

Fair Association of Victims for Accident Insurance Reform
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MEDIA RELEASE

BILL 171 - CHRISTMAS COMES EARLY FOR THE INSURANCE COMPANIES ACT

Changes to auto insurance legislation in Bill 171 are beginning to get the discussion and attention in the legislature that Ontario's MVA victims deserve after years of being maligned and labelled as 'fraudsters' by their insurance companies.

MPPs are voicing their concerns about their constituents who are affected by these changes and the poor demonstration of the current government's ability to put the interests of Ontario citizens above the interests of big business auto insurers in Ontario.

Bill 171 is more than just a money grab from Ontario's already wealthy insurers to reduce payouts by making it more difficult to make a claim or to hold insurers accountable. 171 seeks to undermine access to justice and fails to address the dysfunctional insurance system.

When insurers are about to get a discount on the interest rate they have to pay when they wrongfully deny or mishandle legitimate claims (all while downloading the costs of MVA victims' care to the public purse) we know that the war isn't about fraud, it's about delaying claims and denying injuries to make money on the backs of the disabled.

Too many MVA victims are unfairly punished by their insurance company's delay and deny system of claims handling practices which includes the use of poor quality, sometimes unqualified and often biased/partisan medical examination reports. We note that this issue was not discussed on April 8th - the quality of the medical examinations/reports and the lack of regulation and standards continues to be avoided. The actions of a small group of medico-legal assessors are at the core of too many of the cases that end up in litigation. This is what led to the DRS Review in the first place and now Bill 171.

We know that changes to legislation that benefit only insurers will not fix the problem or change the fact that Ontario's accident victims are stuck in a broken system that no longer serves them. Accident victims are being starved out by their insurers and are unable to access medical or rehabilitation treatments in record numbers. Cases continue to be heard and benefits continue to be decided upon flawed and unregulated medical opinions of pro-insurer assessors whose only allegiance is the insurer that pays them. We need to change that.

Access to justice for Ontario's accident victims shouldn't be compromised to fit an industry's need for higher profits or as a solution to control the claims of those who are legitimately injured and wrongfully denied what they paid for. And removing interest penalties for insurers for claims mishandling is an incentive to bad behaviour and guarantees the use of these bogus medical reports in the future. The failure to regulate for-hire medical opinion assessors and address the concerns in respect to their qualification, their medical reports and subsequent testimony in court will make certain that the system will favour insurers who pay for these reports and guarantees that our insurance system remains dysfunctional going forward.

Ensuring that Ontario has a working insurance system that provides good coverage and an honest system of justice for accident victims is part of the bargain and the responsibility of the government. There is also a responsibility that accident victims are not harmed by the process itself by way of the lack of regulations and the harmful practices of some of Ontario's medico-legal assessors during the course of a claim. We look forward to that issue becoming part of the debate.

FAIR Association of Victims for Accident Insurance Reform

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Here's what some of Ontario's MPPs had to say about Bill 171 and the circumstances that MVA victims face:

FIGHTING FRAUD AND REDUCING AUTOMOBILE INSURANCE RATES ACT, 2014 /
http://www.ontla.on.ca/web/house-proceedings/house_detail.do?Date=2014-04-08&Parl=40&Sess=2&locale=en#P905_216221

"A more accurate title might be the "Christmas comes early for the insurance companies act." This is an act in which the government is proposing to hand out another gift to huge insurance companies, at the expense of all auto insurance policyholders and accident victims."

"It looks like it's going to be a lot more money going back into the insurance industry."

"Payment delayed is payment denied. Many people have low incomes and are struggling to get by; when a company says to them, "We are just going to sweat you out and wait you out," many will be compelled to settle for a lower dollar amount because they can't afford to wait. They need the money to get on with their lives."

“The reduction in the interest rate that is meant to give insurance companies an incentive to settle and make payment only serves the interest of insurance companies, only serves to undermine policyholders, only serves to undermine justice in this province. Speaker, this part of the bill—and there are other problems—is an unconscionable change.”

“Let’s be serious here: This bill is nothing more than the Liberal government, without any consultation with the victims of automobile accidents and without any consideration for the victims of automobile accidents, handing yet another gift to the big insurance companies. You know what, Speaker? It’s a gift from the McGuinty-Wynne Liberals that comes at the expense of all of us who drive and buy car insurance, the policyholders; and all of us who will ever be in an accident that wasn’t our fault, the innocent accident victims.”

“This government is proposing to wipe out recourse to an independent judicial system that safeguards the fundamental rights of citizens, rights we have all come to expect in this great nation we call Canada, and to replace the courts with a tribunal. What happens if you’re injured, you can’t work, and the insurance company refuses to pay your income replacement? You can’t sue. It’s false to suggest that this will provide cost savings to the insurance industry and reduce insurance premiums.”

“There are 22 pages and I still haven’t found anything on fighting fraud. I just find incentives for insurance companies to make more money and nothing at all about reduction for the payers of this province who are mandated to have auto insurance, which is a good thing, we know. But we would hope that people would be able to claim the benefits when they need this service the most.”

“It will cost us all more in the long run, and it will put more money into the fur-lined silk pockets of the insurance companies. Don’t be fooled. Don’t be fooled again by this half-baked scam. Don’t be fooled by what’s on the table. Yes, get it to committee, but let’s correct it. It has a lot of faults, a lot of difficulties, and it needs great improvement. ”

“These changes will make it even harder for victims, as many will not be able to afford it and will just give up the fight. And what do these changes have to do with fighting fraud? Absolutely nothing. All they do is make it easier for insurance companies to wrongfully deny benefits and delay settlements.”