones held that a claim of intrusion upon seclusion would only be valid for deliberate and significant invasions of personal privacy and that claims from individuals who are sensitive or unusually concerned about their privacy would be excluded. They made these statements in an attempt to recognize that the recognition of this tort was not meant to open the floodgates to litigation on this ground. Nonetheless, the Jones case has predictably spawned further breach of privacy litigation which, when combined with the power of class proceedings, may open up new and significant exposures in the emerging area of cyber liability.

* * *

Bruno DeVita is a partner with the Vancouver law firm of Alexander Holburn Beaudin + Lang LLP (www.ahbl.ca). He is recognized in both Lexpert and Best Lawyers in Canada as a leading practitioner in the area of Insurance Law. Alexander Holburn Beaudin + Lang LLP is a member of the Arc Group of Canada, a network of Independent insurance law firms across Canada (www.thearcgroup.ca)
CHAPTER SPOTLIGHT

MANITOBA

By Tim Lucko, Manitoba Public Insurance

The seed to grow the RIMS Manitoba Chapter (MaRIMS) was planted in 1973, when several large Manitoba based consumers of commercial insurance assembled to discuss their experiences, and how to collectively represent shared interests.

Reg Pitchford of United Grain Growers was an original chapter member and ardent promoter of obtaining chapter status with RIMS. With the support and promotion of two notable icons in Canadian risk management, Don Stuart of the RIMS Ontario Chapter, who was a frequent contributor at MaRIMS meetings, and Emily Stamp, Manitoba’s first female Superintendent of Insurance, the Manitoba Chapter was successful in obtaining official chapter status in 1976.

Four years later in 1980, MaRIMS was given the opportunity to host its first RIMS Canada Conference, with Allan Swift of Manitoba Hydro as the conference chair. Since then, the Manitoba Chapter hosted the 1994 and 2004 RIMS Canada Conferences and this year’s successful Crossroads 2014: Changing Landscapes.

Through the 1980s the chapter grew with the increased participation of public entities and the utility sector. The ongoing commitment from our members’ management teams allowed for an environment for the chapter to continue to maintain a healthy position within the risk landscape.

In a continuously evolving business environment, risk management has needed to evolve to meet the needs of member organizations. This not only attracts many of us to the risk management profession - it also places an obligation on chapters to create value through information and training. As a small market chapter, MaRIMS has been successful in supporting and promoting the evolution of risk management. This was recently evidenced at the 2014 RIMS Canada Conference – Crossroads - Changing Landscapes. The conference’s program focus was to address current and future risks and the risk manager’s increasing need to quickly link into an array of information systems in a shrinking geographical environment.

Today, education and training continue to be the Manitoba Chapter’s main focus. We offer monthly speaker forums, RIMS workshops, a monthly e-newsletter and networking activities throughout the year.

Conference Transformation Task Force Update: Phase II of the NCC Task Force was conducted in July 2014. The findings of the Task Force were presented to the RIMS Canada Council and the Conference transformation project has been initiated.

RIMS Canada Conference Progress Reports:

• Winnipeg 2014 Crossroads: The Conference was deemed a great success due to a very dedicated and synergistic Local Organizing Committee, a great program and speakers and an Exhibit Hall of Great proportion which was easy to work with.

Over 1100 people were on site at the Winnipeg Convention Centre which included 426 paid delegates (members/non members), 98 speakers/media and 580 industry partners. Over 68 companies were represented who secured 75 Exhibit booths and 4 suites.

• Industry Specific Utility Session: Thanks to the hard work and efforts of Karin McDonald (Hydro One Networks Inc.) and Joe Rentoul (AEGIS), the second Utility Session was held at a conference.

RIMS Canada Conference. The session was well attended and such specific industry sessions are being reviewed for possible expansion at future Conferences.

• Industry Wrap-Up Meeting: This meeting was well attended and great feedback was provided by our industry partners. Generally, the Exhibit Hall was deemed to provide great space and the Hotel booking experience was a positive one.

• Exhibitor and Delegate Surveys: These surveys have been distributed and feedback will be disseminated to stakeholders once received.

• Quebec City 2015: “Panorama” will take place September 27-30 in beautiful Quebec City and the Local Organizing Committee is hard at work planning a great Conference to be held in the Quebec City Convention Centre. The Quebec Chapter hosted a very creative booth at the Winnipeg Conference and “visionary” giveaways.

Of note, a Decision Paper was recently raised with the RIMS Canada Council voting members affirmatively amending the date/format of the Gala Event for the Quebec City Conference. Letters were sent by the NCC to stakeholders to inform them of this change. A Gala Event will therefore not be held on the Tuesday evening of the Conference, however, an enhanced Opening Reception will be held in its place. Plans are underway for a special Tuesday night event in absence of the Gala Event.

• Calgary, 2016: The Calgary LOC is busy solidifying their membership roster, finalizing hotel arrangements and negotiating with their weatherpersons to confirm that snow will not be a visitor at the Conference. As reported by Janet Stein, they are checking the Farmer’s Almanac and historical documents for a ray of hope that public skiing will not be required inside the Conference Centre!

• Toronto 2017: The Toronto Convention Centre has been reserved to accommodate the Conference to be held September 10-13, 2017 and main Conference Hotel blocks are secured (Fairmont Royal York and Intercontinental). The Ontario Chapter is delighted to host the Conference and will work closely with the NCC in selection of Conference Co-Chairs.
A s 2014 draws to a close, I would like to update the readers on some of the deliverables of the Communications and External Affairs Committee (CEA). As you may know, The CEA facilitates information sharing internally among Canadian RIMS members, Canadian RIMS chapters, the RCC and RIMS. It promotes recognition of RIMS and the risk management profession within Canada. It supports RIMS and the RCC in building relationships with and promoting the position of the membership to Canadian government, regulatory organizations and other bodies.

Our key platforms to support information sharing among Canadian RIMS members, the RIMS Canada Council (RCC) and RIMS are the RCC website, the RIMS Canada Newsletter, Twitter and LinkedIn. The other key platform for communications is this newsletter. I hope you enjoy the conference recap and photo spread included within these pages. Once again this year we hired photographer Maryam Morrison to capture the essence of our annual conference, and what a wonderful job she did! Please be sure to check out all the photos at rimscanada.ca.

Speaking of the RIMS Canada Conference, the RCC was proud to co-sponsor the opening reception for Crossroads 2014 at the breathtaking Canadian Museum of Human Rights where conference attendees were able to get a sneak peak before the museum officially opened to the public. The CEA was also pleased to provide the conference delegate bags which included the popular RIMS Canada scarf.

With regard to the Canadian Anti-Spam Legislation (CASL), earlier in the year the CEA developed an action plan and worked with RIMS and local RIMS chapters to ensure their communications are CASL compliant.

The CEA is also working on its annual Idea Exchange outreach event with industry partner organizations. On a final note, I would like to thank Bonnie Wasser, RIMS Canadian Consultant for her tireless support of the CEA and its initiatives.

2014 CEA roster:
Carrie Green, Chair CURIE
Sasha Alexander, Vice Chair University of Guelph
Gail Cullen, Secretary Nalcor Energy
Betty Clarke, RCC Liaison City of St John’s
Stéphane Cossotte Quebecor Media Inc.
Angela Haywood ATLiask Management Ltd.
Ben McAlister University of Victoria
Sarah Mikolich Hatch Ltd.

NATIONAL EDUCATION COMMITTEE (NEC)

By Vanessa MacLean, Chair

The National Education Committee last met in September during the RIMS Canada conference held in Winnipeg.

We are excited to announce that we have been working closely with Global Risk Management Institute Inc. (GRMI) in developing enhancements to the CRM Designation Program. Full details will be available in 2015!

We are pleased to be able to once again offer a $2,000 (maximum) funding allowance to all Canadian Chapters who have been working closely with Global Risk Management Institute Inc. (GRMI) in developing enhancements to the CRM Designation Program. Full details will be available in 2015!

Contact information for Universities and Colleges that currently offer the CRM Program are available on the RIMS Canada website.

Season’s Greetings!
from the
RIMS CANADA COUNCIL

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