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Bulletin

No. A-06/03

Property & Casualty

- Auto

Filing & Other Regulatory Requirements for Paralegals (SABS Representatives)

The purpose of this bulletin is to provide information concerning the new requirements for individuals who are not lawyers and who provide representation to claimants under the Statutory Accident Benefits Schedule ("SABS representatives"), in order to comply with the amendments to the *Insurance Act* introduced by the *Keeping the Promise for a Strong Economy Act (Budget Measures)*, *2002* (Bill 198).

As announced in Bulletin A-04/03 *(Implementing Bill 198: New and Amending Regulations)*, the provisions applicable to SABS representatives come into force on November 1, 2003.

As a result of these changes, no one may act as an adviser, consultant or representative on behalf of a person concerning a claim for statutory accident benefits, unless the representative meets the requirements set out in the regulations. This includes, for example, a person who does any of the following activities concerning a claim for statutory accident benefits:

- advises another person about his or her rights under the SABS;
- completes or assists in completing application forms;
- discusses and negotiates with an insurer or adjuster;
- attends dispute resolution proceedings at FSCO, in Small Claims Court or private arbitration; or

- negotiates the settlement of SABS claims.

The regulations require SABS representatives to file information required by the Superintendent with the Financial Services Commission of Ontario (FSCO); carry errors & omissions (e & o) liability insurance coverage of $1,000,000 in respect of any one occurrence; and refrain from acting for any individual who they know, or ought reasonably to know, has a catastrophic impairment as defined in the SABS (O. Regulation 664 amended by O. Reg 275/03).

The regulations also amend the definition of "unfair or deceptive acts or practices" to prohibit the following conduct by SABS representatives:

- charging fees under a contingency fee arrangement;
- paying or accepting referral fees;
- committing an act or omission inconsistent with a Code of Conduct issued by the Superintendent; and
- failing to disclose any conflict of interest to the claimant and the insurer (O. Reg. 7/00 amended by O. Reg. 278/03).

Lawyers acting in the usual course of the practice of law and insurer representatives are exempt from these requirements. Lawyers' employees are also exempt, provided they act only under the direct supervision of a lawyer who is retained, or whose law firm is retained, by the claimant.

Persons who provide representation without compensation (such as a friend or family member who assists a claimant in an informal and unpaid manner) are also exempt from these requirements. However, a person is considered to be providing representation for "compensation" if he or she receives, directly or indirectly, a financial benefit in connection with the claimant's representation. Individuals who are paid service providers who combine the provision of health care or other services with claimant representation, must comply with these requirements.

Filing requirements for SABS representatives

All SABS representatives must file a declaration form with FSCO before November 1, 2003. Anyone who becomes a SABS representative after November 1, 2003, will need to file before engaging in the activities of a SABS representative. SABS representatives may commence filing with FSCO on September 2, 2003. In addition, he or she must re-file on or before the renewal date of his or her e & o liability insurance policy and any time the filed information changes (e.g. change to personal or business information, change to e & o liability insurance, or ceasing to act as a SABS representative).

The required information in the declaration includes basic personal identification information (name, home address and contact information); business information (business name, business address, and contact information); details of e & o liability insurance (information on the broker or agent, insurance company, and policy), confirmation and signature. There is no fee for this filing. The declaration is not an application for a licence or registration.

The easy-to-use e-filing service will be available through FSCO's website at www.fsco.gov.on.ca beginning September 2, 2003. Simply go to the Paralegals / SABS Representatives page of FSCO's website, which can be accessed through the Insurance or Consumers sections. A copy of the web page filing form is included with this bulletin for your reference.

A searchable list of SABS representatives who have filed with FSCO will be posted on the Paralegals / SABS Representatives page of FSCO's website at www.fsco.gov.on.ca Only the SABS representative's name, business name, and city in which he/she does business will be posted; no personal information will be posted. This list will ensure that claimants and insurance industry participants can verify that a SABS representative has filed with FSCO. It does not mean, however, that FSCO has endorsed the services or qualifications of the persons whose names are on the list.

A SABS representative who fails to file or fails to update the filing as required, is in violation of the Insurance Act and is not entitled to act as a SABS representative. He or she may also be subject to prosecution and administrative action taken by the Superintendent. Effective November 1, 2003, FSCO will not accept an application in any dispute resolution proceeding from a SABS representative who has not filed. Nor will FSCO allow a SABS representative to participate in existing proceedings after the deadline, if he or she has not filed.

SABS representatives are required to obtain e & o liability insurance coverage

Effective November 1, 2003, all SABS representatives must have e & o liability insurance coverage. This insurance may be available to some SABS representatives through membership in one of the paralegal associations. If not, he or she will need to obtain insurance directly. Please contact your insurance broker or agent directly for more information or ask them to contact ENCON Group Inc., which currently arranges this coverage.

A SABS representative must obtain and continue to maintain e & o liability insurance coverage in an amount that is not less than $1,000,000 in respect of any one occurrence, with an overall policy aggregate limit of at least $1,000,000 per person. The deductible must not exceed $5,000 in respect of any one occurrence.

Information with respect to the policy must be provided to FSCO when making and filing the declaration. In addition, if requested by FSCO, a SABS representative must provide a copy of the insurance certificate or policy.

SABS representatives are required to adhere to a code of conduct

The Code of Conduct for Statutory Accident Benefit Representatives (Code), issued by the Superintendent, sets out the standards of conduct expected of SABS representatives. The Code also includes requirements set out in legislation and regulation so as to be a comprehensive document.

A copy of the Code is attached. The Code is made under authority of the Insurance Act (Act) and subsection 4(1) of Ontario Regulation 7/00, as amended. The effective date is November 1, 2003. The Code governs the conduct of all SABS representatives, whether or not they appear in dispute resolution proceedings at FSCO.

A link to the Code is posted on the Paralegals / SABS Representatives page of FSCO's website at www.fsco.gov.on.ca The Code will also be published in The Ontario Gazette. A copy may also be obtained by contacting FSCO. See contact information at the end of the document.

Additional information is available

Answers to frequently asked questions are attached. Further information is available through the Paralegals / SABS Representatives page of FSCO's website. Simply go to the Insurance or Consumers sections of FSCO's website to locate the link.

If you have questions about the requirements, new regulatory changes or the Code and how it applies to you, please contact FSCO at 416-250-7250 or 1-800-668-0128, or by e-mail at paralegalinfo@fsco.gov.on.ca

Bryan P. Davies

Chief Executive Officer and

Superintendent of Financial Services

July 28, 2003

Attachments (PDF):

- Code of Conduct for Statutory Accident Benefit Representatives
- Filing & Other Regulatory Requirements for Paralegals (SABS Representatives)

To view PDF files, you will require Adobe Acrobat® Reader version 7.0. You can download this free software from Adobe's Web site.

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Financial Services Commission of Ontario

Commission des services financiers de l'Ontario

July 2003

CODE OF CONDUCT FOR STATUTORY ACCIDENT BENEFIT REPRESENTATIVES

Issued by the Superintendent of Financial Services
Effective November 1, 2003

Preamble

The purpose of the *Code of Conduct for Statutory Accident Benefit Representatives* (Code) is to set out the standards of conduct that must be met by those who advise and represent persons injured in automobile accidents concerning the entitlement of such persons to benefits under the *Statutory Accident Benefits Schedule* (SABS).

The Code is issued by the Superintendent of Financial Services of the Financial Services Commission of Ontario (FSCO) under the authority of the *Insurance Act* (Act) and subsection 4(1) of Ontario Regulation 7/00, as amended. The effective date is November 1, 2003.

The Code governs the conduct of SABS representatives, whether or not they appear in dispute resolution proceedings at FSCO.

The legislative requirements that apply to SABS representatives are set out in sections 398 and 284.1 of the Act, and in regulations made under the Act. They prohibit a person, other than a lawyer acting in the usual course of the practice of law, from engaging in various functions on behalf of a claimant, including representing a claimant in dispute resolution proceedings, unless the representative has met the conditions established by regulations. These functions are commonly undertaken by persons known as “paralegals” who, for purposes of this Code, are referred to as “SABS representatives” or “representatives.”

SABS representatives perform a wide variety of services on behalf of claimants. These include, for example, the following activities concerning a claim for statutory accident benefits:

- advising another person about his or her rights under the SABS;
- completing or assisting in completing application forms;
- discussing and negotiating with an insurer or adjuster;
- attending dispute resolution proceedings at FSCO, in Small Claims Court or private arbitration; or
- negotiating the settlement of SABS claims.

The Code recognizes that SABS representatives have obligations and responsibilities that must be met. Some of these responsibilities are broad, conduct-based “Standards of Conduct” as set out under the headings: *Honesty, Competence, Courtesy,* and *Representation Obligations.* Other responsibilities are specific regulatory requirements. These are set out under the headings: *Errors and Omissions Insurance*, *Catastrophically Impaired Claimants, Unfair or Deceptive Acts or Practices* and *Obligations to FSCO.*

The Code does not apply to persons who provide advice or representation without compensation, such as a friend or family member who assists a claimant in an informal and unpaid manner.[1]

Nor does the Code apply to insurers' representatives or to lawyers acting in the usual course of the practice of law and their employees, if certain conditions apply.[2] Although these persons are not governed by this Code, it is nonetheless expected that they will observe the Standards of Conduct.

SABS representatives who fail to act in a manner consistent with this Code will be subject to administrative action taken by the Superintendent and to prosecution under the Act.

July 2003

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1 A person is considered to be representing another person for compensation if he or she receives or is entitled to receive, directly or indirectly from any source, a financial benefit in connection with the representation of the person, whether the financial benefit is wages, fees or another form of consideration or remuneration. See Ontario Regulation 664, as amended, s. 19(2).

2 The person must be an employee of a lawyer, or firm of lawyers, and in respect of any claim for benefits under the SABS, act only under the direct supervision and direction of a lawyer. The lawyer must be a member in good standing of, and carry professional liability insurance required by, the Law Society of Upper Canada. The lawyer or the law firm must have been retained in respect of the claim. See Ontario Regulation 664, as amended, s. 18(b).

Part 1: Definitions

1.1 "Claimant" refers to a person who is seeking advice, assistance or representation concerning his or her entitlement to statutory accident benefits.

1.2 "Conflict of interest" of a representative relating to a claim for statutory accident benefits means that,

(1) the representative could receive, directly or indirectly, a financial benefit that arises out of the claim, other than compensation for providing a service referred to in subsection 398(1) of the *Insurance Act* or for representing a claimant; or

(2) anyone related to the representative may receive, directly or indirectly, a financial benefit that arises out of the claim.

For the purpose of clause (1), a financial benefit arises out of a claim for statutory accident benefits where the benefit is related to the claim and would not have arisen if the claim had not been made.

For the purpose of clause (2),

(a) a person is related to another person if,

- (i) one person is the spouse or same-sex partner of the other person,
- (ii) one person is connected with the other person by blood relationship or adoption, or
- (iii) one person is connected by blood relationship to the spouse or same-sex partner of the other person;

(b) persons are connected by blood relationship if,

- (i) one is the child or other descendant of the other person, or
- (ii) one is the brother or sister of the other person; and

(c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of,

- (i) the other person, or
- (ii) a person who is connected by blood relationship to the other person but is not the brother or sister of the other person.

1.3 "Contingency fee arrangement" includes an agreement under which a fee or other compensation is paid for the provision of services in an amount that is contingent, in whole or in part, on the successful disposition or completion of the matter in respect of which the services are provided.

1.4 "FSCO" refers to the Financial Services Commission of Ontario.

1.5 "Representative" refers to a person who engages in the activities described under subsection 398(1) of the *Insurance Act* on behalf of a claimant or provides representation for compensation to someone in a proceeding under sections 279 to 284 of the *Insurance Act*, but does not include,

(a) a barrister and solicitor acting in the usual course of the practice of law, or

.

(b) an employee of a barrister and solicitor, or a firm of barristers and solicitors, who, in respect of any claim for statutory accident benefits, acts only under the direct supervision and direction of a barrister and solicitor who,

(i) is a member in good standing of the Law Society of Upper Canada,
(ii) carries such professional liability insurance as the Law Society of Upper Canada requires, and
(iii) is retained in respect of the claim or is a member of a firm that is retained in respect of the claim.

1.6 "Superintendent" refers to the Superintendent of Financial Services.

Part 2: Standards of Conduct: *Honesty, Competence, Courtesy, Representation Obligations*

Honesty

2.1 A representative must act honestly in dealing with the claimant, the insurer and its representatives, FSCO, and all participants in any dispute resolution process.

2.2 A representative must not put forward any information he or she knows is untrue, or assist or encourage a claimant to do anything that is dishonest or misrepresents the facts.

Competence

2.3 A representative must have a reasonable understanding of the substantive law and procedural requirements governing statutory accident benefit claims. This includes, but is not limited to, a reasonable understanding of the relevant requirements of the:

(a) *Insurance Act;*
(b) Statutory Powers Procedure Act;
(c) Statutory Accident Benefits Schedule;
(d) Dispute Resolution Practice Code;
(e) application forms and other Superintendent-approved forms;
(f) Superintendent's Guidelines; and
(g) case law from arbitrators and courts.

2.4 A representative must possess adequate skills, attributes and abilities appropriate to each matter undertaken on behalf of a claimant. A representative must only provide services in those cases for which he or she is competent.

2.5 A representative must prepare adequately for each step in the claims process and any dispute resolution proceeding.

2.6 At the claims stage, the representative must correctly and fully complete any forms required for making a claim or for taking any step in connection with the claim.

2.7 At the negotiation and dispute resolution stage, the representative must have a reasonable understanding of the facts and law, and the ability to present them in a reasonable and fair manner.

Courtesy

2.8 A representative must treat all participants in the claims process and any dispute resolution proceedings with courtesy, respect and fair-dealing, including the claimant, the insurer and its representatives, other parties and their representatives, witnesses, interpreters, court reporters, adjudicators, FSCO staff, mediators, arbitrators and appeal delegates.

Representation Obligations

2.9 A representative must diligently represent the interests of the claimant.

2.10 A representative must demonstrate a proper understanding of and willingness to comply with the duties of a representative, including:

- advising the claimant that he or she is not a lawyer;
- fully disclosing, in writing, the fees and any other remuneration the representative charges and payment terms and conditions, before being retained;
- keeping information received from or concerning the claimant strictly confidential and not disclosing such information unless expressly or impliedly authorized by the claimant or permitted or required by law;
- not misrepresenting his or her qualifications or experience; and
- obtaining appropriate written authorization before providing representation on behalf of a claimant.

2.11 A representative must appear promptly for, and participate in good faith in, all dispute resolution proceedings for which he or she has received notification.

2.12 A representative must participate in procedural and settlement discussions in good faith at every stage in the dispute resolution process in order to resolve any issues in the proceedings early and without a formal hearing.

2.13 A representative must comply with all procedural requirements that apply to the proceedings, including the procedural requirements contained in the *Dispute Resolution Practice Code,* and with any orders or directions given by a mediator or adjudicator.

2.14 A representative must not engage in conduct that is an abuse of the claims process or dispute resolution process by instituting claims or proceedings, or taking any action in the course of a claim or proceeding, for the dominant purpose of harassing the insurer or causing expenses to be incurred without reasonable cause.

Part 3: Regulatory Requirements: *Errors and Omissions Insurance, Catastrophically Impaired Claimants, Unfair or Deceptive Acts or Practices, Obligations to FSCO*

Errors and Omissions Insurance

3.1 A representative must obtain and continue to maintain errors and omissions liability insurance acceptable to the Superintendent in an amount of not less than $1,000,000 in respect of any one occurrence, with an overall policy aggregate limit of at least $1,000,000 per person.

3.2 The deductible must not exceed $5,000 in respect of any one occurrence.

Catastrophically Impaired Claimants

3.3 A representative must not provide services in respect of a claim by a person whom the representative knows, or ought reasonably to know, has sustained a catastrophic impairment as that term is defined in the *Statutory Accident Benefits Schedule.*

3.4 The representative must make appropriate inquiries to satisfy himself or herself that the claimant does not have a catastrophic impairment.

Unfair or Deceptive Acts or Practices

3.5 A representative must not solicit, accept or demand a fee under a contingency fee arrangement.

3.6 A representative must not solicit, accept or demand a referral fee, directly or indirectly, from another person who provides goods or services to or for the benefit of anyone who claims statutory accident benefits.

3.7 A representative must not pay a referral fee, directly or indirectly, to another person who provides goods or services to or for the benefit of anyone who claims statutory accident benefits.

3.8 A representative must not commit an act or omission that is inconsistent with the *Code of Conduct for Statutory Accident Benefit Representatives* issued by the Superintendent and published in *The Ontario Gazette*, as it may be amended from time to time.

3.9 A representative who has a conflict of interest relating to a claim for statutory accident benefits must disclose the conflict to anyone who claims the benefits and to the appropriate insurer.

Obligations to FSCO

3.10 A representative must file with the Superintendent such information as the Superintendent requires. This includes completing and filing an approved declaration with FSCO as often as required by the Superintendent.

3.11 A representative must respond to a request for information from FSCO fully and promptly, when requested to do so.

3.12 A representative may state, if true, that he or she has satisfied the FSCO filing requirements and is legally permitted to advise and represent persons claiming statutory accident benefits. However, a representative must not represent or hold out in any way, directly or indirectly, that FSCO has endorsed his or her services or qualifications.

Filing & Other Regulatory Requirements for Paralegals (SABS Representatives)

Questions & Answers

1. What is a filing?

A filing is a declaration by the SABS representative confirming that he or she has met all of the requirements of the regulations and is in compliance with the Code of Conduct issued by the Superintendent. It also provides the Financial Services Commission of Ontario (FSCO) with personal identification information, business information and details of a SABS representative's errors & omission (e & o) liability insurance. It is not an application for a licence or registration.

2. Who has to file?

Anyone who acts as an adviser, consultant, or representative on behalf of a person concerning a claim for statutory accident benefits must file with FSCO, effective November 1, 2003. These representatives may use different titles, but are often referred to as "paralegals" or "SABS representatives." The latter term is used for clarity to denote individuals who are not lawyers and who provide representation in SABS claims.

3. I am a SABS representative but I don't attend dispute resolution proceedings at FSCO, do I still have to file?

Yes. The requirements apply to all SABS representatives whether or not they attend dispute resolution proceedings at FSCO. SABS representatives who appear in Small Claims Court or private arbitration, or who help claimants fill out forms, negotiate settlements with adjusters and insurers and provide advice about entitlement to statutory accident benefits, are all required to file.

4. I am currently licensed with FSCO as an adjuster and I act for SABS claimants. Am I subject to the filing and other requirements?

Yes. However, adjusters who only provide adjuster services on behalf of insurance companies are exempt from all the requirements.

5. Are there any other regulatory requirements, besides filing a declaration, that apply to SABS representatives?

Yes. The regulations require SABS representatives to carry e & o liability insurance coverage of $1,000,000 in respect of any one occurrence; and refrain from acting for any individual who they know, or ought reasonably to know, has a catastrophic impairment as defined in the SABS (O. Regulation 664 amended by O. Reg 275/03).

The regulations also amend the definition of "unfair or deceptive acts or practices" to prohibit the following conduct by SABS representatives:

- charging fees under a contingency fee arrangement;
- paying or accepting referral fees;
- committing an act or omission inconsistent with the Code of Conduct issued by the Superintendent; and
- failing to disclose any conflict of interest, as defined in the regulation, to the claimant and the insurer (O. Reg. 7/00 amended by O. Reg. 278/03).

6. Who is exempt from the requirements?

Lawyers acting in the usual course of the practice of law, and insurer representatives, are exempt from these requirements. Lawyers' employees are also exempt, provided they act only under the direct supervision of a lawyer who is retained, or whose law firm is retained, by the claimant.

Persons who provide representation without compensation (such as a friend or family member who assists a claimant in an informal and unpaid manner) are also exempt from these requirements. However, a person is considered to be providing representation for "compensation" if he or she receives, directly or indirectly, a financial benefit in connection with the claimant's representation. Individuals who are paid service providers who combine the provision of health care or other services with claimant representation, must comply with these requirements.

7. When is filing of the declaration required?

All SABS representatives must file a declaration form with FSCO before November 1, 2003. SABS representatives may commence filing with FSCO on September 2, 2003. SABS representatives are encouraged to file early to ensure their filing is received and processed by FSCO prior to November 1, 2003. Anyone who becomes a SABS representative after November 1, 2003, will need to file before engaging in the activities of a SABS representative.

8. What information is required in the declaration filed with FSCO?

The required information in the declaration includes basic personal identification information (name, home address and contact information); business information (business name, business address, and contact information); details of e & o liability insurance (information on the broker or agent, insurance company, and policy), confirmation of compliance and signature. The filing requirement applies to individuals, not to businesses. However, any business or organization under which the person operates must be identified.

9. Is there a filing fee?

No.

10. Why does a SABS representative have to file and make a declaration with FSCO?

In order to comply with the amendments to the *Insurance Act* introduced under the *Keeping the Promise for a Strong Economy Act (Budget Measures), 2002 (*Bill 198), SABS representatives are required to file with FSCO.

11. How do I file the declaration?

The convenient and secure on-line declaration can be quickly completed and submitted through FSCO's website at www.fsco.gov.on.ca. Simply go to the *Paralegals / SABS Representatives* page of FSCO's website, which is accessed through the *Insurance* or *Consumers* sections of the site.

You must have an e-mail address to file electronically. FSCO will use this e-mail address to confirm that your filing has been processed, and to notify you when your renewal date is approaching.

12. How often does a SABS representative have to file with FSCO?

A SABS representative must re-file on or before the renewal date of his or her e & o liability insurance policy, and any time the filed information changes (e.g. change to personal or business information, change to e & o liability insurance, or ceasing to act as a SABS representative).

13. What if a SABS representative fails to file a declaration with FSCO by November 1, 2003?

A SABS representative who fails to file or fails to update the filing as required, is in violation of the *Insurance Act* and is not entitled to act as a SABS representative. He or she may also be subject to prosecution and administrative action taken by the Superintendent. After November 1, 2003, FSCO will not accept an application in any dispute resolution proceeding from a SABS representative who has not filed. Nor will FSCO allow a SABS representative to participate in existing proceedings after the deadline, if he or she has not filed.

14. What does FSCO do with the declaration?

A searchable list of SABS representatives who have filed with FSCO will be posted in the *Paralegals / SABS Representatives* page of FSCO's website at www.fsco.gov.on.ca. Only the SABS representative's name, business name, and city in which he/she does business will be posted; no personal information will be posted. This list will ensure that claimants and insurance industry participants can verify that a SABS representative has filed with FSCO. It does not mean, however, that FSCO has endorsed the services or qualifications of the persons whose names are on the list.

15. How soon after I have filed with FSCO can I act as a SABS representative?

As soon as your name appears on the list, you may begin providing services as a SABS representative. On-line filing of a declaration through FSCO's website for the initial filing should ensure your name and business name will be listed the following business day. Renewals or changes to the declaration will be updated automatically with no delays.

16. Why is a SABS Representative's information posted on FSCO's website?

This ensures that stakeholders, such as claimants, insurers, adjusters, service providers and dispute resolution staff, can easily verify that a SABS representative has filed.

FSCO is not endorsing SABS representatives, vouching for their qualifications or advocating their use. However, the website will allow the public to confirm that a SABS representative has filed with FSCO. Only the SABS representative's name, business name and the city in which he or she does business will be indicated; no personal information will be posted.

17. Once a SABS representative has filed, does FSCO issue a licence or registration certificate?

No. FSCO is not licensing or registering SABS representatives.

18. Can a SABS representative tell people that he or she is licensed or endorsed by FSCO?

No. A SABS representative may not indicate in any way that he or she is licensed or that his or her services or qualifications as a SABS representative are endorsed by FSCO. After filing a declaration with FSCO, the SABS representative may tell people that he or she has filed and is legally permitted to advise and represent persons claiming statutory accident benefits, as long as his or her name appears on FSCO's web listing.

19. If someone's name is on the list, does that mean they've been screened by or are approved by FSCO?

No, it only indicates that they have filed a declaration with FSCO.

20. How does a SABS representative make changes to his/her filing information, and how does he or she renew?

He or she can go to the *Paralegals / SABS Representatives* page of FSCO's website at www.fsco.gov.on.ca, which can be accessed through the *Insurance* or *Consumers* sections of the site, to make changes to the filed information, or to renew.

21. Can I use the on-line filing system to notify FSCO of a name change?

No, not at this time. Any SABS representative submitting a request for a name change must submit a written request to FSCO and provide the legal proof coinciding with his/her request. The FSCO website list for SABS representatives will be updated accordingly.

22. What is the Code of Conduct? How do I obtain a copy?

The *Code of Conduct for Statutory Accident Benefit Representatives* (Code), issued by the Superintendent, sets out the standards of conduct expected of SABS representatives. The Code also includes requirements set out in legislation and regulation so as to be a comprehensive document.

The Code is made under authority of the *Insurance Act* (*Act)* and subsection 4(1) of Ontario Regulation 7/00, as amended. The effective date is November 1, 2003. The Code governs the conduct of all SABS representatives, whether or not they appear in dispute resolution proceedings at FSCO.

A link to the Code is posted on the *Paralegals / SABS Representatives* page of FSCO's website at www.fsco.gov.on.ca. The Code will also be published in *The Ontario Gazette*. A copy may also be obtained by contacting FSCO. See contact information at the end of the document.

23. Where can a SABS representative get errors and omissions insurance?

Effective November 1, 2003, all SABS representatives must have e & o liability insurance coverage. This insurance may be available to some SABS representatives through membership in one of the paralegal associations. If not, he or she will need to obtain insurance directly. Please contact your insurance broker or agent directly for more information or ask them to contact ENCON Group Inc., which currently arranges this coverage.

A SABS representative must obtain and continue to maintain e & o liability insurance coverage in an amount that is not less than $1,000,000 in respect of any one occurrence, with an overall policy aggregate limit of at least $1,000,000 per person. The deductible must not exceed $5,000 in respect of any one occurrence.

Information with respect to the policy must be provided to FSCO when making and filing the declaration. In addition, if requested by FSCO, a SABS representative must provide a copy of the insurance certificate or policy.

24. What kind of security features are in place in the on-line system for making and filing the declaration?

No special computer or software is required, just Internet access. The system is available 24 hours a day, seven days a week. It can be accessed through the *Paralegals / SABS Representatives* page of FSCO's website at www.fsco.gov.on.ca, through the *Insurance* or *Consumers* sections of the site.

The confidentiality and security of the information provided on-line via the secure server is paramount to FSCO. Extensive security features have been incorporated into the system. The system protects your information and privacy by Secure Sockets Layer or SSL which allows data flowing between two computers on the Internet to be encrypted. It is used on the Web whenever a high degree of security is required.

25. Does a SABS representative require a password or PIN number to use the on-line e-filing service?

Yes. For security reasons each user is assigned a PIN number (5 digit number) by FSCO. It acts as a password into the system and should be stored in a safe place for future use. The PIN number will automatically be e-mailed after the initial filing is processed and the SABS representative's name is listed on the FSCO web site.

26. What if I forget my PIN?

As part of the initial filing process you will be asked to submit a question to which only you can provide the answer. Should you forget your PIN in the future, the system will pose this question back to you. A successful answer will allow you to retrieve your PIN. Both the question and the answer should be clear and precise.

27. When will the system ask for my PIN?

On subsequent attempts to use the system it will prompt you to enter your FSCO PIN. Simply type it into the appropriate field and click "Continue".

28. Is there someone a SABS representative can contact if he or she has questions about the on-line e-filing system or any other issues related to the legal requirements for paralegals ?

Yes. Please contact FSCO at 416-250-7250 or 1-800-668-0128, or by e-mail at paralegalinfo@fsco.gov.on.ca.

29. If a SABS representative doesn't have a computer, how does he or she file electronically?

Go to any public library to access the Internet. The North York branch of the Toronto Public Library is accessible from the building complex where FSCO's offices are located.

Another alternative is to use the public access computer on the 14th Floor at FSCO's offices, located at 5160 Yonge Street.

You must have an e-mail address to file electronically. FSCO will use this e-mail address to confirm that your filing has been processed, and to notify you when your renewal date is approaching.

If you are unable to file electronically please contact FSCO at 416-250-7250 or 1-800-668-0128, or by e-mail at paralegalinfo@fsco.gov.on.ca.

30. Can a SABS representative come to FSCO to file the declaration in person?

Yes. There will be a convenient FSCO Resource Computer located in the reception area on the 14th Floor at 5160 Yonge Street. On this computer, SABS representatives may obtain free access to FSCO's website, including the easy-to-use on-line e-filing service for SABS representatives. FSCO will review all filing information that is submitted to ensure it is complete, before an individual may act as a SABS representative; please note that you will not be able to file the information and act as a SABS representative on the same day.

31. Is the electronic information provided in this filing governed by requirements under the *Insurance Act*?

Yes. Providing false, misleading or incomplete information is an offence under the *Insurance Act*, and doing so may be sufficient grounds to reject the filing, or result in a prosecution. The offence is punishable on conviction by a maximum fine of $100,000 for a first conviction and a maximum fine of $200,000 for any subsequent conviction.

32. Will the information submitted be accessible to others under *Freedom of Information and Protection of Privacy* Legislation?

The *Freedom of Information and Protection of Privacy Act (FOIPOP)* governs what information is considered personal and what information can be released in an access request. The personal information gathered on-line on this website is collected under the authority of the *Insurance Act.* Any personal information that is provided will only be used by FSCO to ensure the requirements of the Act are met. Your information will not be disclosed to anyone else, except as may be authorized by law.

33. Who do I contact if I have a complaint concerning a SABS representative?

Effective November 1, 2003, if you have a complaint concerning a SABS representative please contact the Office of the Insurance Ombudsman at 416-250-7250 or 1-800-668-0128, or by e-mail at paralegalinfo@fsco.gov.on.ca.

34. If I require additional information, who can I call?

If you have questions about the requirements, new regulatory changes or the Code of Conduct and how it applies to you, please contact FSCO at 416-250-7250 or 1-800-668-0128, or by e-mail at paralegalinfo@fsco.gov.on.ca.