



NewsBoard

Canada's best liability insurance market

Spring 2014



New biomedical and life sciences product

Elliott Special Risks (ESR), a Markel International company, is pleased to announce the launch of its new biomedical and life sciences product specifically designed for Canadian biotechnology, pharmaceutical, medical and research and development companies.

The new product is designed to provide a comprehensive coverage solution that can be tailored to meet the specific needs of all companies regardless of size, from start-ups to large established firms.

"ESR is a leader in the Canadian life sciences market. We expect that this exciting new product will be eagerly received due to local underwriting, premiums starting at \$4,000, no policy services fees and broker commission up to 20%, among other things" says Darlene Chin, AVP of Life Sciences and Information Technology.

This is an exclusive and customizable product, offering general liability, products liability, clinical trials, and errors and omissions in one policy with up to \$10 million capacity available.

The following industry specific coverage enhancements are also available:

- Extended Pollution Coverage
- Bio-Contamination Coverage
- Barcode Coverage
- Product Tampering Coverage
- Product Recall Coverage - Governmentally mandated
- Product Recall Coverage - Voluntary
- Manufacturers' Errors & Omissions

ESR has industry recognized underwriting expertise. Their underwriters are not only experienced, but insightful, and they understand the unique needs and evolving nature of this class of business. ESR is one of the few local markets that have underwriting specialists in biomedical and life sciences. With offices in Montreal, Toronto, Calgary and Vancouver, ESR has a national underwriting presence.

Chin, who oversees the life sciences portfolio, is a senior underwriting professional with close to twenty years of experience, fifteen of which have been in the life sciences area. Prior to joining ESR four years ago, she spent five years at a large multi-national insurance company and 6 years at a leading Canadian MGA.

For more information on this product please contact Darlene Chin, or Anna Tucci who services Quebec and Atlantic Canada.

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Our People

Rod Spurrell



Q How did you get involved in the Insurance Industry?

The common answer that most people give is that they fell into Insurance. I was a bit different in that I have a brother-in-law in the business and he gave me the names of some insurance headhunters to contact. That was moving slow as it was December. Then one day he heard that Elliott Special Risks (ESR) was looking for an Umbrella Underwriter and he gave my name to Mario Sousa who at the time was managing that department. I interviewed and got the job and was hired in January of 1995.

Q What is your current role?

Currently I am Vice President and Manager of the Environmental Department in Toronto.

Q What brought you to this role?

I have been with ESR for about twenty years now. Originally hired, and 'cut my teeth' as they say, as an Umbrella / Excess Underwriter and stayed in that department for about twelve years. I have had short stints in writing CGL and E&O business in conjunction with Umbrella/Excess. Eventually I was asked to help out in EIL to underwrite pollution accounts. I found it to be more complex than the everyday CGL or Umbrella/Excess. I liked the challenge that these files presented. When an opportunity came to manage the department in 2010 I jumped at it.

Q If you could summarize the top 3 most important skills of a person in your role, what would they be and why?

- 1 Treat the people that you deal with - with respect. That means both the brokers and your co-workers. People will give you every opportunity in this business when they know that you respect their position, their opinion and their problems.
- 2 Try and solve the problems of others, even if that means providing the name of another company as the solution. Providing information, technical advice and alternatives is just as important to people as providing a policy. Help people and the business will follow.
- 3 Educate the next generation. I remember that when I first started at Elliott's there was an open door policy. The Dave Todd's, George Good's and Tom Cashmore's (the senior members of our Company) had plenty of time for me and my questions (albeit sometimes 'stupid' questions - and yes there are 'Stupid' questions). I should be giving others the same courtesy.

Q What type of advice would you provide to a new person either currently in or considering entry into our industry?

If you are considering entry into this business I would say 'just get in!' It's a great career and once you are employed in insurance you can look around at what is offered and decide what you may like to do. The phrase 'Easier to get a job once you have a job' rings so true.

If you are currently in this business I would say 'don't be afraid to try new things'. This business is cyclical. When one line is hard, another is soft. If you have experience in multiple lines you will always be in demand.

Q What do you enjoy doing for extracurricular activities?

Growing up I had six brothers and sisters. You had to compete with them to get time to compete - if that makes any sense. I played Basketball in University, competed in triathlons and the like, but essentially played all the sports. I love the outdoors and was an avid fisherman and hunter with my dad. Now with three kids, I find I am spending a lot of time helping out with their sports and I see coaching/volunteering as my way to give back.



"Meet the Team" from left to right. Allan Truong, Cidalia Raposo, Christine Viswanath, Anne Towns, Jaime Yoon and Rod Spurrell.

Our People

Younes Bounafaa



Q How did you get involved in the Insurance Industry?

Truly by accident. I was finishing my MBA and our recruiting center advised me that I was selected for an interview with AXA Corporate. I understood it was in their financial investment arm but discovered only during the interview that it was an insurance underwriting position. I got hooked at that time and I am still around.

Q What is your current role?

I am Assistant Vice President and Manager of the Environmental Department in the Montreal office, overseeing underwriting and broker relationships management for Quebec and the Maritimes.

Q What brought you to this role?

A headhunter called.



“Meet the Team” from left to right.
Yves Bouchard & Younes Bounafaa

Q If you could summarize the top 3 most important skills of a person in your role, what would they be and why?

- 1 Listen and listen. You need to understand the people, their concerns, and their expectations, both internally and externally. Often, the ‘non-verbal’ messages or the words that were not spoken are the most important ones.
- 2 Be available. An open door policy internally and return calls on the same day. Internally, training is not formalized, it is an ongoing process and your team as well as other colleagues need to know you are always there for them. Returning calls immediately, will show your business partners that you care, and we do!
- 3 Look forward. It is all too easy to fall into the day to day challenge of managing ‘emergencies’. Driving a department involves strategic thinking and knowing where you are going, given your strengths and the business environment. In other words, the day to day duties of the team have to fall within a broader framework that the manager drafts.

Q What type of advice would you provide to a new person either currently in or considering entry into our industry?

- 1 Be open to others. The insurance industry has a very particular characteristic in that you meet people from very different backgrounds (i.e. engineering, law schools, chemistry, commerce, etc.) You can learn a lot if you open your mind to other schools of thought.
- 2 Ask questions to get past all the technical verbiage but then do not hesitate to challenge the answers. The insurance industry is somehow like an old lady whose ‘that’s how we do things’ mantra needs to be challenged from time to time.
- 3 Be patient and persevere. You won’t always get answers as fast as you want, nor will you win every piece of business you work on. However, your professionalism, and the talent you will show while doing so, will be remembered. And it will pay off, one day or another.

Q What do you enjoy doing for extracurricular activities?

I train (or get trained by my better half, depending on who you ask) on a mountain bike. I like the adrenaline rush going on uneven terrain.

I also love photography and have devoted more time (and resources) to it. Capturing the right moment with the right light seems easy but it takes a great deal of patience and trial and error. But satisfaction is guaranteed!

About Markel International

Markel International is a London-based specialty property and casualty insurer. It is a subsidiary of Markel Corporation of Richmond, Virginia, U.S., and writes business through its two commercial entities known as Markel International Insurance Company Limited (MIICL) and Markel Syndicate 3000, a 100-per-cent Markel-owned Lloyd’s corporate syndicate.

- A (Excellent) by A.M. Best

Markel Corporation is rated:

- A (Strong) by Standard & Poor’s.

Recent judgments

Minor Fender Bender costs 5.9 Million

In what appeared to be a minor fender-bender, the Insurance Corporation of British Columbia, (ICBC) and Emergency Room Physician, Dr. Daniel Wallman went to court to settle what appeared at the onset to be a minor claim.



Dr. Wallman's Honda Accord was rear-ended on December 4, 2006 by a Whistler Transit bus. Dr. Wallman and the bus driver exchanged information and subsequently the cost to Dr. Wallman's Accord totalled \$ 673.10. The cost for Dr Wallman's health and overall well-being well exceeded the damage to his car by millions of dollars.

A twenty-nine day trial ensued due to the fact that the ICBC was unable to resolve his personal injury claim. After countless testimonies from character witnesses who spoke to Dr. Wallman's state of health and well-being before and after the minor car accident, the Judge awarded the physician a payout of \$5,944,712.00.

Insurance Corporation of British Columbia

Inches Matter

In the case of sidewalk inspection, maintenance and repair, inches certainly do matter!

On November 25, 2009, Glenda Grayling stubbed her toe on a sidewalk due to the difference in height between the two slabs.

The stubbing of her toe caused her to take four or five quick steps forward and she subsequently fell on her arm and sustained a fracture of her upper arm at the rotator cuff.



In the five day hearing, it was concluded that the Corporation of Haldimand and Mrs. Grayling were both fifty percent liable for the damages suffered by Mrs. Grayling. In the case of sidewalk inspections, the trip ledge which caused the fall was between three-quarters of an inch to one and one quarter inches. In this case the sidewalk should have been repaired. The policy of the Corporation of the County of Haldimand deemed it a Level 3 repair and it should have been scheduled for repair "as soon as practical and if necessary marked for public notice immediately". This was not done and it was also concluded that Mrs. Grayling did not pay enough attention to where she was walking.

Mrs. Grayling was found in favour of to \$215, 000 in damages less \$107,000 for her 50% contributory negligence. Her husband, Kevin Grayling, received \$10,000 for the value of services for nursing and housekeeping and for loss of guidance, care and companionship as a result of his wife's injury. The one and one quarter inches differential in the sidewalk slab certainly made its mark on this case!

Source: Roger R. Foisy

Honesty is the Best Policy

In a trial that lasted four months, the outcome was not what the plaintiff, Mr. George Harshenin had hoped for. He would have been better off had he told the truth in the beginning. The testimony of several witnesses including doctors, found Mr. Harshenin not to be a credible witness.

On Feb 7, 2008, near Castlegar, British Columbia, Mr. Harshenin's vehicle was rear-ended by Mr John MacLeod's vehicle. Mr. Harshenin is maintaining that as a result of the accident he has been forced to sell his snowplowing/street sweeping business to his son, Darren. Mr. MacLeod contends that the plaintiff sold his business because he had wanted to retire. Honesty would play out in this trial as countless anecdotes were given on the credibility of Mr. Harshenin's testimony.

In the end after hearing numerous accounts of the spending habits and travelling patterns of Mr. Harshenin, the Right Honourable Mr. Justice F. W. Cole declined his claim of non-pecuniary damages of \$100,000, past wage loss of \$200,000, future loss of wages of 120,000, special damages of \$36,162.29 and future care costs of \$20,000. The Judge allowed the claim for non-pecuniary damages for \$25,000 and special damages in the amount of \$1000. The Judge was satisfied with the testimony that the plaintiff wanted to retire anyway and thus sold his company to his son and allowed no claim for future wages.

Source: BC Injury Law and ICBC Claims Blog

Stranger than fiction

Life has its ups and downs

Elevator Experience

A safety training instructor was working with several trainees, when the elevator they were using for demonstrations got stuck. Although the trainees got some real world experience, they didn't see it that way. The insurance companies had to pay for the "mental anguish" they suffered as a result of being exposed to what they were training for.



Loose Teeth

A man on an Alaskan cruise apparently lost his dentures overboard, as he was surveying the ocean. He filed a lost baggage claim with the insurance company but was denied.

A Goose and a Diamond

A Texas woman filed a claim for her diamond ring after her goose swallowed it. Apparently she had spent several weeks sifting through goose poop without any luck. The insurance company refused to pay but did suggest dissection. The woman's tough choice was made for her when the goose flew away.

Note: Content in our "Stranger than fiction" column comes from secondary sources rather than original court documents, so Elliott Special Risks cannot guarantee the accuracy of the material featured.

Allsport Insurance Launches Special Event Liability coverage in Alberta, Saskatchewan and Manitoba!



We've offered this in British Columbia since 1988 and now expand our successful product to our prairie neighbours!

Hosts and Organizers of events held at public venues are provided with protection when lawsuits are brought against them.

Sport and Social categories may include:

- Adult Non-contact Recreational Hockey – Seasonal, Annual, hourly, league play, pickup and tournaments
 - Martial Arts
 - Runs / Walks
 - Meetings
 - Film Shoots
 - Sports Tournaments, leagues, schools (other than hockey)
 - Beer Gardens (when insuring the sport activity)
 - Parades / Demonstrations / Festivals
 - Anniversaries, receptions, weddings, dances
 - Theatre events
- ...and much more!

Customized policy terms available to meet your clients' needs – daily, multi-day, seasonal and annual.

Coverage includes Commercial General Liability \$2,000,000 (liquor liability available), Tenant's Legal Liability \$500,000 and facility owner as Additional Insured with \$500 Deductible. Higher limits offered.

Find our applications through the following link:
<http://allsportinsurance.com/products/forms-applications.htm>

Non-sport activities select the Special Event application
Sport activities select the Sports Event application

Email applications to: info@allsportinsurance.com

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Allsport is a Managing General Agent; there is not a requirement for a contract or premium volume. Due to the nature of this specialty business, an administration fee is charged and is written net of commission. Events held at privately owned or residential property do not qualify.

Our Products

Environmental Contractors Package (ECP)

Our Environmental Contractors Package is designed to provide a policy that combines both Commercial General Liability (CGL) and Environmental Impairment Liability (EIL) for contractors.

This package policy is specifically tailored for a variety of environmental contractors including those involved in asbestos, lead and mould remediation.

Coverage Features:

- Up to \$5M capacity for both CGL and EIL, with access to higher limits available
- Can provide split limits if required (e.g. \$5M CGL and \$2M EIL)
- Minimum policy premium of \$5,000
- Minimum CGL deductible of \$2,500, and EIL self-insured retention of \$5,000
- CGL section can be on an occurrence form; EIL section is claims-made

Coverage enhancements for asbestos & mould remediation contractors:

- CGL – our standard occurrence wording with an asbestos and mould exclusion
- EIL – our standard claims-made EIL wording with Products/Completed Operations extension, but no asbestos or mould exclusions
- Covers all non-environmental losses as well as environmental losses relating to asbestos or mould remediation
- Can be written on a stand-alone basis (i.e. a separate policy covering mould/asbestos removal operations only)

Target Classes for contractors other than asbestos & mould remediation contractors:

- Environmental services such as fuel haulers, sewage contractors, HVAC contractors, etc.
- Oil spills clean-up
- Restoration contractors
- Soil/site remediation



Environmental Impairment Liability (EIL)

Our EIL program goes far beyond the Commercial General Liability policy with regards to pollution cover in several important areas:

- It provides gradual and sudden & accidental pollution coverage – extends cover for sudden pollution events such as fire, explosion or sudden spill from a tank or container, as well as gradual seepage
- It covers government-ordered clean-up expenses – provides cover for bodily injury (BI), property damage (PD) and clean-up expenses arising from a pollution event. Most spills are remediated under the supervision of the Ministry of Environment officers, so this cover is very important
- It covers pollution from waste materials – this is especially important for customers in the waste management industry and for other clients with an elevated exposure arising from waste materials

Coverage features:

- Up to \$25M capacity for third party risks
- \$5M capacity available for first party site-specific risks
- Claims-made policy form
- Gradual and sudden & accidental covers for both third party and first party
- Renewal surveys (environmental site assessments) are conducted at our own expense - surveys for new clients are subsidized

Coverage enhancements:

- Difference in Conditions (DIC) Automobile Liability – covers transportation risks including loading and unloading
- Pollution Products/Completed Operations cover – to fill in gap provided by the absolute pollution exclusion in general liability policies
- Contractors Pollution Liability cover - coverage for contractors is available either on a blanket basis or project-specific basis (up to 36 months policy term)
- Above ground or underground storage tanks – including service stations
- Companion policies such as Professional Liability and Commercial General Liability covers are available

Target Classes:

- Contractors such as fuel haulers, sewage contractors, site remediation, HVAC contractors, etc.
- Golf courses
- Hospitals
- Manufacturers
- Municipalities
- Universities
- Waste management risks

Our Products

Biotechnology and Life Sciences Liability (LSL)

This program offers general liability for the Biotechnology, Pharmaceutical, Life Sciences, Medical and Research & Development industry. This best of class coverage includes all the usual extensions and features, along with many custom enhancements tailored to this market segment.

Coverage Features:

- \$10 Million in capacity available
- Excess attachments available
- Legal Costs paid in addition to the Limits of Liability
- Minimum premium \$4,000
- GL and product liability - General Liability on occurrence form - Products on claims made form
- Clinical trials cover, including no-fault clinical trial compensation cover
- Can include Canadian domiciled companies with incidental operations and locations outside Canada
- Ability to customize product to client's needs
- Errors and omissions cover
- Can include U.S. and worldwide sales
- Cover available for manufacturer or sale of medical products, supplies, equipment
- Cosmetics, nutraceuticals, herbaceuticals, food additives, health food supplements, and veterinary products

Information Technology Liability

Our program for information technology consultants provides cover for a full range of risks, including:

- Software designers and providers
- Computer and internet consultants
- Internet services, excluding internet service providers

The program features:

- \$5 Million in capacity available on both E&O and CGL
- \$250,000 in capacity available on Property
- Excess limits available on E&O, CGL and Property
- E&O and CGL Package (cannot write stand alone (E&O))
- Optional Property cover (excluding building cover)
- Broad claims made wording
- Worldwide territory, excluding the USA and USA jurisdiction (available if nominal exposure)



Electronic funds transfer

The insurance industry continues to be targeted by organized cheque fraud artists. At the request of several clients, we can now accept electronic transfer of funds (EFT).

If you wish to use these facilities for account settlement, please contact Laetitia Bourdin at (514) 849-4992 or lbourdin@elliottsr.com.

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The information in this newsletter is intended to be general in nature and should not be construed as specific recommendations, nor as a substitute for the advice of a professional insurance broker who is familiar with a client's particular exposures or circumstances. Aussi disponible en français.

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