

# Canada Complaints Management Guide

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# 1 Introduction

## 1.1 Purpose

The purpose of the guide is to define the processes that have been implemented to meet Canadian regulatory expectations with respect to the management of complaints.

## 1.2 Role of the Chief Regulatory & Compliance Officer, Canada (CRCO)

The Chief Regulatory and Compliance Officer, Canada (CRCO) is responsible for establishing and ensuring compliance with the Canadian Regulatory requirements with regards to complaint management.

For Canadian regulatory purposes, the CRCO is the designated as the Canadian Complaints Manager/Ombudsman for Lloyd's in Canada.

# 2 Definitions

## 2.1 A consumer:

A consumer means all current and prospective customers of insurance products.

## 2.2 Complaint:

Complaint means any reproach or dissatisfaction expressed either in writing or verbally, in respect of a service or product offered by Lloyd's Underwriters related to a policy or claim issued by Lloyd's Underwriters Canada.

## 2.3 Reportable Complaint to Lloyd's Canada:

A Reportable Complaint means any reproach or dissatisfaction expressed either in writing or verbally, in respect of a service or product offered by Lloyd's Underwriters related to a policy or claim issued by Lloyd's Underwriters Canada that could not be resolved immediately, nor a plan agreed with the party to resolve the matter at initial contact, to the satisfaction of the party voicing the concern.

Reportable complaints will follow the tier one/tier two processes.

The Market must apply judgment when determining if a complaint is reportable. In a case when it is unclear or there is doubt, the complaint must be treated as a reportable complaint.

**For the purpose of this guide, the rest of this document only refers to reportable complaints, when the term "complaint" is used.**

## 2.4 Tier One Complaint:

A tier one complaint is a complaint that can be addressed within 20 days by the Lloyd's Market (for example, Coverholders, Third Party Claims Administrators, and managing agents).

## 2.5 Tier Two Complaint:

A tier two complaint is a complaint that has been escalated to the Complaints Management Office. The Complaints Management Office means the Lloyd's Canada, Chief Regulatory & Compliance Officer (CRCO) who is the designated Complaints Manager/Ombudsman. The CRCO delegates the handling and response of a tier two complaint to the Lloyd's Complaints Department in Canada (LCD).

## 3 Process

### 3.1 Receiving Complaints

Complaints related to a Canadian policy or claim should be sent to the Lloyd's Canada Service Desk at [info@lloyds.ca](mailto:info@lloyds.ca) immediately.

Complaints can be initiated by a complainant either by mail, phone, or email.

If the complaint is received verbally, the complainant will be encouraged to provide a written complaint. However, if they are unable to do so, the complaint will be summarized in writing by the service desk team. A copy of the complaint summary will be sent back to the complainant either by email or mail.

All complaints are acknowledged by the Lloyd's Canada Service Desk within two business days of the complaint being received by them.

In the event that a complaint is received through a regulatory body, this will initiate the Complaint process. As well, there may be an obligation to respond to the regulatory body which will be done by the Lloyd's Canada Service Desk.

Coverholders must ensure they notify their managing agents of the complaint directly.

The complaint received date to be used by managing agents is the date the complaint was acknowledged by Lloyd's Canada Service Desk and forwarded to the applicable Market participant (Coverholder, TPA, managing agent).

### 3.2 Assessing and Assigning Complaints

Complaints will be assigned for a tier one review assuming that the concerns can be addressed within **20 Calendar Days** by the Market Participant.

Complaints of a serious nature (allegations of fraud, material misrepresentation, or misconduct) may be escalated directly to a tier two review. The CRCO may also, at their discretion, select complaints to review personally, (instead of the LCD team) which are deemed as exceptions.

Where there is an obligation to respond to the regulatory body, the response will be managed by the CRCO.

### 3.3 Analysis and Response Tier One

Tier one complaints are reviewed and responded to by the applicable Market participant (Coverholder, TPA, managing agent), within 20 calendar days.

Tier One response letters, regardless of the resolution, must contain the internal and external escalation wording as below.

Should you remain dissatisfied with this response, you may request that we refer your complaint to:

Lloyd's Complaints Department

Royal Bank Plaza South Tower

200 Bay Street

Suite 2930

PO Box 51

Toronto

Ontario

M5J 2J2

Tel: 1-877-455-6937

Email: [info@lloyds.ca](mailto:info@lloyds.ca)

who will review the complaint and reply to you directly.

Also note that if your concerns are not addressed to your satisfaction, you have the right to continue to pursue the complaint with:

1. General Insurance OmbudService (GIO): assists in the resolution of conflicts between insurance customers and their insurance companies. The GIO can be reached at: Toll free number: 1-877-225-0446 [www.giocanada.org](http://www.giocanada.org)
2. And/or, for Québec complainants: Autorité des marchés financiers (AMF): Toll Free: 1-877-525-0337 Québec: (418) 525-0337 Montréal: (514) 395-0311 [www.lautorite.qc.ca](http://www.lautorite.qc.ca)

If you are unable to issue a tier one response to the complaint within 20 calendar days, you should request an extension to the deadline from LCD and issue an update to the complainant explaining when you expect to be able to issue your tier one response. **NB** You should not include referral rights to Lloyd's Complaints department, GIO, AMF nor FCAC in this update.

### 3.4 Escalation to Tier Two

After a tier one review, should a complainant remain unsatisfied, the complainant may request a review of their concerns by the Complaint's Manager.

As well, some claimants may escalate directly to tier two review if the circumstances require.

When requested, the Service Desk will escalate the complaint to the Lloyd's Complaints Department ("LCD") who may delegate this complaint to Lloyd's Complaints team in the UK. The CRCO may review tier two complaints personally when a regulatory authority or Industry Ombudsman is involved, or at the discretion of the CRCO as they see needed.

Tier two responses must be issued within 56 days of receipt of the escalation request. Response letters must contain the external escalation wording.

#### The Financial Consumer Agency of Canada

The Financial Consumer Agency of Canada (FCAC) investigates complaints about financial institutions that relate to possible breaches of market conduct obligations. This can be a breach of a law, regulation, code of conduct or public commitment. Regulated Entities (REs) must submit any reportable compliance issue within 56 days of the compliance issue being reported to their compliance division.

According to sections 486, 486.1 and 487 of the Insurance Companies Act and related regulations, insurance companies must:

- file their complaint-handling guides with FCAC's Commissioner,
- include information about how consumers can contact FCAC,
- include access to an independent organization responsible for dealing with customer complaints that have not been resolved to the customer's satisfaction through the complaint-handling guides,
- post the guides on their websites offering products or services in Canada,
- provide the guides in writing to anyone who requests them.

Insurance companies must also refile a copy of their complaint-handling guides when a significant change to their guides has been made.