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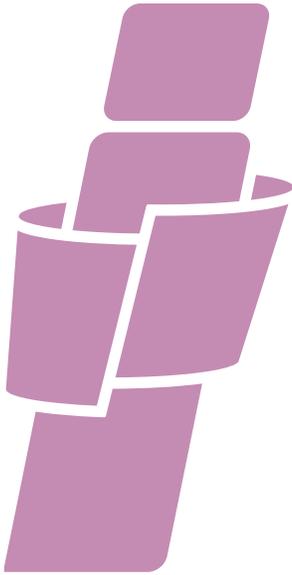
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Spring 2022

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Message from the IBANB President

I wish you a happy and prosperous new year from New Brunswick! Thank you for the opportunity to share an update with all our Atlantic partners. My previous article discussed our new board, the amazing changes our association has experienced, and how we are taking our strategic plan forward. The strategic plan is focused on three key components:

- Organize for maximum effectiveness – reviewing our association, leadership, and position in our region
- Align with member priorities – creating a two-way dialogue, and actioning members' top priorities
- Advocate to amplify member voices – we will be heard nationally, and improve our relations with partners, while showing everyone that this is the industry to be part of through recruitment.

Prior to our last AGM, we reviewed our internal practices and updated our By-laws. Our staffing and procedures are being reviewed internally, and we have some exciting changes to share! The position of Executive Director for New Brunswick will be taken over by Becci Taylor as of March 4. Over the last five years, she has shown her continued dedication to the brokers in our province, and we know that our association is in good hands. The team supporting her is small but mighty, with Claire continuing to support education, members, and events, and Mackenzie, our summer student who plans on returning this spring. We are looking forward to seeing IBANB expand in the future.

Additionally, to the internal work on policies and processes, we continue to meet with external partners to voice your concerns and ideas. The most recent meeting we held was with the Facility Association

to discuss wait times and other matters our members have brought to our attention. Our political action group also met to review the proposed changes to the NB Insurance Act and submitted our thoughts to FCNB. It is strongly recommended that anyone with concerns contact our IBANB office directly.

Additionally, I have seen the benefits of education on recruitment and retention in my own career, and I am constantly seeking new and innovative ways to learn. My recommendation is that both the staff I work with and all employees in our province learn and keep learning, beginning with the CAIB designation. This qualification shows your employer that you are dedicated to our industry due to the time and dedication it took to obtain it. IBANB continues to offer soft skill courses and industry-related courses, to help keep educating members, and encouraging you to be passionate about insurance. Our industry can be hard at times, sometimes even a bit monotonous depending on where you are in your career. Taking courses will give you motivation and the tools to help launch your ca-

reer further. Learning will broaden your horizons and increase your value to your clients and your brokerage and organization, the industry as a whole.

Finally, thank you to those companies that have confirmed supporting our association, and members in 2022. Your support in our work as brokers throughout the year is appreciated! To see who supports you throughout the year, our members, and checkout our website for IBANB and meet our partners.

All the best in the coming months. Please keep your staff, families, clients and yourselves safe going forward.



*Joanne Deveau Muphy CAIB(Hons), CPIB
President, IBANS*

*You may contact Joanne at 506-857-8345 or
via email at joanne@archwayinsurance.ca*



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WHAT'S NEXT?

Message du président de ACANB

Je vous souhaite une nouvelle année heureuse et prospère du Nouveau-Brunswick! Merci de m'avoir donné l'occasion de partager une mise à jour avec tous nos partenaires de l'Atlantique. Mon article précédent parlait de notre nouveau conseil d'administration, des changements incroyables que notre association a connus et de la façon dont nous faisons avancer notre plan stratégique. Le plan stratégique est axé sur trois éléments clés :

- Organiser pour une efficacité maximale - revoir notre association, notre leadership et notre position dans notre région
- S'aligner sur les priorités des membres - créer un dialogue unidirectionnel et donner suite aux principales priorités des membres
- Plaider pour amplifier les voix des membres – nous serons entendus à l'échelle nationale et améliorerons nos relations avec nos partenaires, tout en montrant à tout ce que c'est l'industrie à laquelle faire partie par le recrutement.

Avant notre dernière AGA, nous avons revu nos pratiques internes et mis à jour nos règlements. Notre personnel et nos procédures sont en cours de révision en interne et nous avons des changements passionnants à partager ! Le poste de directrice générale pour le Nouveau-Brunswick sera repris par Becci Taylor à compter du 4 mars. Au cours des cinq dernières années, elle a démontré son dévouement continu envers les courtiers de notre province et nous savons que notre association est entre de bonnes mains. L'équipe qui la soutient est petite mais puissante, avec Claire qui continue de soutenir l'éducation, les membres et les événements et Mackenzie, notre étudiante d'été qui prévoit de revenir ce printemps. Nous sommes impatients de voir IBANB se développer à l'avenir.

En plus du travail interne sur la politique et les processus, nous continuons à rencontrer des partenaires externes pour exprimer vos

préoccupations et vos idées. La dernière réunion que nous avons eue a eu lieu avec la Facilité Association pour discuter des délais d'attente et d'autres questions que nos membres ont portées à notre attention. Notre groupe d'action politique s'est également réuni pour examiner les changements proposés à la Loi sur les assurances du N.-B. et a soumis nos réflexions à la FCNB. Il est fortement recommandé à toute personne ayant des inquiétudes de contacter directement notre bureau IBANB.

soutient tout au long de l'année, nos membres, et consultez notre site Web pour IBANB et rencontrez nos partenaires.

Tout le meilleur dans les mois à venir. Veuillez assurer la sécurité de votre personnel, de vos familles, de vos clients et de vous-mêmes à l'avenir.

De plus, j'ai vu les avantages de l'éducation sur le recrutement et la rétention dans ma propre carrière et je suis constamment à la recherche de nouvelles façons d'apprendre. Ma recommandation est que le personnel avec qui je travaille et tous les employés de notre province apprennent et continuent d'apprendre, en commençant par la désignation CAIB. Cette qualification montre à votre employeur que vous êtes dévoué à notre industrie en raison du temps et du dévouement qu'il a fallu pour l'obtenir. IBANB continue d'offrir des cours de compétences non techniques et des cours liés à l'industrie, pour aider à continuer à éduquer les membres et à vous encourager à être passionné par l'assurance. Notre industrie peut parfois être difficile, parfois même un peu monotone, selon où vous en êtes dans votre carrière. Suivre des cours vous donnent

la motivation et les outils pour vous aider à lancer votre carrière plus loin. L'apprentissage élargira vos horizons et augmentera votre valeur pour vos clients, votre maison de courtage et votre organisation, l'industrie dans son ensemble.

Enfin, merci aux entreprises qui ont confirmé leur soutien à notre association et aux membres en 2022. Votre soutien dans notre travail de courtiers tout au long de l'année est apprécié ! Pour voir qui vous soutient tout au long de l'année, nos membres et consultez notre site Web pour IBANB et rencontrez nos partenaires.

Tout le meilleur dans les mois à venir. Veuillez assurer la sécurité de votre personnel, de vos familles, de vos clients et de vous-mêmes à l'avenir.



*Joanne Deveau Murphy CAIB(Hons), CPIB
Président, ACANB*

*Vous pouvez contacter Joanne au 506-857-8345
ou par courriel à joanne@archwayinsurance.ca*

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WHAT'S NEXT?

Message from the IBANS President

Early this year, the IBANS Board of Directors had the pleasure of having our annual meeting with the new Superintendent of Insurance for Nova Scotia, David McCarron, and long-term member of his team Jennifer Calder. This was a great opportunity for our board to introduce ourselves to David and discuss current issues that the broker community is facing - including the status of auto review, licensing processes, and the potential for future education reform.

We were very encouraged by our meeting with David. He has committed to stay in his current position for an extended period (we have had multiple Superintendents over the past few years), and advised us that while the auto review is moving slowly due in part to the shifting political nature (we have had three Premiers during the course of the review) progress is being made and the office is getting close to having a draft discussion paper that will be made available to stakeholders for discussion prior to adoption of a new act. My expectation is that once the paper is made available, the broker community will be invited to comment and take a meaningful part in the process.

David and Jennifer were also able to update us on changes to the licensing process that have been implemented through COVID-19. The Superintendent's office has been doing great work to speed up the licensing process - including the implementation of a new online portal to renew your license. This has been shared to our membership, however if you do not know how to access this, please reach out to the IBANS office and we will direct you to the appropriate place.

In mid February, members of our Board will also meet with the IBC's Atlantic Committee to discuss their view of the current state of the auto product. IBC

Has recently launched their own campaign on social media platforms encouraging auto reform. This can be accessed at NSautoinsurancefacts.ca

Internally, our board has been working on a couple of key initiatives, including the revamping of our committee structures and greater collaboration with our sister Atlantic Associations. Our expectation coming out of the new committee structures is that we will have committees that are more streamlined and focused on current issues facing the channel - including the launching of a recruitment working group that is to include both brokers and participants from outside the broker community to provide a comprehensive perspective on this issue.

Later this spring, we will begin to meet with our carrier representatives to discuss current issues. In the spirit of collaboration, this year we are working with our 3 sister associations (NB, NL, PE) to explore the viability of a regional format.

Further details on this will follow as this takes shape.

As we turn the calendar towards warmer months, I would like to thank those who have continually provided feedback to our board and to the office. Our board and office are working hard to continually modernize our association and ensure we are representing the voices of our membership. Any opportunity we have to engage in dialogue with our members is always appreciated.



*Aneill MacCaull, BA, CAIB, FCIP
President, IBANS*

*You may contact Aneill at
902-864-6633 or via email at
aneillmaccaull@aamunro.com*

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Message from the IBAPEI President

As I sit here looking out the window, I kind of feel like the kids in the Dr. Seuss 'Cat in the Hat' book – between Covid restrictions and snowstorms, I've been stuck at home too long!

*I sit and I think, and I think, and I sit
And I don't like the snow, no not one little bit!
As boredom and cabin fever begins to take hold
I write David's update of news to be told*

Thing #1

Prince Edward Island new On-line licensing process

Effective January 4, 2022, Prince Edward Island moved to an on-line licensing process for Insurance Agents, Brokers and Adjusters. Licenses will continue to be valid for two years, and the licensing fee will remain at \$200 for the two-year term.

To apply for the new license, or to renew a license, all applicants will be required to use the document upload portal and payment interface. Payment will be by credit card only.

The applicant is required to complete the fill-able PDF application and upload this document along with the proof of the required education.

Of note, is that the "Sponsor Attestation" process is not necessary on the renewal if the sponsoring insurer for the renewal applicant has not changed. PEI now considers sponsorship to be continuous until terminated.

For more information visit the Government of Prince Edward Island webpage and search for "Insurance Agent License" or go to:
<https://www.princeedwardisland.ca/en/service/insurance-agent-licence-pei>

Thing #2

Who's who in the PEI Insurance Community – there is a new CAIB in town!



Congratulations to the newest PEI CAIB graduate – Matthew Bryan Gilbert. Matthew works for the Huestis Insurance Group as a Commercial Account Manager with HL Sear Insurance and Clark Insurance. I asked Matthew to share some details about himself so we could get to know him better. In typical Islander fashion, I asked Matthew 101 questions – I normally would start with "who's your mother, who's your father?" - but Matthew is from Nova Scotia, so that ended that conversation. A 'CFA!' (come-from away), so no need to pry any further about the relatives. The following is Matthew's answers to my probing and intrusive questions:

1. Starting with the all-important question: Were you born in PEI or where did you come from and how did you end up in PEI?

– I was born and raised in Nova Scotia. I moved to PEI to attend Holland College to study Pastry Arts & Business

2. How long have you been in the insurance industry?

– my three-year anniversary is in May!

3. How did you end up working in the insurance industry?

– I was looking for a change and decided to apply elsewhere. I was very lucky when Nancy called me and asked me to meet for an interview

4. What was your first insurance job?

– My current position – Commercial Account Manager!

5. Other jobs prior to insurance?

– Before starting at HL Sear & Clark insurance I worked at The Hotel on Pownal as a Front Desk Agent and the Concierge.

6. Family status – wife, kids?

– No wife or kids. I have been with my Partner, Brett, for 4 years and we have a three-year old dog - a Goldendoodle, named Emmy.

7. Now that you are finished your CAIB, what is next? More education? Hobbies?

– I would love to further my education. I am open and willing to take any additional courses that IBAC will offer. I am looking at getting my CPIB next! I love to read, go on hikes and walks with Brett and Emmy in the summertime, where I am not from here, I really enjoy exploring the Island and all it has to offer.

8. Did you do all your CAIB courses through IBANB immersion program or self-study?

– I did CAIB 1 as self-study and CAIB 2,3, and 4 were all done through Immersion

9. Did you have a mentor that helped you study and understand insurance?

– Megan McBride. She is the Commercial Business Manager for the Huestis Group. Her and I became fast friend when we first met. She has been in the industry for such a long time, she really is a wealth of knowledge and is always willing to take time out of her day to help me when I need it.

10. Any advice to offer the CAIB students?

– If you are doing self-study, do not put too much pressure on yourself. Take your time and review the material. If they are doing immersion. Use everything that your instructor (I was VERY lucky to have Wayne as my instructor) gives you. It will help you so much!

11. Where would you like to see yourself in 5 or 10 years?

– I see myself still in insurance. I find this industry very complex and interesting and I hope to learn so much more as I go on. If I wasn't a broker, I would look at possibly joining the company side. I think it would be very interesting to see the industry from both sides.



David Cooke, BSc, CAIB
President, IBAPEI

You may contact David
at 1-800-566-5666
Ext 4826or via email at
DCooke@cooke.ca

Thank you, Matthew, for answering my questions and for letting us get to know you better. Congratulations on attaining your CAIB. Well done! We look forward to celebrating your accomplishment at our next graduation ceremony - which we hope will be in-person!

A woman in a yellow shirt is seen from the side, looking at a laptop. The laptop screen shows a video conference with four participants: a man with glasses, a woman with glasses, a man with glasses, and a man with glasses. The background features large yellow chevron shapes.

The way we work together may have changed.

Our commitment to support our brokers partners remains the same!

We're here to be with our partners today as well as working together towards a better tomorrow.

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IBAC Viewpoints

At the time of writing, 2022 is looking a lot like the last 2 years! However, I remain hopeful that we will see our lives and our livelihoods return to “normal” before too long. I look forward to an article soon that has no reference to Covid, restrictions or a pandemic in general.

For the most part, our industry has continued to shine through all of this. We continue to provide a seamless customer experience to consumers to ensure that they are looked after and have the coverages that they need to be protected. From a personal lines perspective, it has really been business as usual for our customers – perhaps they are not able to come into some of our offices, but they have received the services they need. On the commercial side of things, visiting and assessing risks and developing a working relationship during the binding process has been more difficult. The underwriting of these risks and the hard market in some sectors has certainly made this challenging for brokers, and restrictions and customers’ comfort levels have made it tough to get out to visit a customer to assess risks. Once things ease, we will need to make a concerted effort to rebuild those relationships. I think everyone agrees some things are just more effective in person

The IBAC Board was able to meet in Toronto last October for a Strategic Planning Session, and the resulting Practical Vision and Strategic Imperatives were approved by the Board at our most recent meeting. This 3-year road map will help us to continue to strengthen the broker value proposition across Canada, with a focus on our main pillars of Federal Advocacy, Professional Development, Broker Identity Program (BIP) and Technology. I’m pleased to share some highlights with you:

Advocacy – The priority for federal advocacy is the Bank Act, and ensuring that the separation of the pillars of granting credit and insurance continues to be maintained. As a key influencer for government, regulators and insurance companies, we will also contribute the broker voice on national insurance issues and public policy discussions, with a focus on consumer protection.

Professional Development – We continue to work on the update and digitization of the CAIB program, and it is progressing well. We will be facilitating the sharing of educational resources among Member Associations with the creation of a PD resource center. And we are collaborating with other industry organizations on the General Insurance Licensing Qualifications Review (GILQR) process being driven by regulators.

Broker Identity Program (BIP) – Our national advertising campaign will continue to highlight the Broker Advantage and underpin our value proposition. This will include messaging that enriches the image of the broker and aims to attract new brokers to the industry. BIP will also support federal advocacy and promote public awareness on issues such as earthquake, flood, cyber, and distracted driving.

Technology – IBAC will continue to be a driver of broker connectivity and provide the broker voice on the adaptation and use of technology, utilizing key partnerships such as the CSIO. IBAC will help define the broker business requirements and continue to advocate for consistent use of standards.

Working with brokers across Canada through our Member Associations, our new strategic plan will continue to strengthen and support the broker profession and promote consumer protection. It will also help to attract new people to our industry as a career path. At the same time, we will continue to highlight why a consumer’s best choice is purchasing their insurance from a broker.

I look forward to working with the IBAC Board and staff to advance these initiatives. I would also love to hear from you – what are your thoughts? Please feel free to reach out to me to share any feedback you may have (robyn.young@excelandy.ca) or look for me at one of your upcoming conventions or events. Cheers.



Robyn Young
President, IBAC

Robyn Young, President & CEO
robyn.young@excelandy.ca

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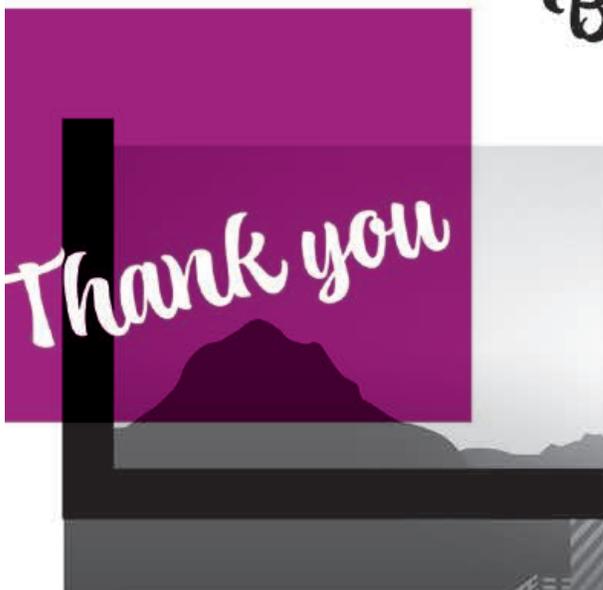


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Shining Light on Solar Panels and Home Insurance

Canadians are quickly adopting solar power as a clean energy source, but as with any material change in risk, a full conversation with all of the details should be provided to the insurer

Last summer, Insurance Bureau of Canada's (IBC's) Consumer Information Centre received a call from a couple in Nova Scotia who were in the process of transitioning to solar energy and hoping to take advantage of Efficiency Nova Scotia's rebate program. They had contacted their insurance advisor who, to assess the risk, needed detailed information about the utility's program, including the number of panels to be installed, the kilowatt (kW) capacity and other technical information. The couple was unable to find the details their insurer required, which held up the installation process. Thankfully, IBC and the broker on risk were able to work together to find a solution for the customer.

Since that call, I've heard from a number of customers who are interested in solar energy for financial and environmental reasons, but are running into insurance complications. Many provinces in Canada, including Nova Scotia, New Brunswick and Prince Edward Island, provide financial incentives to mitigate the high installation cost, which can run in the tens of thousands of dollars. Before clients make a down payment on a solar installation, insurance representatives may be able to save their clients time and frustration by letting them know in advance the information insurers will need.

Despite their seasonal productivity, solar panels can provide year-round energy savings through a program called net metering, if applicable in their home province. Once the solar panels have generated the amount of energy required, homeowners may transfer their surplus power to a public-utility power grid. This allows them to

offset their energy costs in the winter when they need to draw energy from the grid.

Power surge risks

Insurers will want to know that the panels are professionally installed in order to mitigate this risk. The provincial program administrators that we have spoken to all require professional installation for eligibility in the rebate program. They also require that an assessment be undertaken on the home to determine how many panels will be installed. This assessment includes the amount of kW that will be required to power the home, in addition to a structural engineer's report. All of this information is important to share with the insurer.

If a net metering program is in place, insurers will want to know if the solar-generating systems will be able to detect a power surge and to automatically disconnect from the distribution system. This is important so that the insurer understands that they would not be responsible for damage to the utility should a power surge occur in the home. Power surges may be a bigger concern for off-grid customers (i.e., self-powered homes that are not connected to a public utility system), as they lack the built-in safety mechanisms that would be available from a power utility. This type of installation may be more common in New Brunswick, which includes off-grid systems in its solar rebate program. In these cases, it's very important for homeowners to have proof of installation by a professional in addition to information on the design of the system.

Requirements for roof or ground-mounted panels

Where solar panels are placed will also change the level of risk for insurance purposes. For roof-mounted panels, custom-



ers will need to provide information about their roof's age and material to determine if it's suitable for panels. To qualify for the rebate program, some provinces may require homeowners to select from a list of approved contractors. To obtain the required building permit, they will also need their contractor's structural engineer to provide a certificate confirming that the roof can withstand the weight of the solar panels. The design, installation and use of a solar energy system must meet the Canadian Electrical Code, Public Utilities Act, Occupational Health and Safety Act, and the National Building Code of Canada. In Nova Scotia, they must also meet Nova Scotia Power's Net Metering Service regulations. All of this information, when provided to an insurer, will ensure that the insurer fully understands the risk.

Ground-mounted panels, which are usually considered an outbuilding by insurers, provide an option for homeowners whose roofs are not suitable for a solar installation. As they pose a risk for children and animals, the homeowner may need to install fencing or another form of protection around the panels.

Homeowners may also choose to lease rather than purchase a solar panel, which is generally treated in the same way as a leased hot water heater by insurance companies. Insurers may still wish to see the contract before installation as it does add another element to the claims process and settlement.

The bottom line: No matter which type of installation a homeowner considers, the two most important steps are to work with a licensed, approved contractor and to notify their home insurance representative before starting the process. Brokers may wish to ensure their clients fully understand the insurance and financial implications, and advise them of all of the information that insurers will need in order to underwrite the risk. Additionally, like any improvement to a home, installing solar panels will increase the replacement cost of a home and the amount required to replace the panels will need to be taken into account when determining coverage.

For more information, please visit the following provincial websites. (At the time of writing, Newfoundland Labrador does not offer solar panel incentives.)

- Nova Scotia: <https://www.energycyns.ca/residential/programs-services/solar-homes>
- Prince Edward Island: <https://www.princeedwardisland.ca/en/information/environment-energy-and-climate-action/solar-electric-rebate-program>
- New Brunswick: <https://www.nbpower.com/en/products-services/net-metering/>
- Federal retrofit grants: <https://www.nrcan.gc.ca/>



*Amanda Dean,
Vice-President, Atlantic, Insurance Bureau of Canada*



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Mr. Adelbert Dugas Celebrates his 60-Year Career



In 2020, Adelbert Dugas celebrated his 60-year career in the insurance industry, 40 of which as the head of his own company, Assurance Chaleur. Today, there are three generations of the Dugas family within the company with an accumulated total of 200 years experience in the insurance sector.

Mr. Dugas will not soon forget the anniversary date of his ownership in 1981 since on that special day, he sold the first insurance contracts of his newly launched company. “That day, my first client was Mr. Louis Boudreau and he is still insured with us”, he mentions with satisfaction.

Adelbert Dugas already had 20 years experience in the sector after starting his career with Union Cooperative Acadienne where he was recruited by Mr. Martin J. Légère, the manager at the time. He then worked as co-owner of the firm Dugas and Mourant with Mr. Henri Mourant from 1971 to 1980.

Following that, his wish to become his own boss led him to open Assurance

Chaleur in 1981 where he was the only employee. Today, the family business has eight employees comprised of six insurance agents and two administrative assistants. The company specializes in general insurance (with the exception of life insurance) and the majority of clients are from the Acadian Peninsula. “Insurance is an essential sector of economic development. Without insurance, it would be very difficult to obtain funds from financial institutions”, he said.

An evolving sector

During his 60-year career, this experienced insurance specialist has encountered many changes in the industry and believes the sector is constantly evolving. “We are going through a very difficult period, a “hard market” caused by both a rise in disasters due to climatic changes and minimal returns on insurers’ investments. The current situation is amplified by the pandemic which is creating uncertainty in the insurance market”.

He thinks brokers will be able to hold on for a while, but technological changes and their costs will lead to a reduction in the number of companies. In addition, mergers are becoming more and more common in Canada and elsewhere. He believes Assurance Chaleur is one of the only brokers in the Acadian Peninsula that has not been sold to outside interests.

The future

With all the evolving changes, Adelbert Dugas does not want to predict either the short or medium term outlook for the industry nor in which form Assurance Chaleur will continue to offer services to the people of the Acadian Peninsula. “The insurance sector is intriguing with these difficult periods beyond our control, but remains an industry that employs millions of people with good working conditions compared to other sectors”, he said. He is concerned, however, that online sales, which are done without the agent’s presence, eliminates the precious link between clients and insurers.

Whatever happens, he hopes that Assurance Chaleur will be able to continue to meet the needs of the people and that he himself, still strong in his 80s, will continue to work in the office. “Retirement -- I never thought about it, and work isn’t going to kill me. Thinking about your health issues all day is not really the answer to being healthy and happy”, he said, noting that a succession plan will ensure the future of the company.

In conclusion, he wishes to thank his faithful clientele who has supported him all these years. “I owe them a lot of gratitude”.

Submitted by Assurance Chaleur. If you want to share a celebration with IBANB, please email Becci Taylor, at btaylor@nbinsurancebrokers.ca

IBANB YBN — A Day in the Life

I had been managing the National Rent-a-Car at the Saint John airport for several years, and had been overall working with my Career at Enterprise/National for 10 years. COVID proved tough for the rental car airport market. Although I loved my previous career in that I was challenged and got to work daily helping clients and solve problems for them and the business, I did however feel a pull to do something maybe a little more conducive to work life balance which I didn't feel like I was getting in that career path.

A bit about me, I have a Bachelors of Business Administration degree from UNB Fredericton and I am the father of 2 young boys, Finn and Leo and we reside here in beautiful Quispamsis. I don't mind hard work, but I was working a lot of evenings and weekends, holidays etc. and found it wasn't feeling like I had the best balance between my professional goals and that of being a husband/parent.

Higgins Insurance had posted for a Personal Lines Client Manager so craving that change I took the leap, and getting the position scary for me, but I realized quickly that this seemed to be an industry that I could maybe thrive in. My employer provided me with my first CAIB course and then I began working. It was refreshing for me to be a producer again primarily and less a manager but I quickly learned that the Broker environment is one that required my problem solving skills, my client focused background and my aptitude for learning a products in and out. I love the balance I have now, working right in my little community close to home and it's a perk not have to work an unorthodox work week anymore. Mental & physical health and happiness have improved drastically and I have a true interest for Insurance.

Being competitive and a professional employee, I realized I would be able to push to

complete as much training as I could in a short time to hasten my start into the industry. So I pushed self studying my remaining CAIB courses while working, and with much help from colleagues and the IBANB, was successful in obtaining my CAIB certification about 9-10 months after starting. It was challenging going back to school (home school) after so long and now with young kids, but saw the value in having the designation, and wanted to put my brain to good use after many years on autopilot.

As a full time Sales Broker now I fully look after my brokerages Digital Sales

program, basically working to learn as much as possible every day and help be a part of the business' continued success. Love my job and team and I look forward to a long career in the industry and also being an advocate for it, encouraging others like myself to find a new path here as a Broker!



*Danny Hennessey, CAIB, BBA
YBN Representative*



insurance brokers association of new brunswick | association des courtiers d'assurances du nouveau-brunswick

**YOU ARE INVITED TO THE
22ND ANNUAL
GOLF
TOURNAMENT**

The IBANB 22nd Annual Golf Classic will be held on:
Thursday, August 18th, 2022

at Hartland Covered Bridge Golf & Country Club, 190 Golf Club Rd, Hartland, E7P 3K4. This 18-hole, 6,609 yard championship course was first opened for play in 1993 and overlooks the beautiful Saint John River Valley with some of the most picturesque scenery in Atlantic Canada.

An above average slope rating of 132 makes this a challenging and enjoyable course for all skill levels. You will encounter many challenging bunkers and ponds strategically placed on many holes each with breath taking River Valley views.

Join us for a friendly round of golf with friends old and new, hosted by YBN and IBANB, with a start of 12 noon, and ends with a delicious dinner.

Registration is now open!

www.nbinsurancebrokers.ca
(506) 450 - 2898
ibanb@nbinsurancebrokers.ca

IBANS YBN — Change Resistor

It's Monday morning, and your boss pulls you into their office and says, "I've got a project for you, want to help?" Being the keener you are, you don't hesitate to say yes immediately. (Pro-tip, find out the scope of the project first!).

Now, this project involves implementing change within the office and you are the "Office Champion". Could be anything, new workflow processes, implementing new compliance checks, training people on a new software platform, etc. With different personalities in your office, how do you do this? How do you manage the change?

We've all heard the saying before, "People inherently don't like change", but why and how do you get people on board, especially when you're dealing with colleagues who have more experience in the industry than you. First, it's important to understand the buckets that people can fall into when resisting change. Individuals generally fall in one of the five following categories:

- **Dwellers** – Those that remain silent about the change, or those that agree but don't take the initiative to implement it. Generally, these people are trying to hide from the change and hoping that it just goes away without impacting them as something about the change is making them uncomfortable.
- **Fighters** – Those that actively speak out against the change, trying to influence those around them to not partake. These individuals may be scared that their role will become redundant or less valued with the changes and they understandably don't want to see that happen.
- **Status Quoer's** – Those that vocalize that there isn't a need for change and that the current structure works just fine. These people may have an attachment to the process because they have used it for such a long time it is embedded in what they do, or they were the ones who originally put it in place.

- **Speculators** – Those that will focus on the what ifs of the change and the potential impacts it will have, generally focused on the negatives. These individuals are just thinking about all possibilities and when faced with gaps in knowledge, are assuming the worst.
- **Stressors** – Those that feel that there is just too much going on to look at doing changes right now and will push back on doing it with no specific concerns on the new process. They simply just don't have the time to focus on anything that disrupts their flow.

Now that we have identified what type of resistors you are going to face, our next step is figuring out how exactly we will deal with their concerns.

- **Dwellers** – While it's easy to assume that someone who doesn't voice any concerns is on board, this isn't always the case. We need to allow them the opportunity to express any concerns they have either in a one-on-one setting or in a group. Knowing what is concerning them allows you the opportunity to address the issue head-on and find answers.
- **Fighters** – The best thing to do is understand exactly how they think this change will impact them directly. It's very possible that their concerns are valid, and the new changes will change what they bring to the company. If this is the case, this may be an opportunity for the manager to discuss further with them how things will change and how the role will be pivoting to add value elsewhere. However, it's completely possible that the concerns are imagined and just by vocalizing their issues and talking through them, they may get more clarity on the issues and be less resistant.
- **Status Quoer's** – These people generally don't want to be difficult or resistors, but they are just so used to how they

do things now, it can be difficult to break that habit. What needs to occur is to avoid talking about the current system and how it works and look at the root cause of the issue with a fresh set of eyes. From their work to explain how the new process will address the issues.

- **Speculators** – Address the gaps upfront with these individuals! They don't want to avoid change, they just don't know all the information. The more information they have the fewer "worst-case scenarios" they will be able to think of.
- **Stressors** – This is a tough one, as these individuals generally have little time to dedicate to a discussion around the issue. You need to recognize that they are busy and build a personal connection with them, so they want to work with you and trust you. Talk about the positive outcomes and how they will directly benefit them and free up time in their day. The timing must be right for these conversations which might be your biggest hurdle!

Knowing how to deal with these different types of resistors will help you to successfully implement the change and show your boss that you know how to manage people effectively. This could lead to further opportunities in the future to develop these skills further!



Mark Townsend, MBA, CAIB, CRM
YBN Chair, IBANS

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Sell Yourself First, Insurance Second

What do you sell? If you are reading this, then your answer is probably insurance. Any purchase, including insurance, that is hundreds or thousands of dollars, is not taken lightly. It is important to understand that the final decision to buy may not come down to the details of the policy, or price of the product, it might come down to you and your relationship with your customer.

Large purchases, like insurance, are not like going to a hardware store to buy a few nuts and bolts, where it really doesn't matter if the sales person is likable or not as it's just a hand full of hardware. If you are trying to sell a customer something that has a larger price tag, they are not going to buy from you if they don't like or trust you. Before you sell a product or service, you have to sell yourself first.

The important thing to remember: focus on the customer and their issues rather than yourself and your company. Be an intense listener, ask insightful questions and offer

creative ideas. Once a client is comfortable and feels that you really do care about them, they will ask about your company.

If time permits, it is important to talk about subjects besides work. A healthy customer relationship can be built on talking about unrelated topics such as sports, hobbies, families, etc. Most anyone would rather talk about their favourite sports or their children's accomplishments than they would about work. That's human nature and it goes a long way to building rapport. Oh, and it's so easy to do research before you meet to find out more about the person.

To take this one step further, does everyone in your business treat customers the same way? My broker's office does. Every point of contact I have with them makes me feel like they really care about my business – from the receptionist to the owner. But, to do this, you have to have buy-in from your entire staff.

Think about this: I go to my regular grocery store, the store I always go to because

it is closest to my home and overall a good store. At the checkout, the cashier is having a bad day, clearly is not happy about his or her job, and makes errors on my bill, then acts like it is my fault and doesn't apologize for the error. Yes, I am not feeling the love in that store and decide that next time I'll go to the grocery store down the street. The \$5,000 to \$6,000 I spend annually at the store closest to my home has gone to another store just because everyone in the company wasn't on the same page about treating their customers with respect. I do prefer one grocery chain and I do shop at different locations from time to time. I do notice a difference in the level of service I get from one store to the next. It probably a reflection on the store management and the training they give to make their staff more customer focused. The same could be true for your business. When one link of the chain breaks, the customer could be gone for good.

The old adage rings true, people won't buy from someone they don't like. This makes selling easy, often, all you have to do is to get someone to like you and you have a head start on the sales process. Think about this the next time you start a sales meeting, don't be in such a hurry to sell your services, sell yourself first. And make sure everyone in your office does the same.



*Doug Daley
Kiers Marketing*

Doug Daley is Vice President of Sales and Marketing with Kiers Marketing in Fredericton. Doug can be reached at ddaley@kiers.com or by visiting www.kiers.com.

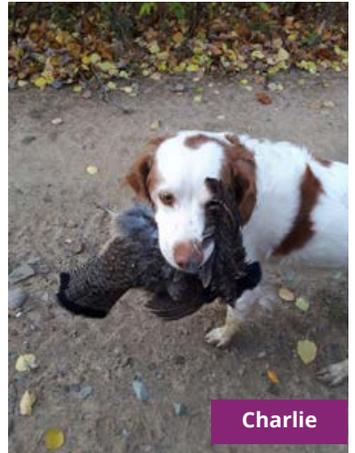
PET CORNER



Herman



Biggles & Jethro



Charlie



Grover



Bentley & Bacon



Lilly



Willow



Bella



Crash



Wishbone & Sophie



Anna



Daisy



Hector



Toby



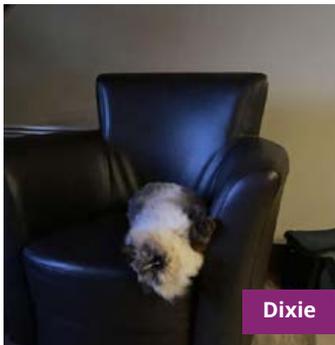
Tess



Bruin



Frankie



Dixie



Jase



Ritz & Chester



Missy



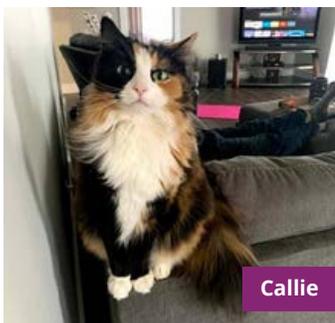
Gibson



Lincoln



Luna & Sage



Callie



Boys



Lexie



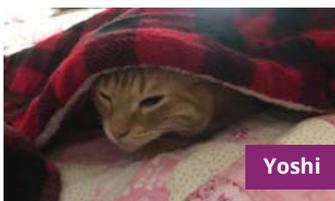
Diago



Mac & Wes



Mya & Jax



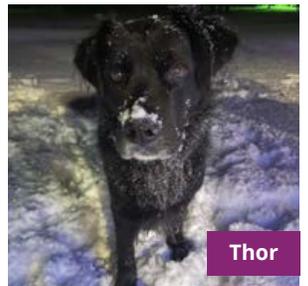
Yoshi



Rosie & Cujo



Tiggs



Thor



Machine



Oakley



Willow



The Benefits of eLearning for Adult Learners

It's fair to say that most learners want relevant, personalised, and self-paced content when pursuing an educational course or designation. With ever-growing to-do lists and schedules that include both work life and personal life, many adult learners are finding they simply do not have the time to attend traditional classroom setting classes, or aren't currently permitted to do so, due to covid restrictions. However, a solution to these problems is simple – eLearning. This option gives busy adult

learners the opportunity to improve on the job performance, develop skills and work towards an insurance designation such as CAIB, or CPIB.

Here are just a few of the many ways that eLearning is ideal for today's adult learner:

Fits into your Busy Schedule

e-Learning can be accessible at anytime, anywhere! Literally eLearning fits into any

schedule because you can access the information at a time that works best for YOU – like on your lunch break, or in between meetings.

No Need for Travel Arrangements – Saves Time and Money!

Your days are busy enough without adding additional travel time and stress. No more sitting in traffic or making hotel reservations! e-Learning is all done virtually which means less time and money spent on actually getting to your classes. This is also ideal for students who live outside the busy city centres where classes are usually held.



IBANS and IBAN also offer members non licensing webinars through Vubiz that can be accessed at anytime. Vubiz is a full-service, award-winning company that produces high quality content for thousands of private companies, association and businesses across the United States, and Canada. There are over 50 on demand videos to choose from, in a variety of categories, such as human resources, customer service, finance and health & wellness. These online modules provide a great business foundation for new hires to the industry or are ideal refreshers for seasoned brokers. The various modules range in price and length and everyone who completes a module will receive a certificate of completion.

IBANS also has various soft skills videos saved in the video resource library of the member section of the website, which are free of charge and accessible at anytime. Topics include but are not limited to: Navigating Anxiety in Turbulent Times, Modern Business Etiquette, Working Effectively with Different Styles, Building Client Relationships and Being Prepared for Difficult Conversations. I would urge anyone interested in learning more about these videos to check them out by logging into ibans.com and clicking “Member Area”. These videos were presented by Heather Peters, Knightsbridge Robertsson Surette.

Removes the Risks that can Limit a Student’s Potential

The online learning environment takes the risk out of learning for some students because they no longer need to fear being “wrong” in front of their peers during in class sessions. When this anxiety is removed from the equation, students may flourish and acquire new skills and knowledge. Students become more willing to take chances and test boundaries because there is no judgement from peers.

Empowers You! (The Adult Learner)

This way of learning allows the student to be empowered; to take control of their own goals. They also can acquire new skills, such as time management, that will perhaps give them extra motivation.

Since 2017, IBANS and IBAN have been offering online CAIB modules for member brokers. We started off with lunch & learn series and have gradually made our way to evening webinars, which have almost tripled in student enrollment since the beginning of the pandemic. Although instructed during a specific time frame,



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Spring Insurance Tune Up

As the days lengthen, the weather warms and the buds start to swell, Atlantic Canada residents anticipate spring with a complex mixture of excitement and dread. Melting snow and ice, combined with spring rains often leave clients in homes near rivers at the mercy of highly unpredictable ice breakup flooding. Clients with homes in low-lying areas, often find their homes surrounded by deep pools of water and contending with water in their basements. While many clients are worried about too much water, many others, with homes nestled among brown, dry meadow grasses and winter water-deprived evergreen forests, ironically are surrounded by landscapes at increased risk of wildfire ignition.

Worries are different for every client, depending on where they live, their insurance policy coverages and how much preventative action they have already taken to protect their homes from water and wildfire damages. Investing time now to help clients match their risks with available policy coverages and providing them with simple loss prevention tips, will yield plentiful dividends for your business throughout the remainder of the year, including fewer claims, improved customer satisfaction and increased client referrals.

A 2020 University of Waterloo study (completed by flood researchers Partners for Action) found that most client's efforts to adequately protect their homes are hindered by a lack of understanding about their policy coverages. Over 50% of polled Canadians do not understand what water damage coverages their policy covers. Only 23% had purchased available optional water damage insurance coverages and only 52% had taken simple, low-cost actions at their homes to reduce risk (e.g. test their sump pump or raise valuables off the basement floor). A critical insight from the research revealed that 60% of residents had never had a conversation with their broker to help them identify their risks and to ensure that they had adequate insurance coverages.

Advice from a trusted insurance broker can help clients quickly identify their insurance gaps and select the provider and products that best suit their needs. Encouraging clients to take simple, low cost actions to protect their homes can significantly reduce the likelihood of experiencing water or wildfire damages, and if a loss does occur, it can help to minimize the cost and disruption associated with recovery.

The Intact Centre on Climate Adaptation (www.IntactCentre.ca), a climate resilience research centre based at the University of Waterloo, and FireSmart Canada (www.FireSmartCanada.ca), a non-profit dedicated to improving community wildfire resilience, have produced a variety of free training programs and do-it-yourself resources that brokers can use to support their spring tune up conversations with clients.

Two favourite client self-help resources are "Three Steps to Cost-Effective Home Flood Protection" and "Three Steps to Cost-Effective Home Wildfire Protection." Both of these resources encourage clients to get started on their home protection journeys with simple home maintenance activities (that should be completed each spring and fall). Simple home flood protection activities focus on reducing the likelihood that water will enter the home by cleaning out eaves troughs, removing debris from nearby storm drains, ditches and culverts and testing sump pumps. Simple home wildfire protection home maintenance tips focus on reducing risk of ignition of flammable materials within 10m of the home, including mowing grasses to 10cm or less, raking up needles, leaves and branches, and storing flammable items such as woodpiles at least 10m away from buildings.

The Intact Centre has developed a free, 1.5 hour, online training program that provides brokers with the background information and shareable resources they need to have spring insurance tune up conversations with clients at risk of water damage associated with plumbing leaks, overland and sewer backup flooding resulting from extreme rainfall events. A new

Councilor Coburn testing the sump pump



free 5-hour training program prepares Atlantic brokers to also address client concerns related to water damage and property erosion associated with rivers and oceans. Training registration links and all user-friendly resources can be accessed at www.HomeFloodProtect.ca.

Clients choose insurance brokers over direct providers for a reason. They value the personalized advice and service they can get from their brokers to help them protect their homes and families. They also know they can depend on their broker to make sure they get the help they need when something goes wrong. Providing your valued clients with an insurance tune up this spring will give them the best client appreciation gift they could ever ask for, peace of mind.



Cheryl Evans
Director of Flood and Wildfire Resilience, Intact Centre on Climate Adaptation, University of Waterloo

THREE STEPS TO COST-EFFECTIVE HOME FLOOD PROTECTION

Complete these 3 steps to reduce your risk of flooding and lower the cost of cleanup if flooding occurs. For items listed under step 3 check with your municipality about any permit requirements and the availability of flood protection subsidies. *Applicable only in homes with basements

Step 1: Maintain What You've Got at Least Twice per Year

Do-It-Yourself
for \$0



Remove debris from nearest storm drain or ditch & culvert



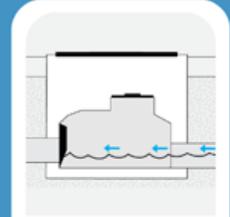
Clean out eaves troughs



Check for leaks in plumbing, fixtures and appliances



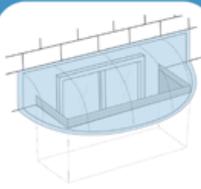
Test your sump pump*



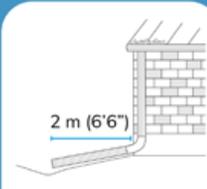
Clean out your backwater valve

Step 2: Complete Simple Upgrades

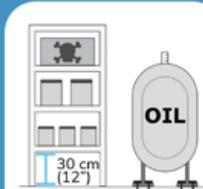
Do-It-Yourself
for Under \$250



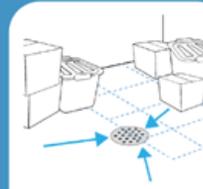
Install window well covers (where fire escape requirements permit)*



Extend downspouts and sump discharge pipes at least 2 m from foundation



Store valuables and hazardous materials in watertight containers & secure fuel tanks



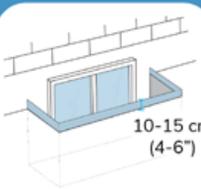
Remove obstructions to floor drain



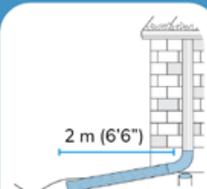
Install and maintain flood alarms

Step 3: Complete More Complex Upgrades

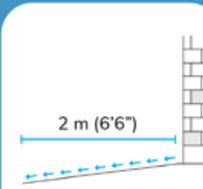
Work with a
Contractor for
Over \$250



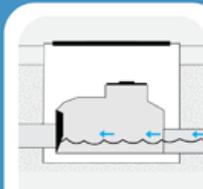
Install window wells that sit 10-15 cm above ground and upgrade to water resistant windows*



Disconnect downspouts, cap foundation drains and extend downspouts to direct water at least 2 m from foundation



Correct grading to direct water at least 2 m away from foundation



Install backwater valve



Install backup sump pump and battery*

Note: Not all actions will be applicable to each home. Completing these steps does not guarantee the prevention of flooding.



Class In-Session: give CSIO's Free, On-Demand Courses and Webinars a try

Winter's halfway point is in the rearview—spring is coming soon! If you're looking for a productive indoor activity while it's still chilly out, why not take a helpful online course or webinar? As a member of your provincial broker association, you are automatically a member of the Centre for Study of Insurance Operations (CSIO), giving you access to CSIO's catalogue of courses and webinars at no cost.

Advancing your education through courses and webinars can contribute to career

growth, salary increases, and a better understanding of the industry and your customers. CSIO's Professional Development Program is available on-demand, so you can learn at your own pace, on your own time, and seamlessly access certificates for completed courses.

What is CSIO?

CSIO is Canada's P&C industry association dedicated to improving the broker distribution channel. The organization works with brokers, insurers, and vendors to develop data standards, technology solutions, and on-

line education for members across the country. Over the course of CSIO's long-standing relationship with Canada's provincial broker associations, we have worked together to provide brokers with the best possible education opportunities, solutions and support.

Courses Available in Three Streams

CSIO offers courses in three streams: cybersecurity, digital marketing, and insurance innovation. New courses are added every month, complete six of them to stand out at your brokerage by earning CSIO's Digital Broker designation. After earning the Digital Broker designation, we highly recommend adding the accomplishment to your resume and recommending CSIO courses to your colleagues. Here's a taste of course content from CSIO's 2022 catalogue from each



stream that brokers can access for free:

Cyber Security Trends and Risk Management (Cybersecurity)

According to professional services firm Aon's recently-published 2021 Global Risk Management Survey, cyberattacks are the number one concern of risk managers. Andrew Dunsford, Director, IS Risk at Wawanesa, goes over the steps your brokerage should consider to mitigate cyber threats in 2022.

Optimizing Your LinkedIn Profile (Digital Marketing)

Job opportunities are far from the only opportunities LinkedIn provides. Many of your customers—and even more of your potential customers—are using the platform regularly.



Learn how to strengthen your LinkedIn profile from Melanie Raffa, Digital Marketing Consultant, Aviva Canada, to not only benefit your brokerage's brand but your career as well.

My Proof of Insurance: Providing a Digital Customer Experience (Insurance Innovation)

Companies are increasingly going paperless and expecting service providers to offer an easy, digital experience—and your customers are no exception. Give your clients the option to securely receive their policy documents and proof of auto insurance (eSlips) digitally with My Proof of Insurance. Learn everything you need to give your customers a convenient, paperless experience.

CSIO will continue to grow its portfolio of courses and webinars throughout the year and build tailored content that meets your brokerage's needs.

You're all set to further your education through CSIO's Professional Development Program and take advantage of the other val-

How to Sign-Up for CSIO Courses

1. Go to [CSIO.com/professional-development](https://www.csio.com/professional-development)
2. Scroll down to *On-Demand Courses* and click "Start Now"
3. Choose *Create new account*
4. In the email field, enter your professional (not personal) email address
5. Fill in the remaining fields and click *Create new account*
6. Choose your first course and get started!

ue-add offerings that come with your membership. For bonus marks, be sure to:

1. Learn more about the benefits of a CSIO membership. Education opportunities are just the beginning!
2. Check your corporate email inbox for CSIO's monthly newsletter. Course and webinars are added regularly, and upcoming educational content is prominently featured
3. Follow us on social media! LinkedIn: CSIO – Centre for Study of Insurance Operations | Twitter: @CSIO | Instagram: csio_canada | Facebook: @CSIOCANADA

If you ever have questions or need a hand, email education@csio.com. A member of the CSIO team will be happy to help!



Stephanie Iacono
Member & Education Lead, CSIO

5 Key Attributes of a Successful Manager

One of the most popular training workshops I run as a Certified Scaling Up Coach centers around the five key attributes of a successful manager. As the CEO of Tulip Media Group, I know from experience that understanding these key attributes has improved the success rate of our own and our Client-Partners' management teams. Hiring managers applying these five key attributes to your management hires will help your company build and optimize high-performing teams that accelerate company growth. In this article, I want to share these attributes with you.

#1 Hire Less, Pay More

Former CEO of General Electric Jack Welch abides by an excellent philosophy. He believes that less people paid more will optimize your business. Here's why: the work of a single "A" performing employee can do the work of 3 to 5 "B" performing employees. If you hire exclusively "A" performers and pay them above industry average, you will ultimately be paying less for the same amount of work done more effectively and, in many cases, more efficiently.

A great example of this approach comes from The Container Store. The Container Store, as most of you know, is a retail store targeting home and office organizations. The retail industry is renowned for entry-level jobs with low wages and a high rate of employee turnover. However, The Container Store sees the value in paying more for a smaller team of high-performing workers. When hiring staff, The Container Store CEO Kip Tindell recognizes that one high-performing person's productivity is equivalent to that of 3 average performers, and he applies this ideology to the hiring process.

Only 3% of Container Store applicants are hired. If shortlisted for a position at The Container Store, a candidate must go through nine interviews and complete around 260 hours of training before they ever set foot on the sales floor. The compensation for candidates that prove they are high performers by successfully completing the rigorous hiring process is well above \$55,000 per year. In the early 2000s, when McDonald's was closing locations in Manhattan due to a labor shortage, The Container Store in Manhattan received over 400 applications for 30 positions.

By taking a page from The Container Store's book—hiring fewer people and paying them more—your overall productivity will go up and management teams will become more efficient because they will have less people to oversee. You may also see cohesion increase as a result of having smaller teams.

#2 Proactively Show Appreciation

A little thank-you note can go a long way. As a manager, how often do you genuinely thank your top-performing employees for all their hard work? Recognizing the efforts of your team is important, and a handwritten note is an excellent format for this.

The power of a specific and personal, handwritten thank-you note is unmatched when it comes to employee appreciation. In your notes, tell team members exactly what they did that you noticed and why it meant so much to you. This simple gesture communicates to your team that you see them and that you want to take time out of your day to personally recognize what they are doing. When you make your team feel valued, it encourages them to work harder knowing all their hard work is making a difference.



#3 Set Clear Expectations

Your top performers can't perform well if they don't fully understand what's expected of them. Be sure you take the time to set clear expectations for your team and explain what exactly good performance looks like. Include a line of sight with your expectations, detailing how and why your top performers' specific contributions are invaluable for the company's strategy, growth, and success. When your employees know what is expected of them and how their role plays into the grand plan for the company, they can optimize their performance to meet the demands of their role.

#4 Eliminate Demotivating Factors

Picture this: you're an "A" Team basketball coach and you have your star player out on the court. However, before the game, you gave them an old, worn-out pair of sneakers and told them they had to play in those. How demotivating is that? If that was the case, do you think your star player would even stick around, let alone play a good game? Probably not. The star is going to go play for a team that lets them shine.

The presence of demotivating factors in the company will turn "A" performers off

faster than anything else. “A” performers want to perform well, but they don’t want to jump through a bunch of hoops to do it. When there are roadblocks in the organization that prevent top performers from doing their job, they will quickly lose their motivation and may even look for hassle-free work elsewhere.

Five demotivating factors I see impacting top performers all the time are company tolerance for a lower level of performance from other employees and even clients, inadequate tools and resources, unnecessary policies and procedures, slow decision making, and a lack of trust. Let your “A” performers shine by eliminating these demotivating factors and giving them the resources and the freedom to do what they do best.

#5 Leverage Team Strengths

Take the time to identify the strengths of every person on your team and leverage them to improve productivity. For example, if you’ve discovered that someone on your team is highly talented at designing intelligent Excel spreadsheets, have them do that all the time. They probably love doing it and can likely accomplish in an hour or two what other people on your team may take a day or more to do.

Every single person on your team has a native genius they are better at than anyone else in your company. Label it and format their role in a way that optimizes it. Doing this will improve productivity for the company while simultaneously increasing employee satisfaction.

As you go into 2022, I challenge you to put these five key attributes to work for your management team using your own leadership style and resources. You will see your company flourish as a result.



Andy Buyting,
Founder & CEO of Tulip Media Group.



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Force Majeure and Covid

Everyone is feeling Covid fatigue, from living with it and even reading about it. Yet here is another article about Covid, because not only is the medical and science world dealing with this new and every changing virus, but the insurance and legal professions are dealing with the newness of Covid and its impact on claims and coverage.

One of the questions that has emerged is whether Covid can be considered a *force majeure*. This question is becoming increasingly important as we see supply chain interruptions, of not only products but services as well. Will Courts accept that Covid is a *force majeure* and a reason for non-performance of contracts? As with many legal questions, the answer is “it depends”.

What is a *force majeure* clause?

A *force majeure* clause is a provision within a contract that addresses those circumstances that are beyond the parties’ control, and which can make a prevent a party’s contrac-

tual performance from happening. Often these events or circumstances are referred to as “an Act of God”, and more often than not, the event or circumstances happens so unexpectedly that the parties cannot guard against it or prevent it from happening.

The Supreme Court of Canada released a seminal decision on *force majeure* in *Atlantic Paper Stock Ltd. v St. Anne-Nackaviv Pulp & Paper Co.*, [1976] 1 SCR 580, where it described a *force majeure* as something that “generally operates to discharge a contracting party when a supervening, sometimes supernatural, event, beyond control of either party, makes performance impossible. The common thread is that of the unexpected, something beyond reasonable human foresight and skill.”

Force majeure is not a legal doctrine. It is something which is that is written into a contract, often after contract negotiations between the parties. If it is not included within a contract then *force majeure* cannot apply to the contractual relationship.

A *force majeure* does not need to be specifically titled as such within a contract for it to exist, rather it is the wording of the clause that is important. The wording of a *force majeure* clause can vary from contract to contract. In certain *force majeure* clauses, an exhaustive list may be set out that the parties would consider as “Acts of God” or events beyond the control of the parties. The clause may also set out remedies under the contract as to what happens if the parties encounter a *force majeure*. One example may be the termination of the contract and a return of deposits or payments. Alternatively, a *force majeure* may be described generally within the contract which could possibly leave it open for the parties to negotiate whether something is a *force majeure*.

Force majeure and Covid

If a contract includes such wording as “disease”, “epidemic” or “pandemic” then there is likely going to be little to no debate that Covid is a *force majeure* under that particular contract, as Covid can be considered a disease, epidemic or pandemic; thus, Covid will fall within the defined list of *force majeure* found within that contract wording.

If Covid does not fit specifically in the list of things under the *force majeure* provision, it still remains likely that Covid will be considered a *force majeure* by definition as it will likely be considered an external event outside the parties’ control that impeded performance of the contract; however, to evoke the *force majeure* clause, not only must something be found to be *force majeure* but it must then be determined how that *force majeure* affected a party’s contractual performance.

Often *force majeure* clauses can only be invoked if the event directly affects performance and the inability to fulfill the contractual terms. If the event simply made the contractual performance difficult, i.e. less convenient or less profitable, then the *force majeure* clause cannot be invoked. For example, if a company contracted to deliver a product by the end of April and deliver did not occur until mid-May due to production delays, the performance of the contract was delayed, but not impossible, and the *force majeure* clause

would not be invoked. It is not often that an event truly makes a contract impossible.

The Questions to Consider

In order to invoke a *force majeure* clause, especially as it relates to Covid, the parties have to consider the following questions:

1. Does the event qualify as a *force majeure* depending on the wording of the contract?
2. Did the event prevent the party from fulfilling its contractual obligations?
3. Would the performance of the contract have been illegal, impossible or impractical because of the event?; and
4. Could the party have mitigated its performance or found an alternate solution, and if so was such mitigation attempted?

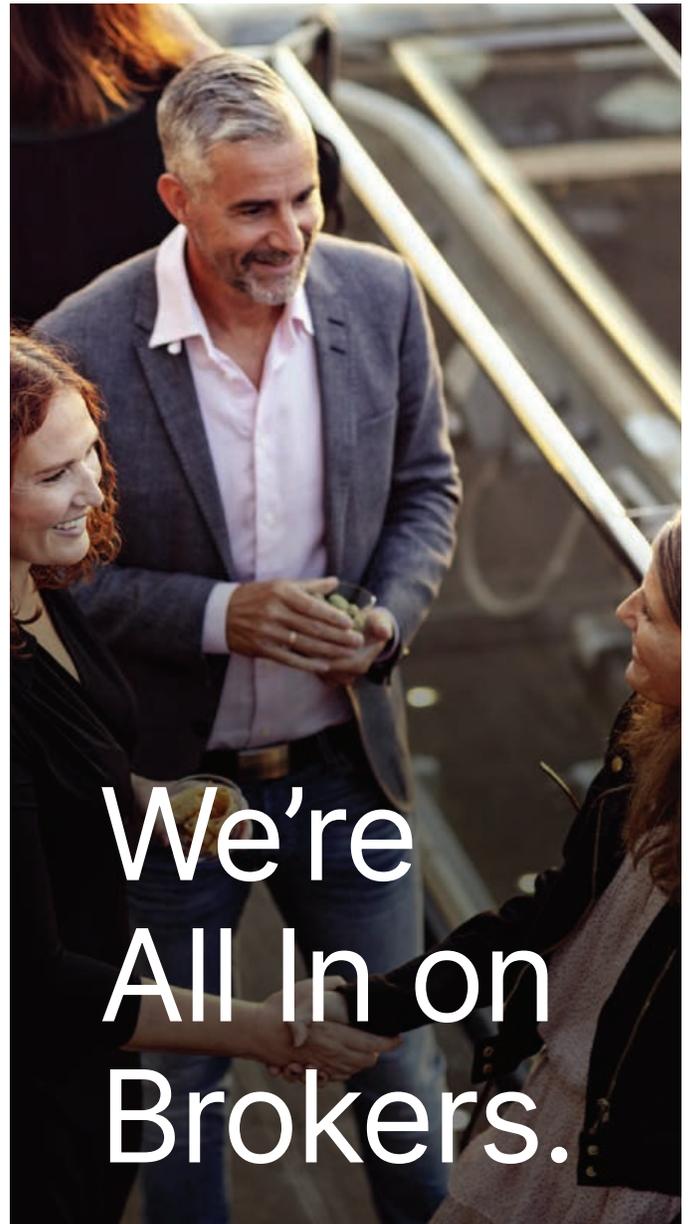
A Final Word

Invoking a *force majeure* clause in a contract does not happen often because parties to the contract can usually foresee the things that can go wrong. There is limited case law that deals with *force majeure* provisions in contracts; however, as Covid continues we are likely to see more decisions emerging dealing with Covid and its impact on contractual responsibilities. For many, Covid was an unexpected event beyond control, but whether it made a contract truly impossible depends on the circumstances of the event and the contractual obligations. Not only will we see more case law on the subject, but we are also likely to see different contract negotiations and different contract wording in the future now that many of us have experienced a global pandemic.

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Kyla Russell
C3 Legal



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CALENDER OF EVENTS

MARCH

- 03** | **NS** Virtual: YBN Hosting Escape Room Night
- 08** | **NB** CAIB 3 Spring Immersion — March 8 – 12, 2022
- 13** | **NB** CAIB 4 Spring Immersion — March 13 – 18, 2022
- 16** | **NB** YBN / IBANB Lunch St Patrick's Trivia
- 17** | **NB** YBN / IBANB Evening St Patrick's Trivia
- 24** | **NS** YBN Curling Funspiel, Sackville Sports Stadium, Sackville, NS
- 28** | **NS** CAIB 2 Spring Evening Webinars — March 28 - May 16, 2022
- 30** | **NS** CAIB 1 Spring Evening Webinars — March 30 - May 25, 2022

APRIL

- | **NS** Insurance Broker Month!
- 13** | **NS** Aspire Awards & Graduation, The Westin Hotel, Halifax, NS
- 28** | **NB** Webinar: Leading High Power Performance Staff Meetings

MAY

- 05** | **NB** 2022 IBANB Convocation & Awards Gala

JUNE

- 16** | **NB** Webinar: Dealing with Strong Personalities and Difficult People

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