



NEWSLETTER

www.rimscanada.ca

SEPTEMBER 2012

WHERE TODAY'S RISKS MEET TOMORROW'S SOLUTIONS

Welcome to Saskatchewan, and to the 38th annual RIMS Canada Conference: *Horizons 2012, Where Today's Risks Meet Tomorrow's Solutions.*

Saskatchewan is known for its expansive views and horizons, and you can certainly expect to expand your horizons in Saskatoon this September 9th to 12th. We have woven new and exciting networking opportunities into every aspect of our conference from the opening Kick-Off Reception held in our exhibit hall, to the Tailgate Party, which will showcase local flavour and some good old hearty Saskatchewan hospitality! Tailgate Party dress is "Team Casual" so come geared to have some fun in jeans and your favorite team jersey!

The exhibit hall is the place to be! Make sure to check it out and be on the lookout for a few surprises we have tucked up our sleeves!

Educational opportunities will be as fantastic as our Saskatchewan "living skies"! Along



with our exceptional selection of concurrent sessions, we are thrilled that LEGO Group's head and senior director of strategic risk management, Hans Laessoe will kick things off as he leads us through how LEGO creates value through strategic risk management. We also have writer Dan Gardner, who will engage us in getting risk right. Mr. Gardner is both author of the international bestsellers *Risk: The Science of Politics* and *Fear and Future Babble*, and journalist for the *Ottawa Citizen* and *The National Post*. Kenneth R. Feinberg, attorney, mediation and alternative dispute resolution expert has had key roles in the settlement of some of the

world's most catastrophic events such as the BP oil spill in 2010, the September 11 Victim Compensation Fund of 2001, and the tragic shootings at Virginia Tech University in 2007. Mr. Feinberg will enlighten us on unconventional responses to unique catastrophes. The sun will set on the Horizon with Brett Wilson taking the stage. Brett spent three seasons on the famed TV series *Dragons' Den* before hosting his own show: *Risky Business*. Brett's accomplishments and philanthropic endeavors are too many to list, and we are honoured to have him close the 38th RIMS Canada conference!

Our team of dedicated volunteers and the local organizing committee have worked hard to ensure you will look back on your Horizons 2012 experience and say "those guys in Saskatchewan sure know how to put on a conference"!

Yours in hospitality,
Doug Brown & Lisa Brost
Horizons 2012 Conference Co-Chairs



Back Row (L-R): Randy Besse, Nowell Seaman, Lori Frank, Doug Brown
Third Row (L-R): Charlene Roth-Diddams, Gordon Dolney, Merv Dahl, Dave Jackson
Second Row (L-R): Bob Wirrl, Lisa Brost, Dianne Baird, Jackie Laurans
Front Row: Sue Mephram

WHO KNEW?!

Saskatchewan:

- ✿ has over 100,000 lakes, rivers and bogs
- ✿ is home to the Athabasca Sand Dunes, which stretches more than 100 km along the south shore of Lake Athabasca and is home to 10 plants that grow nowhere else in the world
- ✿ is home to Canada's only training academy for Royal Canadian Mounted Police (RCMP) recruits, located in Regina
- ✿ Government House was home to Jocko the monkey, a pet of Lieutenant Governor Amedee Forget and his wife Henriette, who served from 1898 to 1905. Jocko had free reign of the residence where he had his own rocking horse and loved to swing from the chandeliers
- ✿ has the most miles of highway for the least amount of population of anywhere in the world

- ✿ has the largest kimberlite field (diamond bearing rock) in the world
- ✿ has the oldest non-military air medical transport program in the world
- ✿ opened the first Dairy Queen in Canada in 1953
- ✿ 1st ATM machine in Canada was installed in Regina
- ✿ 1st debit card in Canada was tested in Swift Current
- ✿ 1st commercial pilot's license in Canada issued in Regina and 1st



Athabasca Sand Dunes

commercial aircraft in Canada registered in Regina

- ✿ has more golfers per capita than anywhere in the world
- ✿ the rocket launch pad at Cape Canaveral, Florida, was constructed using bricks produced at the Claybank Brick Plant

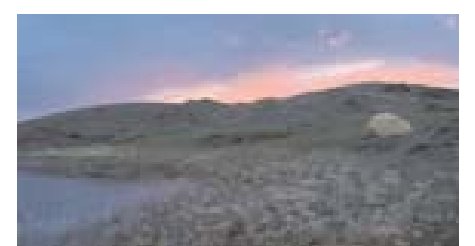
Saskatoon:

- ✿ is the largest city in Saskatchewan with a population of 260,600
- ✿ is the fastest growing city in Canada
- ✿ has more hours of sunshine annually (2,381 hours a year) than any other major Canadian city



Dakota Dunes Golf Course

- ✿ has over 400 acres of riverbank trails and parks to explore
- ✿ over 6000 years of First Nations' culture is celebrated on sacred ground at Wanuskewin Heritage Park
- ✿ award-winning-golf courses are rated among the best in the Canada
- ✿ is home to Canada's largest science project - the Canadian Light Source Synchrotron
- ✿ is a city of youth where the median age is 35, four years lower than the national average



Lake Diefenbaker

MESSAGE FROM RIMS CANADA COUNCIL CHAIR BETTY CLARKE

On behalf of the RIMS Canada Council (RCC) I am very pleased to welcome you to the 2012 RIMS Canada Conference “Horizons: Where Today’s Risks Meet Tomorrow’s Solutions”. Saskatoon is one of the sunniest and most hospitable cities in Canada. The Saskatchewan chapter and innovative local organizing committee (LOC) have put together an interesting lineup of plenary speakers and concurrent session topics sure to meet all of your needs. I feel certain that Saskatoon will produce the most amazing Risk Management Conference in Canada.

If you are here at the conference reading this newsletter, I hope you have had a chance to experience Saskatoon’s exceptional Arts & Convention Centre. It is rated one of the best in Western Canada. Over the next few days as you attend conference and industry events, Saskatoon’s beautiful downtown is sure to impress you. Please take time to enjoy this beautiful city and embrace the buzz of its prosperous economy as you mingle with your peers and colleagues from all over the world.

This is a great time to remind one and all that the RCC is an important standing committee of the Risk and Insurance Management Society (RIMS). Our mission is to



address the interests of Canadian RIMS members and their chapters in support of RIMS mission “To Advance Risk Management for Your Organization’s Success”. Each Canadian chapter has a voting representative on the Council. Our goals are achievable through the hard work and dedication of the valued volunteer members of our three subcommittees, the National Conference Committee (NCC), the Communications and External Affairs Committee (CEA) and the National Education Committee (NEC). I would like to take this opportunity to extend sincere appreciation to the volunteers of the Saskatchewan LOC, the RCC subcommittees and the Council for your outstanding efforts.

This year we were fortunate to welcome new volunteers to the RCC and one new

subcommittee Chair. I have to say “wow” - what an impressive group of talented subcommittee members we have. The trading of fresh and spontaneous ideas is apparent as I sit in on the sub-committee meetings. This creates such pride that I am overwhelmed to be the current RCC Chair. There is no doubt in my mind that this team of representatives from across Canada will not only set but raise the bar in Canada for RIMS and the RCC. Please see the “Subcommittee Updates” section in this edition of the newsletter for more information.

I am thrilled at this time to recognize the members of the RCC and the subcommittee Chairs:

Betty Clarke, Chair
Newfoundland and Labrador Chapter

Roman Parzei, Vice Chair/Treasurer
Ontario Chapter

Sue Mepham, Secretary
Saskatchewan Chapter

Tino Brambilla, Past Chair
Manitoba Chapter

Jeff Schaafsma, Member
British Columbia Chapter

Jacquie Rocheleau, Member
Northern Alberta Chapter

Ren Lips, Member
Southern Alberta Chapter

Robert Barker, Member
Maritime Chapter

Valerie Barber, Member
Manitoba Chapter

Paul Provis, Member
Ontario Chapter

Michel Pontbriand, Member
Quebec Chapter

Kim Hunton, Member
Canadian Capital Chapter

Karin McDonald, NCC Chair
Ontario Chapter

Steve Pottle, CEA Chair
Ontario Chapter

Lynda Lyttle, NEC Chair
Northern Alberta Chapter

I reach out to all of you and encourage you to learn more about the RCC and its subcommittees. I can guarantee that if you have the opportunity to volunteer at the national level, it will be well worth the effort to do so. The experience will definitely expand your knowledge and provide value to you and your employer. Please also consider volunteering at your chapter level.

An invitation is extended to you to visit the RIMS and RCC booths in the Exhibit Hall. In addition the RCC and its subcommittee chairs and members are here at the conference. We are all readily available to discuss all aspects of our operation with you.



McGANNON FOUNDATION CELEBRATES 10 YEARS

It is a year for great celebration, as the foundation will be ten years old! This anniversary is a milestone in our young history filled with many successes. The Foundation was established in October, 2002 with the Canada Revenue Agency granting charitable status under the terms of the Canadian Income Tax Act.

Our mission is “to provide funding for the advancement of risk management and insurance to students, organizers and stakeholders”.

Highlights from 2011 include:

- awarding \$17,500 in scholarships to worthy students from Ontario, Alberta, and British Columbia
- attendance by 6 students from Ontario and Alberta at the RIMS Canada Conference in Ottawa (the most ever!)
- raising over \$90,000

- \$761,815 in net assets as of June 30, 2011.

Since inception we have awarded:

- over 37 undergraduate scholarships (\$2500)
- three post-graduate John Faulds Awards (\$5000)
- a total of \$107,500 in scholarships
- 12 students have attended our Student Involvement program at the RIMS Canada Conference, representing approximately \$30,000 in sponsorship.

The foundation wishes to acknowledge two founding directors, Diane Wolfson and George Simpson for their efforts over the years that have allowed it to flourish and grow beyond the original dream. We wish them well in their retirement.

New to the McGannon Foundation board

are April Savchuk (Catlin Canada), Denis Schaeffer (XL Canada) and Marley Drainville (Enerplus Resources). They are great additions with lots of energy to carry us forward into the next ten years. Other board members who continue to provide leadership to the foundation are Mark Robertson (Nexen), Ashley Becker (Aon), Wayne Hickey (Methanex) and Joe Hardy (Clear Risk), another great founding member.

Finally, the McGannon Foundation has been busy behind the scenes planning its 10th anniversary celebration to applaud its accomplishments, thank its donors, volunteers and stakeholders as well as renew and generate interest in the foundation’s plans, activities and future objectives.

This celebration was officially launched at the RIMS Canada Night event held at the 2012 RIMS Annual Conference in

Philadelphia where the Foundation’s 10th year anniversary logo, and, in keeping with the times, the foundation’s QR code, were both unveiled.

Upcoming press releases and advertisements are being planned in two national and one regional industry publications for late summer and a special “thank you” luncheon is planned for all key foundation stakeholders at the RIMS Canada Conference in Saskatoon. Also at the conference, we will introduce our video which highlights the foundation’s work and aspirations. These certainly are exciting times!

On behalf of the Board of Directors, I wish to thank all who have contributed to our success - without you, it would not have been possible to realize such achievement.

Sincerely,
Joseph Restoule
President

FROM EAST TO WEST

CANADIAN CHAPTER UPDATES

Newfoundland and Labrador

Gail Cullen
President

Our AGM, held in February, was successfully attended and our motivational speaker Barry Green lifted everyone out of their seats, both spiritually and physically.

In March we celebrated with retired chapter member Don Barrett for his induction into the RIMS/Chartis Risk Management Hall of Fame.

In conjunction with the local Insurance Institute and Broker Association offices, our chapter will subsidize the costs for members to attend education sessions offered by these groups. Also, our chapter will be partnering with the Insurance Institute of Newfoundland and Labrador to attend the annual Career Fairs at Memorial University and College of the North Atlantic.

Our chapter received a RIMS membership growth award at the 2012 RIMS Annual Conference.

In December we hold our annual Christmas Social, which is always well attended. It is a great opportunity for present, past and future members to socialize and reconnect.

Quebec

Michel Pontbriand
President

At the 2012 RIMS Annual Conference in Philadelphia one of our prestigious members, Mr. Marc Darby, was inducted into the RIMS and Chartis Risk Management Hall of Fame.

We held our Annual Assembly in May and elected 2 new members of the Council. Here is the composition of the Board of Directors for the Quebec chapter for this term:

Michel Pontbriand, President

Janice McGraw, Past-President

Stéphane Cossette, 1st Vice-President and Treasurer

Jean-François Baril, 2nd Vice-President (Education)

Andrée-Anne Gagné, Secretary

France Roberge, Assistant Treasurer

Suzan Ness & Anne Cournoyer, Programs

Virginia Tutino, Partnership

Melissa Ng Wan, Webmaster

Maria Koukoutsis, Membership

Julie Chapdelaine, Mentoring

Jean-Louis Tétrault, Governance

In early June, we held our day of strategic planning for the activities of Montréal and Québec City for the 2012/2013 season. The results were as follows:

- Campaign partnership 2012-2014;
- 9 meetings of the Board of Directors;
- 5 activities, dinners/conference in Montreal;
- 1 Pub Quiz Night in Montreal;
- 1 golf tournament;
- 4 activities, lunches /conference in Quebec City;
- 1 dinner recognition for volunteers of the Quebec Subcommittee.

In addition, co-chairs Julie Chapdelaine and Michel Pontbriand have begun planning for the 2015 RIMS Canada Conference to be held in Québec City.

As the new President and on behalf of the Board of Directors, I want to thank Janice McGraw (past President) for her contribution and her support in the advancement of the Association in Quebec.

Ontario

David Beal, B.Comm., CIP, CRM, RF
President

Each of the activities organized by ORIMS over the past year tie in to supporting the Vision statement defined in our corporate by-laws, which is: "To promote and advance excellence in risk and insurance management". The following are some of last year's highlights:

1. Professional development programs - Last year, ORIMS was proud to offer a series of interesting and engaging workshops, which covered topics from ERM to Environmental Risk Management.
2. During 2011, ORIMS also took over the direct sponsorship of the Greater Toronto Area Junior Achievement Risk Management Conference – a one day conference for over 200 enthusiastic students who will soon be the leaders, movers and shakers in our industry.
3. Social programs continue to be popular amongst our 450+ members, with the golf tournament, Christmas

lunch and curling bonspiel attracting record numbers of attendees.

4. Student membership growth – ORIMS received a 2011 RIMS Student Membership Growth Award in recognition for increasing student membership by more than 9%.

It is important to note that the real "heroes" are the tireless volunteers that serve on the Board and the supporting committees – without these dedicated individuals none of these events would be possible.

Manitoba

Donna Grieve
President

Our chapter continues to play an active role in risk management in Manitoba. This is made possible because of the individual and collective efforts of our volunteers and the support of local stakeholders.

The chapter has undertaken a number of activities to promote RIMS and risk management. We hosted an Enterprise-Wide Risk Management: Developing and Implementing workshop in Winnipeg. The workshop was well attended and positively received.

To encourage chapter participation, all past year CRM graduates and instructors were invited to a complimentary luncheon in February where student accomplishments were recognized and celebrated. In addition, chapter members attended the Insurance Institute of Manitoba Convocation Annual Awards Luncheon, where the chapter president presented a \$250 award and plaque on behalf of the chapter to the student with the highest marks in the Risk Management major.

In March of this year, the chapter president was selected to participate in the RIMS Chapter Governance Task Force, along with seven other international deputy members. The purpose of this Task Force is to understand and document the advantages and disadvantages associated with the consideration of allowing Associates of the Society to participate on Chapter Boards.

In April, we held our annual spring reception, where members and brokers are recognized for their valued contributions. The June golf tournament was also a success, as less than ideal weather created more opportunities for socializing.

Our conference committee has been actively planning for the upcoming 2014 RIMS Canada Conference to be held in Winnipeg.

Saskatchewan

Dave Jackson
President

As the host chapter for the 2012 RIMS Canada Conference our chapter and members have been focused on the organization of a great show in September. Many of the chapter members are managing dual roles, keeping the chapter moving forward and participating on the Local Organizing Committee.

Our chapter objectives have continued to focus on education and networking. So far in 2012 we have held two chapter meetings and have taken advantage of the RIMS PERK programs to enhance the quality of educational content to the membership. In February the chapter invited Philadelphia lawyer Darin McMullen to present on how to avoid risk management disasters arising out of the use of Twitter and other social media. In May we had an environmental risk theme and retained Dave Bender from the law firm of Anderson Kill in Ventura California, who did a presentation entitled "Environmental Insurance: It's Everywhere".

May also marked the time of year for our Annual General Meeting and the election of new board members. The Nominating Committee this year did an excellent job of generating interest and finding new members to step up and play a bigger role in chapter activities. As a result we have three new board members this term. The Saskatchewan Chapter's Board of Directors is as follows:

Dave Jackson, President

Randy Besse, Vice President Program

Merv Dahl, Vice President (North)

David Boehm, Vice President (South)

Marnie MacCallum/Gord Dolney, Treasurer

Arita McPherson, Secretary

Jill Church, Webmaster

Donna Curran, Membership

We would like to recognize the value and contribution made by departing board members Doug Brown, Sue Mephram, and Wayne Bischoff.

Continued on page 5 ...

RCC SUBCOMMITTEE

National Conference Committee (NCC)

■ By Karin McDonald, NCC Chair

Welcome to the 2012 RIMS Canada Conference in Saskatoon and what a conference it promises to be! This year's Local Organizing Committee (LOC) has worked very hard to deliver a solid educational program with lots of opportunity to network with industry peers both within the Exhibit Hall and at social events. The committee has also planned a number of new initiatives this year and we hope that you will enjoy them. Following the conference, we will be seeking your comments on the changes that have been made. I encourage everyone to complete the survey as this will help with future conference planning.

The NCC acts as a resource to the LOC and as a liaison between the LOC and the RIMS Canada Council (RCC). The NCC is comprised of current and future conference co-chairs as well as members with previous experience chairing RIMS Canada Conferences. Our current committee includes:

Karin McDonald, Chair
Hydro One

April Savchuk, Vice Chair
Catlin Canada

Patrick Ryan, Secretary
Newfoundland Power

Roman Parzei, RCC Liaison
City of Brampton

Doug Brown, Co-Chair Saskatoon 2012
City of Regina

Steve Matterson, Co-Chair Victoria 2013
BC Ferries

Bev Duthoit, Co-Chair Winnipeg 2014
MTS Allstream

Janet Stein, Conference Program Task Force
University of Calgary

Since our last report, the NCC has been hard at work with a number of new initiatives. I am pleased to provide an update on the work that has been accomplished over the past several months:

- A Program Task force under the direction of Janet Stein has been established. The task force will be meeting for the first time at the conference. The committee includes:

Janet Stein, University of Calgary

Tony Lackey, Carleton University

Bruce Tainsh, Sun Life Financial

Janice McGraw, McGill University

Jim Swanson, Province of Manitoba

Dave Jackson, Saskatchewan School Boards

This committee will function as a working group with three main goals:

- ◆ Provide the NCC with advice on the needs of the LOC's regarding programming at the annual RIMS Canada Conferences;
 - ◆ Determine if the NCC should establish a standing committee for conference programming and how it might be formed; and
 - ◆ Recommend methodology for the evaluation, selection and facilitation of session programming.
- As part of our ongoing work with the Communications and External Affairs Committee for RIMS Canada Conference brand recognition, we are unveiling

the RIMS Canada Conference booth. Please be sure to sail on by to meet members of Discovery's LOC and learn more about the course they are charting for the 2013 RIMS Canada Conference in Victoria.

- The NCC has held face to face meetings with several of our industry partners in an effort to obtain open and honest feedback on their conference experience. These meetings have led to a number of changes being made. We hope that you enjoy them and we look forward to receiving your feedback. The following are but a few of the changes you can expect to see throughout the conference:
 - ◆ Delegate name badges will include barcode technology. This will enable us to develop statistical information on traffic patterns in the exhibit hall. In addition, it will provide exhibitors with modified sales lead retrieval.
 - ◆ The LOC in conjunction with the NCC has been working hard to increase traffic in the exhibit hall. There are a number of new initiatives this year which we hope you will like. The exhibit hall will open an hour earlier at 10:00 a.m. on Sunday and has a sports theme.

Sunday, Sept 9th

CFL Banjo Bowl (Bombers vs. Riders) will be playing in the hall on the "Jumbotron". The Kick-off Reception will also be in the exhibit hall. The LOC will be holding hourly draws for delegates but you must be present to win. Conference bags and clothing will be available for pickup in the exhibit hall.

Monday, Sept 10th

The LOC will be hosting an extended lunch with dessert served in the exhibit hall. Lunch hour draws will also

be held in the exhibit hall and delegates again must be present to win. Invitations have been sent to select Saskatchewan companies to attend the exhibit hall in the afternoon with two complimentary passes per company being provided.

Tuesday, Sept 11th

An extended morning coffee break is planned within the exhibit hall. Booth draws will be held prior to morning coffee so winners can pick up their prizes from the booth. We will also be offering exhibit hall passes for purchase for Tuesday morning to industry partners not participating in the conference.

- We now have a central repository for historical documentation pertaining to the conference. These documents are accessible by members of the NCC as well as future conference chairs.
- Lastly, we are pleased to report that this year's LOC has hired POP Kollaborative to manage the Gala. POP is a leader and innovator in the industry of event planning. As such they are "up" on current trends, new technology and have built a network of industry partners required to deliver a top notch experience. The POP team will be out in full colours at this year's Tailgate Party. Please be sure to let them know how they are doing!

Enjoy your conference!

NATIONAL EDUCATION COMMITTEE (NEC)

■ By Lynda Lyttle, NEC Chair

The National Education Committee (NEC) met via teleconference in May to review our progress in achieving the strategic goals and objectives of the RIMS Canada Council (RCC).

We have developed a bilingual brochure promoting both the Canadian Risk Management (CRM) and RIMS Fellow (RF) designations, a copy of which is included

in this newsletter. This brochure will also be distributed to risk management students by way of their instructors.

Our committee members have updated the CRM instructor lists and contact information. We continue to work with the various educational institutions across the country to ensure consistent delivery of the CRM program. We are excited about two new opportunities;

one in Ontario and one in Newfoundland... stay tuned for more information.

2012 NEC members:

Lynda Lyttle, Chair
Stantec

Bill Baker
Lilydale, Inc.

Jean-Francois Baril
Concordia University

David Beal
Ontario School Boards Insurance Exchange

Darius Delon

Vanessa MacLean
Empire Company Limited

Tony Lackey
Carleton University

Tino Brambilla, RCC Liaison
Manitoba Hydro

UPDATES

COMMUNICATIONS AND EXTERNAL AFFAIRS COMMITTEE (CEA)

■ By Steve Pottle, CEA Chair

As the name implies, the Communications and External Affairs subcommittee (CEA) has two mandates. The first is to develop effective internal and external communications strategies to keep the Canadian risk management community informed and engaged in the activities of the RIMS Canada Council (RCC). Our second mandate is to increase the influence, advocacy and profile of risk management in Canada as part of the Risk and Insurance Management Society, Inc. Since the CEA last met in March, this group of volunteers has been working diligently to deliver on our two mandates.

The RIMS Canada Newsletter is our key communication tool. Published twice annually, the RIMS Canada newsletter provides the Canadian risk management community and its business partners with an overview of the activities of the RCC and the Canadian RIMS chapters. If you have an idea for a newsletter article, please contact Carrie Green, RIMS Canada Newsletter editor. Carrie's con-

tact information can be found on the back page of this newsletter.

Another key communications delivery tool is the RCC website rimscanada.ca. The CEA is currently developing a new RCC website to improve the functionality and content of this site.

The CEA has been working with the Quebec Chapter to translate RIMS marketing materials into French. The translation and distribution of the existing Know Risk/Know RIMS brochure will assist the Quebec chapter in its outreach program to solicit new members and reinforce the value of RIMS to its existing members. This brochure will be available to all Canadian chapters to support efforts to increase francophone membership.

Over the spring and summer months, the CEA worked with the National Conference Committee (NCC) and the Saskatoon Local Organizing Committee (LOC) to develop a standardized look for conference branding and promotion. To further this ef-

fort we have designed a new RCC booth which I encourage you to stop by and visit in Saskatoon. The booth will house representatives from the B.C. Chapter who will be promoting the 39th Annual RIMS Canada Conference in Victoria. Going forward, the booth will serve to promote the RCC and will be used by subsequent LOCs to promote their respective conferences. Putting together a national conference is no easy task and requires many hours of hard work by a dedicated group of volunteers. The CEA gratefully acknowledges the Saskatchewan Chapter and its LOC for all their support.

From an external affairs perspective, the CEA will be coordinating the 3rd Annual RIMS Canada Quality Forum to be held in Toronto in November. The ongoing goal of the RIMS Canada Quality Forum is to provide an opportunity to strengthen the ties between RIMS in Canada, our industry partners, and cousin associations outside of the annual RIMS Canada Conference. This year we will focus on meeting with various cousin associations.

Finally, I would like to take this opportunity to thank all the members of the CEA for their efforts throughout 2012 and I look forward to great things to come in 2013!

2012 CEA members:

Steve Pottle, *Chair*
York University

Virginia Tutino, *Vice Chair*
Bombardier Transportation

Gail Cullen, *Secretary*
Nalcor Energy

Sue Mephram, *RCC Liaison*
Province of Saskatchewan

Tim Lucko
Province of Manitoba

Andrew Coward
University of Victoria

Ginny Brooks
Sun Life Global Investments
(Canada) Inc

Carrie Green
Canadian Universities Reciprocal
Insurance Exchange

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CANADIAN CHAPTER UPDATES (Cont.)

Northern Alberta

Tanya Stegmeier, FCIP, CRM
Communications

The 2011-2012 program year was action packed for the NARIMS chapter. A total of ten events were organized by the Board and well attended by the local membership. These events included a very successful Professional Day, a charming Holiday Celebration complete with musical entertainment by Grant MacEwan University students, and the 32nd Annual Golf Tournament which was graced by phenomenal weather and plenty of prize donations.

This year, the RIMS PERK program was instrumental in providing current and relevant continuing education content to the members. Areas of focus included social networking, construction project and employee crime risks as well as records retention best practices, insurance and surety market updates and practical application of enterprise risk management. We look forward to another round of excellent knowledge sharing in the upcoming 2012-2013 program year.

British Columbia

Vilma Zanchettin, FCIP, FRM
President

Our Chapter has been very busy this year! BCRIMA is one of the country's largest chapters. Annually we hold 6 luncheon seminars as well as 3 social events for our members. On May 16, 2012 our chapter celebrated its 50th anniversary in promoting risk management as a profession in the province. An event was held in celebration of this milestone which was attended by our members along with Chair of the

RIMS Canada Council, Betty Clarke and RIMS Director and Secretary, Nowell Seaman. The event highlighted the many dedicated members that have served our chapter over the years with their expertise, enthusiasm, and passion for the profession. We look forward to the next 50! Our annual golf tournament was held under sunny skies on June 21, 2012 and our Christmas party always proves to be an excellent opportunity for members to reconnect. We are excited to be hosting the 2013 RIMS Canada Conference in beautiful Victoria, B.C. Hope to see everyone there!

SUPREME COURT OF CANADA CLARIFIES THE LAW RELATING TO CAUSATION IN *CLEMENTS V. CLEMENTS*

■ By Bruno De Vita

On June 29, 2012, the Supreme Court of Canada handed down its decision in *Clements v. Clements* and in its reasons for judgment provided much needed clarification of the test to be applied in proving causation in cases of negligence.

The “But For” Test

It has been a long established principle that in order to hold a defendant liable in negligence, it is not enough to prove negligence alone; rather, a link between the defendant’s negligence and the injury suffered must be present. That integral link is commonly referred to as “causation.” To find causation courts have traditionally applied the “but for” test. The “but for” test requires that a plaintiff show, on a balance of probabilities, that “but for” the defendant’s negligent act, the injury would not have occurred. At first glance, causation can seem deceptively simple, but as recent jurisprudence illustrates, the circumstances that lead to negligence claims are rarely simple and it is not always clear who or what caused the plaintiff’s loss.

Blurring the Lines: The Material Contribution to Risk Approach

Courts are sometimes faced with situations where the “but for” test proves impossible. One such situation is where more than one defendant could have caused the same injury to the plaintiff, but it cannot be proved which one actually caused the injury. Taking note of this, the Supreme Court of Canada introduced the idea that another approach may be applicable in Canadian negligence law, the material contribution to risk approach. This approach to causation was recognized in an earlier decision of the Supreme Court (*Hanke v. Resurfice*). It was to be applied in circumstances where it was impossible for the plaintiff to prove causation using the “but for” test, but it was clear that the defendant had breached his duty of care in a manner that exposed the plaintiff to an unreasonable risk of injury.

In *Clements*, the court recognized that as a test for causation, the statement above was incomplete. Indeed, following *Resurfice*, the real test for causation remained some-

what uncertain. It was not clear when the “but for” test should be abandoned for the material contribution to risk approach. Was it applicable where scientific proof of causation could not be established? Was it where courts wanted to find causation, but could not with the “but for” test because there were multiple tortfeasors? And, what did the Supreme Court mean in setting the requirement of “impossibility” in establishing causation with the “but for” test?

Back to Basics: *Clements v. Clements*

These questions were answered in *Clements v. Clements*, where the Court not only confirmed the “but-for” test as the principal test for causation in negligence, but also offered guidance as to when the material contribution to risk approach should be used.

The facts in *Clements* were straight forward. Mr. and Mrs. Clements were traveling on an overloaded motorcycle. Mr. Clements was driving and Mrs. Clements was a passenger. The weather conditions were wet and unbeknownst to Mr. Clements, a nail had punctured the vehicle’s rear tire. It was, unfortunately, a recipe for disaster. As Mr. Clements accelerated to pass another vehicle at high speed, the nail fell out of the tire causing the tire to deflate. Mr. Clements was unable to retain control and the motorcycle crashed, throwing Mrs. Clements off. Mrs. Clements suffered a traumatic brain injury. She sued Mr. Clements claiming her injury was caused by his negligent operation of the vehicle.

At trial, the issue in question was whether Mr. Clements’ negligence caused Mrs. Clements’ injury, because although he was undoubtedly negligent, an expert testified that the accident would have occurred without the negligence of Mr. Clements given the tire puncture and deflation. The trial judge rejected the expert’s conclusion and held that Mrs. Clements, through no fault of her own, and due to the limitations of scientific evidence, was unable to prove that “but for” Mr. Clements’ negligence, she would not have been injured. The trial judge found that the material contribution



to risk approach was applicable because Mr. Clements’ negligence had contributed to Mrs. Clements’ injury and it was impossible for her to prove causation on the “but for” test. The trial judge held in favour of Mrs. Clements. The Court of Appeal reversed the trial judge’s conclusion that the material contribution to risk approach was applicable and held that because the “but for” test could not be met Mrs. Clements’ action must fail.

The case was appealed to the Supreme Court of Canada and in a pithy decision, Chief Justice McLachlin, writing for the majority, confirmed that the “but for” test is the default test for establishing causation, but went on to explain when the material contribution to risk approach should be considered.

McLachlin, C.J. reiterated the significance of the “but for” test and opined that it required a factual inquiry into whether the defendant’s negligence was necessary to bring about the plaintiff’s injury. She further stated that the “but for” test must be applied in a robust common sense fashion and that there is no need for scientific evidence of the precise contribution the defendant’s negligence made to the injury. Furthermore, depending on the circumstances, a judge may, based on evidence connecting the breach of duty to the injury, infer that the defendant’s negligence probably caused the loss. If this is the case, the defendant then has an opportunity to argue or provide evidence that the accident would have happened regardless of the defendant’s negligence (i.e. that the injury was inevitable).

Notwithstanding the vitality of the “but for” test, the Court elaborated on the material contribution to risk approach as another useful, although limited, tool in determining negligence. The Court asserted that “‘but for’ causation and liability on the basis of material contribution to risk are two different beasts” and while the “but for” test is the way in which causation is established, material contribution to risk is a substitute to causation that applies where it is impossible to say that a particular defendant’s negligent act in fact caused the injury. It imposes liability not because evidence establishes that the defendant’s act caused the injury, but because the defendant’s act contributed to the risk that the injury would occur.

Given the importance of causation in a negligence inquiry, removing the need to prove causation is a “radical step.” McLachlin, C.J. stated that “recourse to a material contribution to risk approach is necessarily rare, and justified only where it is required by fairness and conforms to the principles that ground recovery in tort.” Accordingly, the Court elaborated on two important aspects of the material contribution to risk approach outlined in *Resurfice*: (1) impossibility; and (2) what substratum of negligence must be shown.

First, for a court to conclude that it would be “impossible” to prove causation using the “but for” test, there would have to be more than scientific or logical uncertainty. The Court specified that because proof of causation was “impossible” to find on the facts, it did not automatically invite the material con-

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tribution to risk approach to be applied. Rather, the cases that adopted such an approach typically involved situations where there were multiple tortfeasors, all of whom were at fault and one or more had in fact, caused the plaintiff's injury. In other words, the plaintiff would not have been injured "but for" their negligence, viewed globally. However, because each could point a finger at one another, it would be impossible for the plaintiff to show on a balance of probabilities that any one of them in fact caused the injury. As a result, to preclude defendants from creating a web of impossibility that

binds the plaintiff's right to recovery, a material contribution to risk approach may be employed in these circumstances.

Second, the Court outlined that the plaintiff must demonstrate a solid basis in negligence against each defendant. That is, the plaintiff must establish that the "but for" test when viewed globally has been met, but that upon application to each defendant separately, it breaks down because it cannot be shown which of the several negligent defendants was the catalyst for the event that led to the injury.

Ultimately, the Court concluded that the trial judge had erred in requiring scientific precision to establish "but for" causation

and had also erred in applying the material contribution to risk test. As they could not be certain what the trial judge would have concluded had these errors not been made, a new trial was ordered.

The holding in *Clements* will provide much needed guidance to the way in which causation must be proven in cases of negligence. However, the Court's determination of where the material contribution to risk approach will be necessary was limited to situations where there are multiple defendants, something that was not outlined in past case law as a required factor in establishing "impossibility". While the Court

noted that new situations will raise new considerations, for the time being, it appears as though the application of the less stringent material contribution approach will be significantly limited.

Bruno De Vita 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).

BUILDING A STRONGER CHAPTER WORKSHOP – TORONTO 2012

By Virginia Tutino, QRIMA

In June, a group of risk management professionals from all over the nation gathered in Toronto to attend the RIMS Building a Stronger Chapter workshop. In total, 22 chapter officers representing each of the ten Canadian RIMS chapters attended the workshop, which was led by Jill Levy, RIMS Director of Membership and Chapter Services, and Cindy Tiritilli, RIMS Senior Chapter Services Manager. The workshop was presented for the Canadian chapters by the RIMS Canada Council.

The workshop began with a review and discussion of survey results on the topic of the importance of volunteering. During this initial phase of the workshop, discussion took place on the reasons individuals volunteer within their local chapters. This portion of the workshop was especially interesting, as it allowed participants the opportunity to better understand why people volunteer, the number of hours dedicated to volunteering and what they bring back to their organizations. It is impressive to see that despite how busy we all are with our day to day lives, we still deem it important to volunteer and ensure that the advancement of the chapter continues throughout the year. All of this discussion was a great way to set the tone for what followed, "50 Tips to Building a Stronger Chapter".

Many tips were discussed during the workshop, however certain items stood out as

being essential to the success of a strong chapter, that is, tips that provide the chapter with the ability to keep growing and to springboard from good to great.

The first element is to build a solid Board of Directors. These volunteers lead the organization, organize events and recruit new members. It is important to have key people on the board to spearhead event planning and foster industry ties through networking which in turn will retain existing members and attract new members to the chapter.

The second instrumental tip discussed during the workshop was the notion of keeping volunteers and members alike motivated and interested through educational programs and social events. Moreover, chapters need to be innovative with event planning to keep people interested. Social events were deemed an important aspect in keeping members and volunteers happy. Plus, it is often through social events that more members can be recruited.

Last but not least, the workshop brought awareness to the notion that members and volunteers respond well to positive recognition. When individuals feel valued, it encourages them to stay on-board. They are also more likely to speak highly of their experiences which will in turn attract the interest of new volunteers. Intrinsic motivation contributes greatly to higher levels of retention. Organizing volunteer team



building sessions, giving members awards for special achievements and making volunteers feel good about themselves in general are all great ways to encourage volunteerism in your chapter.

When Jill Levy, RIMS Director of Membership and Chapter Services, was asked to describe the main objectives of the workshop, she answered with the following:

"The objective of this type of training is to provide volunteer leadership with the knowledge and tools to make their work effective and as efficient as possible. RIMS strives to keep "administrivia" to a minimum but we all realize that managing a chapter requires some skills that risk managers may not have had the opportunity to develop in their professional lives. While this can be a good thing (developing new talents), it can also be intimidating. Our training initiatives, along with the online tools provided on the website, are geared toward providing those skills as well as in-

forming volunteers of what RIMS and its staff have to offer in terms of support and assistance.

We believe that many, if not most, of the challenges chapters face can be addressed - at least in significant part - through more planning. So our focus is on how to enhance planning skills for areas such as member recruiting, volunteer succession, programming, communications and strategy."

Overall, based on the above points and on Jill Levy's comments, it can be concluded that this workshop was helpful in opening our eyes to the advantages of having great volunteers and members on board as well as the importance of retaining them and ways of doing so. There are challenges that each chapter faces and this workshop enabled us to be more aware of the solutions that are available in order to overcome the issues that we face and help us aim for a stronger chapter.

RIMS CANADA NIGHT AT RIMS 2012 IN PHILADELPHIA



Photos: Courtesy of

Canadian Underwriter Magazine



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Accelerating ERM Theory into Practice

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Toronto, ON
October 15 - 17, 2012

Enterprise-Wide Risk Management: Developing and Implementing

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Contractual Risk Transfer

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Enterprise-Wide Risk Management: Developing and Implementing

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