



# RIMS CANADA™

NEWSLETTER | Brought to you by the RIMS CANADA COUNCIL

## 2018 RIMS Canada Conference Comes to St. John's



**T**his year, St. John's, Newfoundland and Labrador, will host the annual RIMS Canada Conference from September 23-26. With a theme that promises "Oceans of Opportunity," the event is sure to provide a memorable experience for the risk management community. The host committee has been busy putting together an educational lineup that will provide hours of risk management expertise, covering subjects such as business interruption, crisis management, cybersecurity, claims and emerging technology risks, to name but a few.

The conference will also feature a lineup of inspiring plenary speakers. First, you'll hear from Darby Allen, the retired fire chief for Fort McMurray and hero during the Alberta wildfires, who will offer guidance on how to be a stoic, quick-thinking leader in tough situations. Tuesday morning starts with Zita Cobb, the founder and CEO of the innovative social charity Shorefast, which supports numerous endeavors on Fogo Island, Newfoundland. Stéphane Grenier, a retired lieutenant colonel and mental health innovator who has spent much of his career redefining how workplaces and individuals should care for and support those affected by

mental health problems, will discuss how organizations can start down the path of systemic wellness and re-humanized workplaces where mental health stigma is no longer a barrier to recovery. Last but not least is Allison X., a long-serving employee of CSIS, who will talk about the Service and its mandate, threats to the security of Canada, and the impact of these threats to today's corporations.

St. John's itself will also be a feature of the conference. The eastern-most point in North America, St. John's occupies a spectacular site on one of the finest natural harbours in the world. Entered through "the Narrows," a 200-meter-wide passage flanked by cliffs, the harbour widens out into a protected basin. With jelly-bean-colored row houses lining the hilly streets, the city begs comparisons to San Francisco—though in miniature. It too is home to artists, musicians, cutting-edge eateries. Yet the vibe of Newfoundland and Labrador's largest city and capital remains that of a refreshingly small-town. You will be able to experience all of this small-town charm at Sunday's Welcome Party on George Street, the "biggest little" street in North America.

Visit [www.rimscanadaconference.ca](http://www.rimscanadaconference.ca) for session information and to register. Early bird rates expire on July 13. ■

# CHAPTER NEWS

## CANADIAN CAPITAL CHAPTER

The Ottawa Chapter started the new year by honouring Tony Lackey, director of risk and insurance services for Carleton University and winner of the 2017 Donald M. Stuart Award, at a reception in January. The award celebrates Canadians who have made outstanding contributions to the risk management profession.

The Chapter also held two educational luncheons with topics that were of interest to the membership. At the first luncheon, guest speaker Maurice Audet, Sr., senior vice president at Aon, discussed construction risks and at the second, two attorneys from Nelligan O'Brian Payne LLP spoke about sexual harassment in the workplace.

The Chapter's focus has been on education and, as it has done for the past several years, it sponsored a two-day workshop and provided one free spot for each Ottawa RIMS member. This year's workshop, "Harnessing Enterprise Risk Management to Tap Risk Appetite," took place in May.

The Chapter had a good turnout at these educational events and attracted several new members, confirming that education remains a great way to stay relevant in this fast-moving digital world.

## ONTARIO CHAPTER (ORIMS)

ORIMS hosted its annual Edward C. Ricketts Memorial Curling Bonsel on February 26 at the St. George's Golf and Country Club in Toronto. The event raised \$600 in support of the food rescue organization Second Harvest. It was a very close match with a tie for first place that had to be decided by the number of ends as a tiebreaker. The first-place team included Christine Collins and Scott Tennant from HDI, Mark Johnstone of Barrick Gold Corp., and Brad Campbell of Marsh.

Judging is also underway for the annual Donald M. Stuart Award, which is presented by ORIMS to recognize an eligible RIMS member for their outstanding contributions to the field of risk management in Canada. The award will be presented at the annual RIMS Canada Conference in St. Johns, Newfoundland in September. Please contact Valerie Fox, ORIMS Vice President and 2017 Selection Committee Chair at [foxs@rogers.com](mailto:foxs@rogers.com) if you have any questions.

ORIMS also hosted its Annual General Meeting, Professional Development Day and Spring Fling on May 25 in Toronto. Among



the professional development topics discussed were blockchain and legal updates on cannabis, cyber and autonomous vehicles.

Finally, the chapter will be hosting the 2018 ORIMS Golf Tournament at the Deer Creek Golf & Banquet Facility in Ajax, Ontario, on June 19. Visit [ontariorims.org](http://ontariorims.org) for more details.

## BRITISH COLUMBIA CHAPTER

The British Columbia Chapter kicked off 2018 with the BCRIMA/AON annual dart tournament. The event was held in early January at The Permanent with another great year of attendance as various insurance industry and risk management colleagues joined together for fun and fund raising. Over the past four years, this dart event has raised more than \$32,000 for various local charities including Habitat for Humanity, Family Services of Greater Vancouver, Canadian Diabetes Association, Leukemia & Lymphoma Society, Kids Up Front Vancouver, Covenant House Vancouver and others. This year's event raised \$2,500 for local charities. The winning team was Josh Henshaw from Canstar and Janak Lally from SCM ClaimsPro. ■



# The RCC Welcomes...

**DONNA CURRAN**  
**CISA, CRISC, CICA, ITIL**  
**Information Technology**  
**Risk Management,**  
**Concentra**



Donna has more than 15 years of experience in the IT industry including roles primarily in audit, security and risk management, and she holds several designations and certifications in those areas. She has been a member of RIMS for 10 years and has served as a member of the Saskatchewan Chapter board for the last five. Donna is also the president of Angels 4 Warmth, a charity organization that serves the less fortunate, and an active member of Information Systems Audit and Control Association and the Institute of Internal Auditors.

As the new Saskatchewan representative for the RCC, Donna is looking forward to ensuring that all Canadian chapters are as successful as possible, and that the Council continues to bring forth innovations and efficiencies. She views the RCC as the voice of RIMS Canada members, and is excited to take part in delivering on the core objectives of the Council. She's been a proud member of RIMS and is a firm believer that the more "risk-like minds" that are brought together through RIMS, the more successful risk professionals will be in their roles.

**MICHELLE DREW**  
**CRM, CIP**  
**Manager, Insurance**  
**Risk & Treasury,**  
**Celestica International Inc.**



Michelle has worked with Celestica, a publicly traded contract electronics manufacturer with global operations, for 20 years, and manages their entire global insurance program. She also holds both her Certified Insurance Professional and Canadian Risk Management designations.

As the new Ontario representative for the RIMS Canada Council, Michelle is looking forward to further enhancing the connections among RIMS Canadian members, and connecting those members with relevant solutions and opportunities that support their careers and their organization's risk programs. Michelle has been a member of RIMS for eight years, and credits much of her career growth during that time to her involvement with the society.

**TINA GARDINER**  
**B.Sc., CRM, CIP**  
**Manager, Risk Management-**  
**Controllershship Office,**  
**Finance Department,**  
**The Regional Municipality**  
**of York**



With over 30 years of experience in risk and insurance, the RCC welcomes Tina as its new Vice-Chair. Tina is the co-founder and co-chair of two municipal risk management committees in Ontario, as well as the co-chair of the online Canadian Municipal Forum. The 2010 recipient of the Don Stuart Award for Excellence in Risk Management, Tina has been involved with RIMS and the Ontario Chapter since the 1990s, and currently serves as the president of ORIMS.

During her tenure as Vice-Chair, Tina is looking forward to partnering with each Canadian chapter to better understand their priorities and help them achieve their goals. She plans to drive long-range planning for the Council that includes diversity and inclusion opportunities, as well as ensuring knowledge transfer between the more experienced professionals on the verge of retirement and those professionals newer to the field.

## CONGRATULATIONS



The following Canadians have earned their RIMS-Certified Risk Management Professional certification (RIMS-CRMP). Well done! For more information on the RIMS-CRMP, visit [www.RIMS.org/Certification](http://www.RIMS.org/Certification).

- Darius Delon
- Charles McCabe
- Ginette Demers
- Mazlina Navarre
- Valerie Fox
- Christine Petch
- Emmanuel Giry
- Jarrod Roy
- Akinyemi John
- Nowell Seaman
- Sonia Kundi
- Loreen Sherman
- Jan Mattingly
- Richard Stewart
- Sandra Mayo
- Quoc Phu Truong

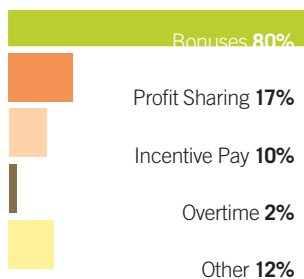
# Canadian Risk Managers Report Modest Salary Increases



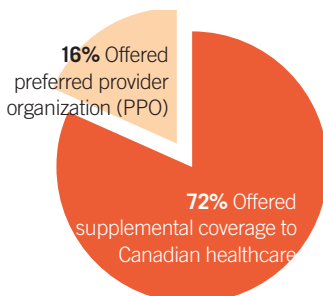
of risk management professionals have at least one industry-related certification or designation

**\$13,500**

the media value of additional cash received by eligible risk management professionals



All Canadian risk management professionals are offered medical coverage from their employers whether they make use of it or not



**R**isk management professionals are prospering in Canada, according to the *2017 Risk Management Compensation Survey*, which was produced in collaboration with Readex Research. More than half of Canadian risk management professionals saw a 2% average increase in their base salary in 2017 compared to the year prior, according to the survey, which analyzed data from 138 Canadian risk professionals. Overall the median base salary for risk professionals was \$105,500.

## DEMOGRAPHICS

Education, experience and gender played a role in salary differences. On average, risk managers with degrees more advanced than a Bachelor's earned about \$33,000 more than those with only a Bachelor's and \$44,000 more than those entirely without one. Additionally, 85% of risk management professionals have at least one industry-related certification or designation.

The median age of respondents was 50 years old, and risk managers with at least 25 years of experience earned \$55,500 more than those with less than five years on the job. On average, males earned more than females (\$118,000 versus \$95,500), but male survey respondents also tended to have higher levels of education and experience and a greater likelihood of supervising others, which may explain at least some of the difference.

While salaries range by position, it is safe to say that it is a fine time to be a risk professional. Chief risk officers and risk management vice presidents occupy the upper echelon of earnings with a reported \$141,000 median salary. ERM and SRM directors take in \$130,000 annually, while insurance/claims analysts earn the least, at \$73,900.

## BONUSES AND PERFORMANCE

Fifty-four percent of risk management professionals confirmed that they were eligible to receive other cash compensation beyond a base salary in the 12



months prior to June 1, 2017. The difference in eligibility based on gender appears to be minimal.

Respondents indicated that their performance was the most common factor considered in determining the amount of other cash compensation received. Organizational and personal performances were the key factors in determining incentives like bonuses, followed by departmental and profitability performance. The biggest contributors to other cash compensation are education and years of experience.

Among Canadian risk management professionals who were eligible to receive additional cash in the year prior and were in the same position in that time period, the median value received was \$13,500. That additional compensation was largely in the form of bonuses (nearly 80%); far fewer received it as profit sharing (17%), incentive pay (10%), overtime (2%), or other (12%).

## MEDICAL AND RETIREMENT BENEFITS

When it comes to medical and retirement benefits, Canada is already the envy of many other nations. All Canadian risk management professionals are offered medical coverage from their employers whether they make use of it or not. The majority are offered supplemental coverage to Canadian healthcare (72%) and a preferred provider organization (PPO) is available to 16%.

Retirement plans are nearly as prevalent as medical coverage. Only 3% of Canadian risk management professionals are not offered one. Defined benefit (pension) plans are the most common type, with 41% offered one.

Visit [www.rims.org/riskknowledge](http://www.rims.org/riskknowledge) for the complete survey results. ■

# Important CRM Designation Changes from GRMI

**E**ffective October 1, 2018, CRM designation holders will not be required to maintain a membership with the Global Risk Management Institute (GRMI).

GRMI will issue the CRM credential to individuals who register their CRM with the organization.

In lieu of ongoing dues, GRMI is reinstating the \$100 (USD) one-time CRM designation registration fee that was required before the standardized exams were implemented.

Based on the eligibility requirements, a CRM candidate will need to pass the three CRM standardized exams, mail in an official copy of their transcript or grade report to GRMI and submit a \$100 (USD) registration fee to obtain the CRM credential and digital badge.

The existing \$130 (USD) CRM standardized exam fee will change to \$155 (USD) for RIMS members and \$175 (USD) for non-members effective October 1, 2018.

## Regarding reinstatement fees:

- GRMI members who paid a CRM designation reinstatement fee in 2018 will receive an adjustment refund:
  - For those individuals who paid a GRMI reinstatement fee covering both their CRM registration and GRMI back dues, GRMI will issue them a refund for any amounts paid over \$150.
  - For those individuals who paid a GRMI reinstatement fee covering only their GRMI back dues, GRMI will issue them a refund for any amounts paid over \$50
- For lapsed/unregistered GRMI members:
  - For those individuals who have never registered their CRM or paid GRMI dues, GRMI will charge them a fee of \$150 if paid before October 1, 2018, and \$100 if paid on or after October 1, 2018.

If you have any questions, please contact [GRMI@rims.org](mailto:GRMI@rims.org). ■



## Know Risk? Show It.

Earn the Only Accredited Risk Management Certification in the World

Prove you have the knowledge, education and experience necessary to successfully manage risk and create value for your organization. Gain a competitive advantage by earning the RIMS-Certified Risk Management Professional (RIMS-CRMP), an ANSI accredited certification program.

### Annual Exam Windows

July 15 – September 15

**Fee:** RIMS Members US \$350 | Non-Members US \$500  
(includes non-refundable application fee)

All eligible risk professionals may take the computer-based exam at Pearson VUE test centers during an exam window.

Learn more at [www.RIMS.org/Certification](http://www.RIMS.org/Certification).



# The Interplay Between British Columbia's Statutory Tort of Privacy and the Tort of Defamation

by Karen Zimmer



**D**efamation law and breach of privacy law are separate and distinct, but the two torts are occasionally brought before the courts in the same matter. An attack on an individual's reputation can be done in a manner that also contravenes privacy rights. That said, the courts have little patience for litigants who confuse the two issues or who plead both causes of action when only one is appropriate. Accordingly, understanding the differences between these torts and the legal principles that inform them is paramount when dealing with an action in this area of the law.

For a successful defamation claim, a plaintiff has to establish three elements: that the impugned words were defamatory, in the sense that they would tend to lower the plaintiff's reputation in the eyes of a reasonable person; that the words referred to the plaintiff; and that the words were published. This is a relatively low threshold and most defamation actions are decided on whether the defendant can make out one or more of the well-developed defences to a defamation action, such as truth, qualified

privilege, fair comments or responsible communications.

In comparison to the law on defamation, the law on privacy in Canada is in its infancy. There is currently no common law tort of invasion or breach of privacy in British Columbia. Instead, we have a statutory tort of privacy through the *Privacy Act, R.S.B.C. 1996, c. 373* (the "Act"). Section 1 of the Act provides:

*It is a tort, actionable without proof of damage, for a person, wilfully and without a claim of right, to violate the privacy of another.*

The nature and degree of privacy to which a person is entitled is that which is reasonable in the circumstances and a court must consider the alleged breach of privacy contextually. Importantly, the scope of this right to privacy is fluid. As put by Justice Robert Sharpe of the Ontario Court of Appeal, certain provincial legislatures, including British Columbia's, have "proclaimed a sweeping right to privacy and left it to the courts to define the contours of that right." This leaves significant room for argument by parties bringing and defending these claims.

Manitoba, Saskatchewan and Newfoundland have all enacted similar

legislation that creates a statutory tort of privacy. Under Quebec law, the right to privacy is protected under the *Civil Code of Quebec* and by Quebec's *Charter of Human Rights and Freedoms*.

While Ontario lacks equivalent legislation to British Columbia's, the Court of Appeal confirmed the existence of a common law tort of intrusion upon seclusion in Ontario in *Jones v. Tsige*, 2012 ONCA 32. The Court highlighted that allowing a cause of action for an invasion of privacy is particularly important with how significantly technology has impacted the ability to protect one's personal information.

Causes of action involving British Columbia's tort of privacy are often brought under section 1(4) of the Act, which specifically addresses eavesdropping and surveillance.

For example, in *Wasserman v. Hall*, 2009 BCSC 1318 the defendant was awarded damages against the plaintiff, his neighbour, who installed surveillance cameras that overlooked the defendant's yard in connection with their heated residential fence dispute. In *Watts v. Klaemt*, 2007 BCSC 662, the plaintiff was awarded \$30,000 in damages after the defendant had monitored and recorded her phone line for over a year and then turned over information gathered during that time period to the plaintiff's employer, resulting in her termination.

Section 3(2) of the Act, which prohibits one from using the name or portrait of another for advertising without that person's consent, is at issue in the ongoing *Douez v. Facebook* class action. The plaintiffs in this case are asserting that Facebook used the name and picture of Ms. Douez and potentially of 1.8 million other British Columbians without consent. This case has attracted considerable attention as a result of the Supreme Court of Canada's June 2017 decision, *Douez v. Facebook, Inc.*, 2017 SCC 33, in which Facebook was unsuccessful in ousting Ms. Douez's class action from the reach of British Columbia Court.

Facebook attempted to do so by relying on the forum selection clause contained in its Terms of Use pursuant to which every user of Facebook agrees, by a click of the mouse, to submit to the California Court and California laws for any dispute that may arise. Ms. Douez's class action alleging the breach of section 3(2) of the Act will now be pursued through our British Columbia Court.

Matters brought under sections 1(4) and 3(2) generally do not involve defamation, since the disputes are over intrusions into the plaintiffs' lives rather than the dissemination of information. As noted by Chief Justice Beverley McLachlin of the Supreme Court of Canada in *Grant v. Torstar Corp.*, 2009 SCC 61, privacy protection does not figure prominently in defamation jurisprudence in part because "defamation law is concerned with providing recourse against false injurious statements, while the protection of privacy typically focuses on keeping true information from the public gaze."

However, cases involving both defamation and breach of privacy are coming up more and more. The courts take care to consider the two issues separately, so it is critical to make distinct, well-reasoned arguments.

In *Griffin v. Sullivan*, 2008 BCSC 827, the plaintiff successfully argued that the defendant breached his privacy and defamed him. It was held that the defendant improperly obtained the plaintiff's name and other personal information, attached it to defamatory statements regarding the plaintiff,

and published it on the Internet. The judge was careful to analyze the law of defamation and the law on breach of privacy separately and broke down the plaintiff's damage award accordingly.

The plaintiff in *Hollinsworth v. BCTV*, 1996 CarswellBC 2820, [1996] B.C.J. No. 2638 (S.C.), aff'd in (1998) 59 B.C.L.R. (3d) 121 (C.A.), had undergone surgery to correct his baldness. In doing so, he signed a release permitting the doctor to film the procedure and share the recording with other physicians for training purposes only. Seven years later, BCTV was doing a story on baldness and its treatment and got in contact with Look International, an organization to which the plaintiff's doctor had released the training video. Look International provided the video to BCTV and lied about having permission from the plaintiff to do so. BCTV aired the clip, which showed the plaintiff's full face for approximately three seconds.

The plaintiff brought an action for libel and for breach of privacy. He was not successful in his libel claim, because the court found that the video was true—he had undergone treatment for baldness. However, the plaintiff was successful on the grounds of breach of confidentiality and breach of his right to privacy under the Act against Look International. Again, the judge considered the issues separately and distinctly.

These issues also come up in more protracted, complex disputes. In *Nesbitt v. Neufeld*, 2010 BCSC 1605, aff'd in 2011 BCCA 529, the defendant, Ms. Neufeld, sought damages from the plaintiff, Dr. Nesbitt, for defamation and breach of privacy in her counterclaim. The plaintiff engaged in inappropriate conduct throughout the course of the custody dispute, including: faxing intimate email exchanges Ms. Neufeld had had with a subsequent partner to the partner's work repeatedly; writing letters to the Rotary Club Ms. Neufeld belonged to suggesting that she was mentally unstable, sexually deviant, lied about him in court, and was exposing their daughter to pedophiles; sending letters to the Ministry of Child and Family Development suggesting the same; posting a video to YouTube about Ms. Neufeld; creating two malicious websites about her; and so on.

The Court was careful to consider the defendant's claims for defamation and breach of privacy discretely. It found the documents written by the plaintiff about the defendant to be defamatory and the dissemination of the defendant's personal email correspondence to be a breach of privacy under the Act. Although the two issues were considered separately, the Court awarded global damages of \$40,000 for both torts.

If you are thinking of bringing a defamation claim in addition to a breach of privacy claim, or if you are the defendant in an action where both claims have been brought against you, remember that although there may be some overlap, the courts consider the two issues independently of one another. Keep in mind that the courts tend to have minimal tolerance for plaintiffs that plead multiple unnecessary causes of action. Accordingly, attempts to inappropriately "dress up" a defamation claim as a breach of privacy claim as well, or vice versa, are ill-advised. Consider retaining counsel that can highlight such issues for the court and effectively navigate these complex areas of the law if you find yourself in the unfortunate position of having to mount or defend such a claim. ■

**Karen Zimmer** is a partner with Alexander Holburn Beaudin & Lang LLP and leader of the firm's defamation and publication risk management group.

# A Message from RCC Chair Ren Lips

As I enter my second year as Chair, I have to commend the entire RIMS Canada Council and the subcommittees for their hard work over the past year. We started the year off with our annual winter planning meeting in St. John's, Newfoundland this past January. The weather cooperated nicely to get us all there and back and while in St. John's, we updated our strategic plans and objectives. With a fresh outlook, we simplified our goals to be more timeless:

1. Bring the Canadian risk management community together
2. Connect Canadian chapters to education, shared resources and best practices
3. Advocate for Canadian members
4. Support Canadian chapter sustainability

In line with the refreshed goals, the RCC discussed various topics and initiatives including increased education funding from the RCC to chapters and Canada Night at the RIMS conference in San Antonio. The St. John's chapter and Host Conference Committee also joined us for a portion of the meetings to provide some updates about our upcoming conference in September. Lively discussions on the Canadian Risk Management (CRM) designation were also part of the meeting and this has resulted in some updates to how GRMI administers the CRM Program (see page 5).

In February, our subcommittees met in Edmonton where we were joined by the local chapter. The conference committee led a day of information sharing on the ins and outs of conference planning with RIMS and the Northern Alberta Risk and Insurance Management Society (NARIMS) while our communications and external affairs committee continued to focus on advocacy efforts and our next steps.

This year's RIMS president, Robert Cartwright, Jr., has made his focus "Your Legacy, Our Legacy" and in Canada, our legacy has been best represented by the continued success of the British Columbia Institute of Technology (BCIT) students and their participation in the annual Spencer-RIMS Risk Management Challenge. For the second year in a row, BCIT reached the finals and students Mikayla Robertson, Anthony Nguyen, Annie Nim and Bianca Neves got an opportunity to make their presentations at



the RIMS Annual Conference & Exhibition in San Antonio in April. In addition to the Risk Management Challenge participants, our Canadian students also got an opportunity to attend both the RIMS Annual Conference as Anita Benedetti scholars and the RIMS Canada Conference as McGannon scholars. Continued mentorship and guidance of students and young risk professionals is essential to our legacy and I am very interested to see what new ideas will be brought into the risk management profession by the next generation.

Finally, as you undoubtedly know, our RIMS Canada Conference will be in St. John's from September 23 to 26. I look forward to seeing everyone on the Rock where we will explore Oceans of Opportunity!

**Rieneke (Ren) Lips,**  
CPA, CMA, CIP

## EDITORIAL POLICY

The RIMS Canada Newsletter is a publication of the RIMS Canada Council and is published periodically throughout the calendar year. The opinions expressed are those of the writers and volunteer members of the RIMS Canada Newsletter Editorial Committee. Articles submitted to the RIMS Canada Newsletter for publication are subject to the approval of the RIMS Canada Newsletter Editorial Committee. Approval of such articles is based on newsworthiness and perceived benefit to the readership. All decisions of the RIMS Canada Newsletter Editorial Committee are final and not subject to appeal. Individuals submitting articles to the RIMS Canada Newsletter hereby acknowledge their acceptance of the RIMS Canada Newsletter Editorial Policy.

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risk management resources, including conference and education information.

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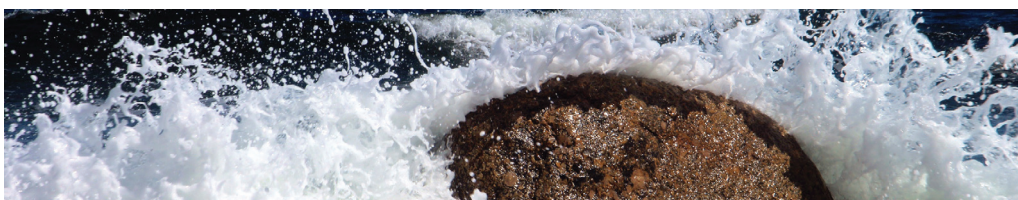
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