



**CANADIAN INDEPENDENT ADJUSTERS' ASSOCIATION/  
L'ASSOCIATION CANADIENNE DES EXPERTS INDÉPENDANTS**

Founded 1953

Incorporated under Part II of the Companies Act of the  
Dominion of Canada on the 1<sup>st</sup> day of July, 1960

**FOUNDING SUBSCRIBERS' AGREEMENT  
GENERAL BY-LAW  
RULES AND REGULATIONS**

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## **FOUNDING SUBSCRIBERS' AGREEMENT**

- I We, the undersigned, do hereby severally covenant and agree with each other and each of them to become incorporated under the provisions of Part II of the Companies Act as a corporation without share capital under the name of – The Canadian Independent Adjusters' Association – or such other name as the Secretary of State may give the corporation, for the purpose of carrying on in more than one province of Canada, without pecuniary gain to its members, the objects following –
- (a) to raise the status of, and promote the interests and activities of the independent adjusters, being members of the Association, who are habitually engaged in a full time professional capacity in connection with the investigation, adjustment and settlement of loss or damage by fire or other casualty on behalf of insurers, and on behalf of federal, provincial, and municipal governments, departments, bodies and agencies, and public institutions and organizations, which are self-insurers;
  - (b) to ensure that persons engaged in the investigation, adjustment and settlement of loss or damage as aforesaid are competent to perform the services which they undertake, and to ensure complete, honest and impartial investigation and assessment of loss or damage;
  - (c) to establish standards of conduct and technical ability, and to improve the knowledge of persons engaged in, or about to engage in, the investigation, adjustment and settlement of loss or damage, or any employment or activity in connection therewith and, with a view to the foregoing, to encourage study and promote consideration and discussion of all questions relating thereto, to provide opportunities for the acquisition and dissemination of useful information and data to members, and to provide opportunities for educational courses;
  - (d) to recommend where deemed advisable qualifications and conditions considered essential as a precedent to licensing, and to confer with Federal, Provincial and Municipal Governments, Departments, and Agencies, and other Public Institutions and Organizations with respect to any and all matters relating to the investigation, adjustment and settlement of loss or damage;
  - (e) to improve adjusting methods, to encourage co-operation among members of the Association, to promote just and honourable practices in the conduct of business, and to suppress malpractice and control the conduct of such members;

- (f) to diffuse among members of the Association information and data in respect of all matters affecting the Association and for such purpose to permit, publish, issue or circulate such books, papers, magazines, journals, circulars, forms, documents, or other literary works as may be conducive thereto, and to establish and maintain a collection and library of such material, and or designs, drawings and other articles of interest to members of the Association.
- II We, the undersigned, do further severally covenant and agree with each other and each of them that the corporation shall be carried on without pecuniary gain to its members and that any profits or other accretions to the corporation shall be used in promoting its objects.
- III The subscribers hereto shall be the first members of the corporation and the corporation shall consist of the subscribers and of those who shall hereafter duly become members of the corporation in accordance with by-laws from time to time in force.
- IV The first directors of the corporation and its executive committee shall be as set out in the petition herein.
- V The by-laws of the corporation shall be as hereinafter set forth.

NAMES, ADDRESSES AND OCCUPATIONS  
OF SUBSCRIBERS

WALTER CECIL LACKEY of the City of Ottawa  
in the Province of Ontario  
Insurance Adjuster

HENRI FRANCOIS VALOIS of the City of Montreal  
in the Province of Québec  
Insurance Adjuster

EDWIN FRANCIS ADAMSON of the Village of Islington  
in the Province of Ontario  
Insurance Adjuster

ROBERT JAMES GILCHRIST of the Town of Burlington  
in the Province of Ontario  
Insurance Adjuster

FREDERICK CHARLES MALTMAN of the City of Toronto  
in the Province of Ontario  
Insurance Adjuster

ANDREW HAMILTON of the City of Montreal  
in the Province of Québec  
Insurance Adjuster

## GENERAL BY-LAW No. 1

(as amended to September 17, 2005)

### CORPORATE SEAL

1. The seal of the corporation shall be in such form as shall be prescribed by the first directors of the corporation and shall have the words, "THE CANADIAN INDEPENDENT ADJUSTERS' ASSOCIATION/L'ASSOCIATION CANADIENNE DES EXPERTS INDÉPENDANTS" endorsed thereon.

### CONDITIONS OF MEMBERSHIP

2. Membership in the corporation (hereinafter referred to as "the Association") shall be limited to the following classes of members, that is to say --
  - (a) MEMBER FIRMS -- proprietorships, partnerships, associations or corporations operated by individuals whose principal interest and attention is devoted in a duly qualified manner to the investigation, adjustment and settlement of loss or damage by fire or other casualty on behalf of insurers, and on behalf of federal, provincial and municipal governments, departments, bodies and agencies, and public institutions and organizations which are self-insurers, and which fulfil the other requirements of the Association with respect to membership.
  - (b) INDIVIDUAL MEMBERS -- individual persons who are proprietors, partners, officers, directors or employees or otherwise associated with Member Firms and whose principal interest and attention is devoted in a duly qualified manner to the investigation, adjustment and settlement of loss or damage by fire or other casualty as hereinbefore set forth with respect to Member Firms, and who fulfill the other requirements of the Association with respect to membership. Individual Members as defined in the foregoing shall be divided according to their qualifications into the five (5) following categories --
    - (i) Chartered Loss Adjusters,
    - (ii) Fellows of the Canadian Independent Adjusters' Association,
    - (iii) Level III,
    - (iv) Level II,
    - (v) Level I;

and the designation of Individual Members to any such category shall be according to standards to be defined by regulations.

- (c) The Executive Committee may determine at their discretion the eligibility of a Member Firm and or individual Member.
3. At the time of election to membership of the Association and so long as they remain members thereof, the members of the Association shall fulfil and comply with the following qualifications and conditions --
- (a) A Member Firm shall not be eligible for membership in the Association, nor be entitled to continue as a member thereof, unless; in the case of a proprietorship, the proprietor thereof; or in the case of a partnership or association, all of the eligible partners or associates thereof; or in the case of a corporation, all of the eligible officers thereof; are Individual Members of the Association.
  - (b) Members of the Association shall not engage in the practice of law and no practising barrister or solicitor shall be eligible for membership of the Association. This restriction shall not apply to Honorary Life, Honorary or Associate Members.
  - (c) Members of the Association shall be and remain solvent and capable of meeting their debts and obligations as they become due, shall remit moneys received for the account of or for transmittal to others promptly, shall not accept gratuities or remuneration from claimants, shall not participate in the charges or remuneration of experts, salvors or repairmen, and shall not, without the express permission of their principals, acquire any interest in any property salvaged after loss or damage.
  - (d) Members of the Association shall at all times observe and comply with the terms and provisions of the by-laws of the Association from time to time in force and the rules and regulations from time to time established by the Executive Committee as confirmed by the members of the Association.
  - (e) Membership shall not be assignable or transferable.
4. The Executive Committee may from time to time prescribe by regulation --
- (a) The forms and other material and information required from the applicants for membership of the Association;
  - (b) the procedure to be followed in connection with applications for membership;
  - (c) the rules and regulations governing election to membership and retention of membership;
  - (d) the ethics to be observed by members of the Association.

5. The membership fee payable by Member Firms and Individual Members upon election to membership of the Association, and the annual dues to be payable by Member Firms and Individual Members each year, shall be in such amounts as shall from time to time be fixed at each annual meeting of the Association.
6. Any member of the Association may withdraw from the Association by delivering to the Head Office, or mailing by registered mail to the Head Office, of the Association, a written and signed resignation; provided that notwithstanding any such resignation, the members so resigning shall remain liable to the Association in respect of any fees, dues or other moneys then outstanding and unpaid, unless the Executive Committee of the Association shall decide otherwise.
7. Any member of the Association may be required to resign or withdraw from the Association by a vote of three-quarters of the votes cast by members of the Association entitled to vote at any annual or special general meeting.
8. Notwithstanding the foregoing, nothing herein shall supplant, supercede, interfere, or in any way be in conflict with or affect the licensing regulations of adjusters in any province or jurisdiction.

#### HEAD OFFICE

9. The Head Office of the Association shall be located at the City of Toronto in the County of York and Province of Ontario, Canada.
10. The Association may establish such other offices and agencies elsewhere in Canada as the Executive Committee may from time to time by resolution deem expedient.

#### EXECUTIVE COMMITTEE

11. The property and business of the Association shall be managed by a board of ten or more directors to be known as the Executive Committee.
12. Five members of the Executive Committee shall constitute a quorum for the purpose of meetings of the Executive Committee. The entire quorum of any meeting of the National Executive shall not consist of any single member firm and no more than one-third of the votes cast shall be from any single member firm.
13. The first directors named in the Letters Patent of Incorporation shall constitute the Executive Committee until replaced by election at the first annual meeting of the members of the Association, and at all times the members of the Executive Committee shall be Chartered Loss Adjusters or Level III Members, that is to say, Individual Members of the Association in good standing.

14. The immediate past National President of the Executive Committee shall, if otherwise duly qualified as a member of the Association and ready, willing and able to act, automatically become a member of the Executive Committee, but if such immediate past National President is not so qualified or ready, willing and able to act, then some other duly qualified member of the Association who is ready, willing and able to act shall be elected at such annual meeting as a member of the Executive Committee. The remaining members of the Executive Committee shall consist of, and be elected or appointed as follows --

(a) Regions – Canada shall consist of the following regions:

Pacific: British Columbia, Yukon Territory; Western: Alberta, Northwest Territories, Nunavut; Saskatchewan: Saskatchewan; Manitoba: Manitoba; Ontario: Ontario; Québec: Québec; New Brunswick: New Brunswick, Prince Edward Island; Nova Scotia: Nova Scotia; Newfoundland and Labrador: Newfoundland and Labrador.

Any province or territory wishing to become a region shall have the right to apply to the National Executive for such approval.

(b) At such annual meeting a President, First Vice-President, Second Vice-President, Secretary and Treasurer shall be elected.

(c) At each annual or special meeting the President shall appoint an Election Committee of not more than three individual members. The Election Committee shall advise the President as to the total number of votes eligible to be cast at such meeting. An individual member is entitled to cast one vote for one candidate for any specific office, otherwise the ballot shall be considered as spoiled. Voting shall be by secret ballot in cases where there is more than one candidate for one office. In the event of

there being an even number of votes cast for any two or more candidates a second ballot shall be taken and the National President shall refrain from voting. If on the second ballot a tie still exists, the National President shall have the right to cast the deciding vote. The Election Committee shall act as scrutineers to receive and count the ballots and the candidate receiving the largest number of votes shall be elected.

(d) Regional Presidents – Each region in Canada as hereinbefore defined shall, at its annual meeting elect a Regional President for its region. The Regional Presidents so elected shall become members of the Executive Committee for the duration of their terms as Regional Presidents. A Regional Officer may be designated in writing by the Regional President to attend and vote on his behalf at meetings of the Executive Committee.

- (e) At the discretion of the National President, and with the approval of at least fifty percent of the members of the Executive Committee formed as provided in the preceding portion of this Paragraph 14, one or more, but not exceeding seven chairpersons of executive standing committees as listed in Paragraph 35 may be
  - (f) appointed members of the Executive Committee with full voting privileges. Such additional members of the Executive Committee shall not have power to execute documents as outlined in Paragraph 48.
  - (g) Each member firm with more than 50 individual members shall have the right to appoint one Executive Committee Member.
  - (h) Member Firms with less than 50 individual members shall have the right to appoint collectively one Executive Committee Member.
15. Any member of the Executive Committee shall be eligible for re-election at an annual meeting of the members of the Association.
16. Any person holding office as a member of the Executive Committee shall automatically be disqualified and vacate such office --
- (a) if the person resigns and delivers such signed resignation in writing, or mail the same by registered mail, to the Head Office of the Association;
  - (b) if the person becomes or is declared to be mentally incompetent;
  - (c) if the person becomes bankrupt or suspends payment of debts and obligations or compounds with creditors;
  - (d) if the person shall die;
  - (e) if the person ceases to be an Individual Member in good standing of the Association;
  - (f) if at any special general meeting of the members of the Association a resolution is passed by not less than three-quarters of the votes cast thereat that the person be removed from office;

provided however that if any vacancy shall occur in the members of the Executive Committee, then the remaining members of the Executive Committee may by resolution fill such vacancy by appointing some Individual Member in good standing to hold office until the next annual meeting of the Association.

17. Meetings of the Executive Committee may be held at any time and at such place as may be determined by the members thereof, and may be called by the National President or by any two members thereof. Not less than five days' notice in writing by mail, facsimile or electronic mail shall be sent to each member of the Executive Committee of the calling of any meeting thereof; provided that no formal notice shall be necessary if all the members of the Executive Committee are present in person at the meeting or waive notice thereof in writing; and provided further that a resolution in writing signed in one or more counterparts by all the members for the time being of the Executive Committee shall be deemed to be as valid and effectual as if the same had been passed at a meeting of such Executive Committee duly convened and held.
18. Members of the Executive Committee shall not, as such, receive any stated remuneration, for their services; provided that by resolution of the Executive Committee such out of pocket expenses as may be incurred by them in attendance at meetings or in the discharge of their respective duties, may be paid to them; and provided further that the members of the Executive Committee may be paid such fixed amounts as may from time to time be authorized by resolution passed by a majority of the votes cast at any annual or special general meeting of the Association.
19. A retiring member of the Executive Committee shall remain in office until the dissolution or adjournment of the meeting of the Association at which their successor is elected.
20. The Executive Committee may exercise all such powers of the Association as are not by the Companies Act, or by the by-laws of the Association from time to time in effect, required to be exercised by the members of the Association.
21. Subject as hereinafter provided, the Executive Committee shall have power and authority from time to time --
  - (a) to borrow money upon the credit of the Association;
  - (b) to limit or increase the amount to be borrowed;
  - (c) to issue bonds, debentures, notes or other securities evidencing debt of the Association;
  - (d) to pledge or sell such bonds, debentures, notes or other securities as aforesaid for such sums and at such prices as may be deemed expedient;
  - (e) to mortgage, hypothecate, charge or pledge all or any of the real and personal property, undertakings and rights of the Association to secure any such bonds, debentures, notes or other securities or any money borrowed or any other liability of the Association.

Provided however that the foregoing powers in this paragraph shall not be exercised at any time after the same shall have been repealed or revoked at any annual or special general meeting of the Association by not less than two-thirds of the votes cast at such last mentioned meeting.

22. The Executive Committee shall have power and authority --
  - (a) to authorize expenditures on behalf of the Association from time to time, and to delegate by resolution to any officer or officers of the Association power to make any such expenditures;
  - (b) to authorize the employment of, and payment of, such employees as may from time to time be required and to delegate by resolution to any officer or officers of the Association power to engage, pay remuneration to, and disengage any such employee or employees;
  - (c) to take such steps from time to time as may be deemed requisite to enable the Association to receive donations and benefits for the purpose of furthering the objects of the Association;
  - (d) to do all such other acts and things, which are not prohibited by the Companies Act or by the Letters Patent of Incorporation or by the by-laws of the Association from time to time in effect, but which are deemed expedient and conducive to furthering the objects of the Association.
23. The members of the Executive Committee for the time being may act notwithstanding any vacancy which may exist; provided always that in case at any time the number of the members of the Executive Committee shall be reduced to less than a quorum thereof, then it shall be lawful for them to act for the purpose of filling a vacancy or vacancies or for the calling of a meeting of the members of the Association, but not for any other purpose. The members of the Executive Committee may from time to time by resolution appoint from among themselves a temporary or substitute Chairperson for any purpose. If at any meeting of the Executive Committee there shall be an equality of votes of the members present upon any particular matter, then the Chairperson of such meeting shall have a deciding or casting vote.
24. Subject to the Companies Act, the Letters Patent of Incorporation, and the by-laws of the Association from time to time in effect, the Executive Committee may make such rules and regulations governing its proceedings as it may from time to time deem expedient.

## OFFICERS

25. The Officers of the Association shall be the Immediate Past National President, the National President, the National Vice-President, the National Second Vice-President, the Secretary and the Treasurer and the Regional Presidents as hereinbefore mentioned, and any such officers or agents as the Executive Committee may from time to time appoint.
26. The Officers of the Association shall hold office for one year or until their respective successors are elected or appointed.

## DUTIES OF OFFICERS

27. The Immediate Past National President shall advise, and act as consultant for, the remaining members of the Executive Committee.
28. The National President shall be the chief executive officer of the Association and shall preside at all meetings of the Association and of the Executive Committee and shall see that all orders, resolutions and regulations of the Executive Committee are carried into effect. In the absence of the National President, the National Vice-President, the National Second Vice-President, or in the absence of all of these one of the Regional Presidents or some other member of the Executive Committee shall be appointed to act in the National President's stead. The National President shall appoint all committees other than Committees appointed by motion, and shall appoint the time and place of the annual meeting.
29. The National Vice-President shall assist the National President in duties, and in the absence of the National President, act as the National President's representative, working in cooperation with the nominating committee in obtaining the consent of suitable qualified members of the Association to act as chairpersons of the various executive standing committees for the Association during the succeeding year.
30. The National Second Vice-President shall assist the National President and National Vice-President in all their duties and in the absence of both of these shall act as representative of the National President.
31. Each Regional President shall be ex-officio a regional director of their region. They shall preside at all meetings of the Regional Committee represented by them and shall be responsible for furthering the objects of the Association in such region and for carrying out the orders, resolutions and regulations of the Executive Committee applicable to such

region. They shall forthwith after their election ensure that the number of other regional directors have been elected in such region as may be required under the provisions of any provincial statute pertaining to a provincially incorporated region, or in the event that the region represented by them remains unincorporated, shall institute proceedings to establish such number of other regional directors as may be deemed advisable. The Regional President shall then forward their respective names, residence and business addresses to the Executive Director.

32. The Secretary shall keep, or cause to be kept, proper records and minutes of the votes and minutes of all meetings of the Executive Committee and of the Association, and shall give notice of the calling of such meetings when required to do so. The Secretary shall have charge of and supervise all correspondence, bulletins, circulars, publications and reports of committees and shall co-ordinate the work of various committees and order their reports for meetings of the Association and of the Executive Committee. Where adequate the Secretary's synoptic reports shall suffice at Executive Committee meetings under the heading "reports of standing committees". The Secretary shall have custody of the seal of the Association and shall not permit the same to be used except when duly authorized by the Executive Committee or a quorum thereof. The Secretary shall perform such other duties as may from time to time be required by the Executive Committee.
33. The Treasurer shall have the custody of the funds and securities of the Association and shall keep, or cause to be kept, full and accurate accounts of receipts and disbursements in books belonging to the Association and shall cause to be deposited all moneys and other valuable effects in the name of and to the credit of the Association with such banks or other depositories as the Executive Committee shall from time to time determine. The Treasurer shall cause to be disbursed the funds of the Association as may be ordered by the Executive Committee, taking proper receipts and vouchers for such disbursements, and shall render to the National President and the Executive Committee at regular meetings, or whenever either or both shall require, an account of the transactions and of the financial position of the Association. The Treasurer shall make all books, receipts and vouchers available to the auditor or auditors of the Association and shall perform such other duties as may from time to time be ordered by the Executive Committee.
34. The other officers and agents (if any) of the Association shall perform such duties as may from time to time be ordered by the Executive Committee.

## COMMITTEES

35. As soon as possible after each annual meeting of the Association, the National President shall appoint the following executive standing committees, to operate on a national basis:

- (a) Advisory Committee;
- (b) Career Recruitment Planning Committee;
- (c) Constitution & Rules Committee;
- (d) Convention Committee;
- (e) Discipline Committee;
- (f) Editorial Committee;
- (g) Education Committee;
- (h) Emergency Measures;
- (i) FCIAA Committee
- (j) Finance Committee;
- (k) Forms Committee;
- (l) Industry Liaison & Promotion Committee;
- (m) Legislative Committee;
- (n) Licensing Committee;
- (o) Membership & Qualifications Committee;
- (p) Nominating Committee;
- (q) Privacy Committee;
- (r) Ways & Means Committee;

and except as hereinafter provided the number of members of the Association of each such committee and the duties of each committee shall be such as the National President, with the approval of the Executive Committee, may from time to time determine; provided that in any year the National President may, with the approval of the Executive Committee, dispense with the appointment of any one or more of the foregoing committees, or may appoint any other committee for any special purpose; and provided that the Chairperson of any such committee appointed as aforesaid may appoint additional members to such committee if deemed expedient.

36. Forthwith after each annual meeting each Regional President shall, in respect of their represented region, appoint regional counterparts of the standing committees mentioned in paragraph 35. The Individual Member appointed to head each such committee shall be its representative on the respective standing committee on a national basis, where such representation is called for; provided that a Regional President may, with the approval of the National President, dispense with the appointment of any one or more representatives to standing committee on a national basis; and provided further that in any year a Regional President may dispense with the appointment of any one or more regional counterparts. A Regional President may appoint any other committees for any special purpose; provided that the Individual Member appointed to head any such other committee may appoint additional members to such committees should they deem it expedient.

#### MEETINGS OF THE ASSOCIATION

37. The annual general meeting of the members of the Association shall be held within one hundred and twenty (120) days after the end of the fiscal year at such time and at such place as the Executive Committee shall determine.
38. Special general meetings of the members of the Association may be held at such time and at such place as the Executive Committee may from time to time determine.
39. Not less than thirty day's prior notice in writing of each annual and special general meeting of the members of the Association, specifying the place, the date, and the hour of the meeting, and in the case of a special general meeting, stating the nature of the business to be transacted thereat, shall be given to each Member Firm of the Association.

Any such notice may be delivered personally or may be given by mailing the same in a postage prepaid letter, or by facsimile or electronic mail, addressed to the Member Firm to whom the same is to be given at its address appearing on the books of the Association. It shall not be necessary or required to give any notice to Individual Members of the Association of any annual or special general meeting, but in any other case where notice is

required to be given to any Individual Member the same may be given by delivering the same personally or may be given by mailing the same in a postage prepaid letter, or by facsimile or electronic mail, addressed to such Individual Member at their address appearing on the books of the Association.

If proxies are solicited by the Executive Committee or any other group representing more than ten percent (10%) of the total number of votes, a proxy circular shall be circulated to all member firms in the manner prescribed in the By-law.

40. Each member in good standing shall be entitled to one (1) vote. Only those members registered on the books of the Association thirty-one (31) days prior to the meeting shall be entitled to vote thereat. Each member shall vote personally or by proxy. At each annual or special meeting the Election Committee appointed by the National President shall decide upon the validity of proxies and determine any questions with respect thereto. Proxies can only be given to another member.

#### PROXY SOLICITATION

41. **FORM OF PROXY:** A form of proxy shall be sent to each member with each proxy circular and shall identify the member, specify the meeting for which the proxy is given, give a means of voting for or against any significant matter for which notice is given, including the election of members to the Executive Committee and provide a blank space where another proxyholder may be designated. Proxies are valid for the identified meeting and any adjournments.

**PROXY CIRCULAR:** The Executive Committee or any other member or group of members soliciting proxies must forward to members a Proxy Circular thirty (30) days in advance of each meeting for which the proxies are sought.

A dissenting Proxy Circular must be sent to members within fifteen (15) days in advance of each meeting for which the proxies are sought.

Proxy Circulars and Dissenting Proxy Circulars are to identify the members or groups of members seeking the proxy and are to fully disclose material facts bearing on the matters to be voted on at the meeting.

42. A quorum for the purpose of any annual or special general meeting of the Association shall be constituted by the presence of eight Member Firms each of which has a duly authorized representative as aforesaid in actual attendance at such meeting, and if at any such meeting a quorum as aforesaid shall not be present, then the meeting shall be adjourned to some later date and time and so on from time to time until proper quorum is present.

43. Except where otherwise required by the Companies Act, or by the Letters Patent of Incorporation, or by the by-laws of the Association from time to time in effect, all questions at any annual or special general meeting of the Association shall be determined by a majority of the votes cast thereat, and unless otherwise required or unless a secret ballot or a poll be demanded by any duly authorized representative of a Member Firm, voting shall be by show of hands under the direction of the National President.

#### FISCAL YEAR AND AUDITORS

44. The financial year of the Association shall end on the 30<sup>th</sup> day of June in each year.
45. At each annual general meeting of the Association an auditor or auditors shall be appointed to audit the accounts of the Association and to hold office until the next annual meeting, provided that in the case of vacancy in the office of auditor, a replacement may be appointed by the Executive Committee, and the remuneration to be paid to the auditor or auditors shall be fixed by the Executive Committee.

#### PROPERTY AND WINDING UP

46. The property and assets of the Association, and the income therefrom, and any other income or property howsoever derived, shall be used and applied solely for the purposes of promoting and furthering the objects of the Association and, except as set forth in paragraph 18 hereof or as may otherwise be permitted or required by law, no portion thereof shall be paid or distributed, directly or indirectly, by way of dividend or otherwise howsoever to or among any member of the Association.
47. In the event of the winding up or dissolution of the Association, or other termination of its corporate existence otherwise than as may be incidental to a re-organization or reconstruction thereof, there shall remain, after payment in full of all its debts, liabilities, and obligations, any moneys or property whatsoever, then such moneys or property shall not be paid or distributed to and among the members of the Association, but shall be paid or transferred to some other organization or organizations having objects similar to the objects of the Association, and which shall prohibit the distribution of its or their property and income among its or their members to an extent at least as prohibitive as set forth in paragraph 46 hereof, any such other organization or organizations and the amount to be paid or transferred to each, if more than one, to be determined at a meeting of the Association at or prior to the time of winding up or dissolution, and in so far as effect cannot be given to the foregoing then to some charitable object.

## EXECUTION OF DOCUMENTS

48. Contracts, documents or any instruments in writing to be executed by the Association shall be signed on behalf of the Association by any two members of the Executive Committee, or by any one of them together with some other officer, or in any other manner from time to time authorized by resolution of the Executive Committee, and when so executed shall be binding on the Association without any further authorization or formality. The seal of the Association when required may be affixed to any such instruments in writing when signed as aforesaid or by any officer or person appointed by resolution of the Executive Committee.

## AMENDMENT OF BY-LAWS

49. The by-laws of the Association may be amended or repealed by by-law enacted by a majority of the Executive Committee, and sanctioned by an affirmative vote of at least two-thirds of the votes cast at a meeting of the members of the Association entitled to vote thereat duly called and held for the purpose of considering such by-law, provided that the enactment, repeal or amendment of any by-law as aforesaid shall not be enforced or acted upon until the approval of the Minister of Consumer and Corporate Affairs for Canada has been obtained.

## RULES AND REGULATIONS

50. The Executive Committee may from time to time upon giving not less than thirty days' written notice by mail, facsimile or electronic mail to all member firms prescribe, alter or modify such rules and regulations not inconsistent with those by-laws relating to the management and operation of the Association, the conduct of its affairs, and the education, control and direction of its members as such Executive Committee deems expedient, provided that such amended rules and regulations shall have force and effect only until the next annual meeting of the Association, when they shall be confirmed by a majority of the votes cast at such meeting by the members entitled to vote thereat, and in default of confirmation as aforesaid shall at and from that time cease to have force and effect.

## AESIQ AFFILIATION

51. Upon the merger or exclusive affiliation of the Association and the Association des Experts en Sinistres Indépendants du Québec Inc. and with respect only to the Province of Québec and effective only insofar as members of AESIQ are concerned, wherever this By-Law No. 51 conflicts with the Constitution of AESIQ, the AESIQ Constitution will prevail.

RULES AND REGULATIONS  
OF THE  
CANADIAN INDEPENDENT ADJUSTERS' ASSOCIATION/  
L'ASSOCIATION CANADIENNE DES EXPERTS INDÉPENDANTS  
(as amended to August 29, 2009)

1. **MEMBERSHIP**

Every adjuster associated with or employed by a Member Firm shall while so employed hold Individual Membership in the Association in one of the following categories, as designated by the Executive Committee --

- (a) **CHARTERED LOSS ADJUSTER:** to qualify for the class of membership of the Chartered Loss Adjuster, a candidate has to meet the following criteria –
- i. to have successfully achieved the A.I.I.C. designation;
  - ii. to have been a practicing licensed independent adjuster for five (5) years, of which two (2) years must be in Canada;
  - iii. as an adjunct to, or on completion of the A.I.I.C. program, to complete successfully a further written examination set by CIAA/ACEI directed to the candidate's general ability as to the practical aspects of the adjustment of claims;
  - iv. all existing Chartered Loss Adjusters as at September 1994 shall be entitled to display both credentials (i.e. C.L.A., F.C.I.A.A.) at their discretion.

The designation Chartered Loss Adjuster, once attained by a person, shall be held for life by that person.

Further nothing herein shall impair the dispensing power of the Executive Committee pursuant to the Rules and Regulations of the Association.

- (b) FELLOW OF THE CANADIAN INDEPENDENT ADJUSTERS' ASSOCIATION: Membership as Fellow of the Canadian Independent Adjusters' Association is open to licensed individuals who are owners, partners, officers or senior employees of a Member Firm. Applications will be considered where the applicant has had not less than fifteen (15) years practical experience in the adjustment of loss, and has qualified as a Licentiate in Adjusting and possesses outstanding qualifications and ability with respect to the adjustment of loss. In addition, each applicant must either:
- i. have made, through their efforts outside the adjustment of loss, a real and recognized contribution to the insurance industry, or
  - ii. prepare and submit a written presentation dealing with the applicant's view or analysis of a subject pertaining to the insurance business which is judged to be of superior merit.

A sworn declaration must be submitted in writing to the Regional Executive of the region to which the Individual Member belongs. Attached to the declaration shall be (a) details to support the age and experience requirements; (b) full particulars to demonstrate the applicant's ability in the adjustment of loss; (c) full particulars of the applicant's real and recognized contribution to the insurance industry, or a written presentation as described above. The Regional Executive shall confirm that the age and experience requirements have been met, and that the supporting documentation with respect to the additional requirements has merit, and shall pass the application together with the additional submitted particulars to the Executive Committee.

Having satisfied itself that the application has merit, the Executive Committee will refer such application to a Special Standing Committee for final consideration. In considering any application for the designation Fellow of the Canadian Independent Adjusters' Association, the Special Standing Committee shall have the authority to make any independent inquiry of the matter which they deem advisable.

The Special Standing Committee shall be composed of not fewer than three (3), each to be a senior and experienced person from the adjusting field or the insurance industry or a suitable person with particular qualifications. Members of this committee shall be as named from time to time by the Executive Committee.

The designation Fellow of the Canadian Independent Adjusters' Association, once attained by a person, shall be held for life by that person.

(c) LEVEL III

- i. Must be employed by a licensed and practicing CIAA/ACEI member firm.
- ii. Must successfully complete the following IIC courses:
  1. C 111 Advanced Loss Adjusting
  2. C 112 Practical Issues in Claims Management
  3. Elective CIP Course
  4. C 16 The Business of Insurance
- iii. Must have attained their CIP/AIIC designation with the Insurance Institute of Canada, or hold a principal – “full” Independent Adjuster license in their primary – resident jurisdiction;
- iv. Must have a minimum of sixty (60) months of employment as a licensed Insurance Adjuster or sixty (60) months employment as a claims examiner, staff adjuster, or claims manager in a general insurance company or a combination thereof; within the immediate preceding ten (10) year period; with the most recent twenty-four (24) months of employment as a licensed independent adjuster.
- v. No Level III, Level II, or Level I member shall use after their name any letters or words to indicate that they are a member, Level I, Level II, or Level III of the Association.

(d) LEVEL II

- i. Must be employed by a licensed and practicing CIAA/ACEI member firm.
- ii. Must have a minimum of twenty-four (24) months employment with a licensed Insurance Adjusting firm; or twenty four (24) months of employment as a claims examiner, staff adjuster, or claims manager in a general insurance company;
- iii. Must hold an “Intermediate Level” Independent Adjuster license;
- iv. Must successfully complete the following IIC courses:
  1. C 11 Principles and Practice of Insurance (Or C 81 & C 82)
  2. C 12 Insurance on Property
  3. C 13 Insurance Against Liability – Part 1
  4. C 14 Automobile Insurance – Part 1
  5. C 110 Essentials of Loss Adjusting
  6. Elective CIP Course
- v. Progression to Level III membership requires successful completion of the courses outlined for Level III and a minimum of sixty (60) months of employment with a licensed Insurance Adjusting firm; or sixty (60) months of employment as a claims examiner, staff adjuster, or claims manager in a general insurance company or a combination thereof; within the immediate preceding ten (10) year period; with the

most recent twenty-four (24) months of employment as a licensed independent adjuster.

(e) LEVEL I

- i.** Must be employed by a licensed and practicing CIAA member firm.
- ii.** May be an employee performing investigation, research, and related support activities for their licensed employer.
- iii.** Progression to Level II membership requires successful completion of the courses outlined for Level II and a minimum of twenty-four (24) months employment with a licensed Insurance Adjusting firm; or twenty four (24) months of employment as a claims examiner, staff adjuster, or claims manager in a general insurance company; and must hold an “Entry Level” Independent Adjuster license.

(f) HONORARY LIFE MEMBERSHIP: Honorary Life Membership may be accorded a past or present member of the Association, who has been an independent adjuster for 25 years. Honorary Life Members are accorded full privileges of membership. No dues or assessments shall be required of Honorary Life Members.

(g) HONORARY MEMBERSHIP: The Executive Committee may appoint to the Honorary Membership any deserving person, the appointment to be renewed annually. Honorary Members may not attend business meetings of the Association. No dues or assessments shall be required of Honorary Members.

(h) INTERNATIONAL ASSOCIATES: Foreign independent adjusting firms may be accorded the status of International Associate, at the pleasure of the Executive Committee, and through providing evidence that they are members in good standing of their own national organization operating on a similar basis to the Association. Applicants shall complete an application form and pay annual dues as set from time to time by the Executive Committee. International Associates shall not have voting rights, although their representatives may serve on Association Committees and attend national or regional meetings.

(i) DISPENSING POWER OF EXECUTIVE COMMITTEE: The Executive Committee may elect to any grade of membership any practicing member of the Profession whose election by reason of their exceptional professional attainments and distinction would be of real advantage to the Association, although such person may not be otherwise eligible for such election.

- (j) **USE OF AUTHORIZED DESIGNATION:** A Member Firm may indicate after its title or name the words “Member (or members) of The Canadian Independent Adjusters’ Association/L’ Association Canadienne Des Experts Indépendants.”

A Chartered Loss Adjuster may use after their name the distinguishing letters “C.L.A.”. A Fellow of the Canadian Independent Adjusters’ Association may use after their name the distinguishing letters “F.C.I.A.A.”.

No Level III, Level II or Level I shall use after their name any letters or words to indicate that they are a member, Level III, Level II or Level I of the Association.

- (k) **ELECTION TO MEMBERSHIP:** The Executive Committee shall determine the information which shall be required of applicants and shall prescribe the form of application to be used. Such application shall have embodied in it an undertaking to conform, if elected, with the objects of the charter, the by-laws, rules and regulations from time to time in effect governing the Association.

The following procedures shall be observed when dealing with applications for membership.

Upon making application to the Association each Fellow of The Canadian Independent Adjusters’ Association, Chartered Loss Adjuster and Level III shall be entitled to a certificate of membership.

- (l) **MEMBERSHIP DUES:** Membership dues shall be as established from time to time by majority vote of the members at an annual meeting. There shall be a yearly fee for each Member Firm; for each owner, partner or officer in excess of one; and also for each adjuster and investigator employed by the Member Firm. The maximum dues or fees payable by any one Member Firm shall likewise be established from time to time by majority vote of members at an annual meeting.

The Executive Committee shall have the right in its sole wisdom to reduce the annual fees for any reason whatsoever.

Member Firms are required to submit to the Head Office of the Association completed application for membership for each new employee not later than the last day of June in each fiscal year.

Dues of Member Firms elected after the beginning of any fiscal year shall be billed pro-rata for the unexpired time, the month in which election to membership is approved not being included. In the event that any membership be discontinued, no rebate will be allowed from the expired time.

PAYMENT OF DUES: Billing shall be made under the direction of the Treasurer of the Association through the Executive Director on or before the last day of June of each fiscal year and dues shall be paid within forty-five (45) days of billing.

- (m) SPECIAL ASSESSMENTS: The Executive Committee may by resolution require Member Firms to pay special assessments as may be deemed necessary to meet expenses and to balance the budget approved at an annual meeting for any fiscal year. In like manner, the Regional Committee for any region may by resolution require Member Firms maintaining a head office or branch office in such region to pay special assessments as may be deemed necessary to meet expenses incurred over and above the amount allotted to such region from the revenues of the Association.

PAYMENT OF ASSESSMENTS: Billing of special assessments approved by the Executive Committee shall be made under the direction of the Treasurer of the Association through the Executive Director. Billing of special assessments approved by the Regional Committee of any region shall be made through the Regional Treasurer of such region. All such assessments shall be paid to the respective treasury within forty-five (45) days of billing.

- (n) No Member Firms whose dues or assessments are in arrears shall be entitled to be present or vote at any meetings of the Association or its regions, and any Member Firm whose dues or assessments shall be two months overdue shall, in the event of the Executive Committee so deciding, cease to be a member and shall forfeit all privileges and rights as a member, but shall pay to the Association arrears of dues and assessments payable.
- (o) A Member Firm wishing to discontinue its membership shall give written and signed notice to the Secretary of the Association on or before the last day of May then next following and in default thereof shall be liable for the dues for the ensuing fiscal year.
- (p) Upon the merger of The Canadian Independent Adjusters' Association/L'Association Canadienne des Experts Indépendants and the Association des Experts en Sinistre Indépendants du Québec Inc. the provisions of Section 1, paragraphs (a) to (n) inclusive shall not apply to AESIQ, whose own Constitution shall provide the requirements for membership in the Province of Québec only.

## 2. LEVEL I MEMBERS

- (a) No person shall be eligible for registration as a Level I unless they satisfy the Executive Committee that at the date of their application they have attained the age of eighteen (18) years and are --
- i. of good character and reputation;

- ii. employed by a member firm.
- (b) To retain registration of a Level I, each person so registered must diligently pursue to completion the CIP Courses, or such other courses of study as approved by the Membership and Qualifications Committee and ratified by the Executive Committee.
- (c) The Level I member shall:
  - i. conform with all reasonable rules and regulations prescribed for them by their employer;
  - ii. accept strict supervision by their employer in pursuit of their employment;
  - iii. read and familiarize themselves with those parts of the Insurance Act of the Province or Provinces or Territories in which they are to work and such other statutes as shall touch on investigations or adjustments assigned to them;
  - iv. read and familiarize themselves with the various policies of insurance, contracts and bonds under which investigations or adjustments are assigned to them.
- (d) Every Member Firm who employs one or more Level I member is responsible for providing such practical experience and systematic instruction in the techniques of investigation, adjustment and settlement of loss, and affording such opportunities as are necessary to enable the Level I member to acquire the art, skill, science, and knowledge of a Level III member.
- (e) The Executive Committee may investigate the progress, competence, character, habits and suitability for membership of any Level I member.

### 3. STANDARD AGENDA

The standard agenda to be used at general and executive committee meetings shall be as follows:

- i. Call to order.
- ii. Minutes of the previous meeting.
- iii. Business Arising out of the minutes.
- iv. Financial report.
- v. Report of the Executive Director

- vi. Reports of standing committee's.
- vii. Reports of committee's chairperson.
- viii. Reports of regional committees
- ix. New Business

#### 4. OFFICERS

In addition to the elected officers of the Association, as set forth in General By-Law No. 1, paragraph 25, the officers appointed shall be the chairperson of standing and other committees on a national basis, Executive Director, and such other person whom the National President or Executive Committee may from time to time appoint.

#### 5. REGIONAL COMMITTEES

The property and business of each region, as distinct from any property and business of the Association, shall be managed by a board of directors known as the Regional Committee. Each such Regional Committee shall consist of as many regional directors as may be:

- (a) required under the provisions of any provincial statute pertaining to a provincially incorporated region, or
- (b) established by the Regional President, in the case of any unincorporated region.

From time to time the Regional Committee of each region shall appoint a Regional Secretary and a Regional Treasurer from among its members. One person may hold more than one office, and if the same person holds both the office of the secretary and treasurer of a region, the person may be known as Regional Secretary-Treasurer.

#### 6. DUTIES OF REGIONAL OFFICERS

- (a) The duties of the Regional Presidents are described in General By-Law No. 1, paragraph 31.
- (b) Each Regional Secretary shall give or cause to be given all notices required to be given to members, regional director, and members of committees; shall attend all meetings of the Regional Committee and of the Members and shall enter or cause to be entered in books kept for that purpose minutes of all proceedings at such meetings and shall give copies of such minutes to the Executive Director of the Association; shall be the

custodian of any corporate seal of their region, and all books, papers, records, documents and other instruments belonging to such region; and shall perform such other duties as may from time to time be prescribed by their Regional Committee.

- (c) Each Regional Treasurer shall keep full and accurate books of account in which shall be recorded all receipts and disbursements of the region and under the direction of the Regional Committee shall control the deposit of money, and safekeeping of securities and the disbursement of funds of the region; shall render to the Regional Committee at the meetings thereof, or whenever required, an account of all transactions as treasurer and of the financial position of the region; shall make all books, receipts and vouchers available to the auditors of the Association when required to do so, and shall file with the Treasurer of the Association within sixty days of the fiscal year end, in the case of an unincorporated region, a financial statement of the previous year signed by the Regional President and Treasurer, and in the case of an incorporated region certified copy of the financial statement prepared by the auditor or auditors of the region; shall, each year upon request, file with the finance committee of the Association, a budget of the expenditures approved by the Regional Committee in conjunction with its programme, so that the said budget may be submitted to the members of the Association at its annual meeting; and shall perform such other duties as may from time be prescribed by the Regional Committee.
- (d) Every regional director shall be acquainted with --
- i. the boundaries of their represented district, its members and any non-members who qualify for membership and subscribe to the objects of the Association;
  - ii. the roster of the members of the Association, as published from time to time;
  - iii. the objects of the charter, the by-laws, rules and regulations of the Association;
  - iv. the resolutions and minutes of the Association and of their region, as published.

Each regional director shall, as soon as possible after taking office and as often as necessary thereafter, conduct meetings of the members of the district, to promote the objects of the Association and matters of interest to such members, and shall give copies of the minutes of such meetings to the Regional Secretary of the region, and shall give to the editors of the regional bulletin and the official journal, for publication therein news of interest within their district or information on matters of influence on the insurance business.

Each regional director shall prepare and submit to the Executive Director, up to date mailing lists for the systematic distribution of the official journal, membership directory or other media to the insurance companies and agents, and it shall be their particular responsibility to notify the Executive Director of changes of supervisory claims personnel, addresses, etc., as such changes occur.

The regional directors shall remain alert for situations in their districts that affect the Profession and shall endeavor to promote good relations with hospital authorities, members of the medical and legal professions and their societies, police and fire services, and shall cause members to respect the ethics and rules of such professional persons and agencies whenever seeking confidential information. Educational efforts, promotional ideas and a closer relationship between the independent adjusters, through discussion and correspondence among them shall be encouraged by the regional directors in their districts.

## 7. EXECUTIVE STANDING COMMITTEES

NOTE: that except where otherwise provided, each executive standing committee shall consist of one member drawn from the Executive Committee with power to add.

- (a) The advisory committee shall consist of the Immediate Past President, the current year's CIAA/ACEI Directors, the First and Second Vice Presidents and any other appointee designated by the current President. The role and purpose of the Advisory Committee is to review and discuss those issues brought before the Association which the President deems warrant the advice, counsel and debate of the advisory committee preparatory to determining the Association's stand or how best the Association should respond. The advisory committee shall provide counsel on whether the issue in question is one for the national executive or a regional issue. It shall provide input to the President whereby a clear Presidential mandate can be established preparatory to referral of the issue to a more appropriate committee for study.
- (b) The career recruitment planning committee shall promote loss adjusting as an interesting, respectable and rewarding career and support the training and recruitment of people entering the profession.
- (c) The constitution and rules committee shall study and make recommendations to the Executive Committee on all proposed amendments and additions to the charter, by-laws, rules and regulations before these are submitted for a vote by the membership.
- (d) The convention committee shall determine the programme to be undertaken in conjunction with conferences which the Association may conduct and the annual meeting and shall be responsible for making adequate arrangements for accommodation and catering at all functions.

- (e) The discipline committee shall cause to be investigated all complaints made in writing and supported by evidence against a member. When such investigation indicates a lack of fitness or suitability for membership in the Association of a present member, the committee shall make full report to the Executive Committee, through the Immediate Past President, who shall be the executive member in charge of all discipline committees. The Executive Committee shall have the power to reclassify any member (except in the case of a Fellow of the Canadian Independent Adjusters' Association and a Chartered Loss Adjuster) or to impose such other penalty as may be deemed suitable.
- (f) The editorial committee shall be responsible for the acquisition of suitable editorial copy for the official journal and for its publication bi-monthly according to schedule. The committee shall assure adherence to the publishing guidelines for the Association's magazine, "Claims Canada", providing guidance to the publisher of the magazine on any advertising that could be viewed as inappropriate or contrary to the best interests of the members. It shall, from time to time, as necessary, negotiate with the publisher the terms and conditions of a contract for publication of the magazine.
- (g) The function of the education committee shall be to promote and encourage professional development and education, this function to be carried out in conjunction with regional education committee chairpersons.
- (h) The emergency measures committee shall work with Regional Committees in obtaining Provincial Disaster Assistance Programs in those regions where there is no contract already in place and assist in maintaining existing contracts.
- (i) The F.C.I.A.A. committee shall be composed of not fewer than three, each to be a senior and experienced person from the adjusting field or the insurance industry or a suitable person with particular qualifications. Members of this committee shall be as named from time to time by the Executive Committee. Its duty shall be to give consideration to each application from a member for the designation Fellow of the Canadian Independent Adjusters' Association and to recommend to the Executive Committee acceptance or rejection of each application.
- (j) The finance committee shall consist of the Treasurer, who shall act as chairperson, together with the National President, the Immediate Past President and the 1<sup>st</sup> Vice-President. The finance committee shall prepare a budget of anticipated receipts and disbursements for approval by the National Executive. Certain capital expenditures require review by the finance committee from time to time with recommendations of the committee on these to the Executive Committee.

- (k) The forms committee shall consider forms submitted for approval as CIAA/ACEI Standard Adjusting Forms and, with due regard for uniformity of wording and style as far as practicable, shall consider necessary amendment of such forms, making suitable recommendations to the Executive Committee. It shall secure and distribute to members proposed changes and new and amended standard adjusting forms.
- (l) The Industry Liaison & Promotion Committee shall liaise with and promote the association to other industry groups dealing with activities of the insurance industry. The prime purpose shall be to promote the independent adjuster and the Association to the industry and others through all means possible. It shall seek and publish such material as may be advantageous to the Association. In co-operation with other committees it shall promote a close relationship between the Association and other industry associations as well as with the insurance industry in general.
- (m) The legislative committee's purpose shall be to review legislation in the various provinces, observe, lobby, report with recommendations to the Executive Committee on legislation that might affect the Association, and initiate legislation on matters affecting adjusters.
- (n) The licensing committee shall monitor and report on licensing issues affecting all jurisdictions.
- (o) The membership and qualifications committee shall scrutinize all material provided to it by the national office with respect to applications for membership or the classification or reclassification of any member and make recommendations to the Executive Committee on such applications.
- (p) The nominating committee shall consist of the Immediate Past-President, who shall act as chairperson, together with the National President, 1<sup>st</sup> Vice-President, one Director representing the member firms with more than 50 adjusters on staff, and a Director representing the member firms with less than 50 adjusters on staff. The nominating committee shall receive nominations or itself make nomination for election of officers. Those holding the office of 1<sup>st</sup> and 2<sup>nd</sup> Vice-President shall consider the process a three-year commitment culminating with the office of National President, except where successors may be elected by a vote at an annual or special general meeting. A list showing the slate of candidates shall be sent with the notice of annual meeting.
- (q) The privacy committee shall promote adherence to the Personal Information Protection and Electronics Document Act, providing guidance, counsel and investigation when necessary.
- (r) The ways and means committee shall, at the direction of the President, investigate, study and report on issues of importance.

## 8. REGIONAL STANDING COMMITTEES

- (a) The regional catastrophe committee's duty shall be to recognize and act promptly upon any emergency which occurs in the respective regions and by consultation between members and other adjusters in the region, determine the extent and seriousness of such emergency and the manpower requirements of the adjusting offices in the emergency area, and notify the standing committee chairperson of all developments and progress. At the conclusion of emergency operations, it shall be the duty of the catastrophe committee member closest to the scene to prepare and submit to the committee chairperson a synoptic report of the measures taken with recommendations for updating the catastrophe plan as may be deemed necessary.
- (b) The regional discipline committee's responsibility shall be to conduct investigations in the field of all complaints made in writing and supported by evidence against any members or other independent adjusters in the respective regions, and such investigation shall include an invitation to the member or other adjuster against whom such complaint is made to present his case for consideration. Where disciplinary action against a member appears necessary, a full report accompanied by documentary evidence shall be forwarded to the Executive Member, who shall make recommendations to the Executive Committee.
- (c) The regional forms committee shall secure and distribute to members proposed changes in policy wordings, and shall issue new or amended standard adjusting forms which are approved from time to time.
- (d) The regional public relations committee shall work to promote the programmes and purposes of the executive standing committee, and shall, through the grass roots membership, endeavor to uphold the good faith of the insurance business.
- (e) The regional qualifications committee shall study and make recommendations to the executive qualifications committee respecting the development of educational courses for Level I members and at the request of the national body shall supervise the delivery of lectures, conduct examinations of adjusters, and secure and distribute to members any informative material which may assist their adjusters in the better performance of their duties. The regional standing committees shall be responsible for promoting provincial licensing through programmes of qualifying examinations.

## 9. OFFICIAL INSIGNIA

The official crest of the Association shall be a monogram consisting of the initials CIAA/ACEI with a Maple Leaf emblem superimposed in the centre of the first A. Certificates issued to members shall remain the property of the Association, notwithstanding that a charge may be made and shall be returned to the Executive Committee upon termination of membership or upon demand. Any member under suspension who uses stationary or forms bearing the imprint of the Association's crest shall, in the event of the Executive Committee so deciding, forfeit his membership.

## 10. OFFICIAL JOURNAL

The official journal of the Association shall be "Claims Canada", which shall be published bi-monthly and its editorial policy shall be governed by the Executive Committee.

## 11. CODE OF PRIVACY

### **Code of Privacy**

#### **Preamble**

The Canadian Independent Adjusters Association (CIAA) hereby declares that every CIAA Member and their employees respects individual privacy and recognizes its obligation to use best efforts to protect individual privacy to the greatest extent possible in the course of carrying out licensed activities under the applicable provincial or territorial insurance legislation.

Ten interrelated principles form the basis of the Canadian Standards Association Model Code for the Protection of Personal Information which has been adopted as an appendix to the *Personal Information Protection and Electronics Document Act*. Each principle is a core element in the CIAA Code of Privacy.

#### **1. Accountability**

Each organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

#### **2. Identifying Purposes**

The purposes for which personal information is collected shall be identified by the organization at, or before the time the information is collected.

### **3. Consent**

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

### **4. Limiting Collection**

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

### **5. Limiting Use, Disclosure, and Retention**

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

### **6. Accuracy**

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

### **7. Safeguards**

Security safeguards appropriate to the sensitivity of the information shall protect personal information.

### **8. Openness**

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

### **9. Individual Access**

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

## **10. Challenging Compliance**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's privacy compliance.

## **12. CODE OF ETHICS**

The members of The Canadian Independent Adjusters' Association/L'Association Canadienne des Experts Indépendants for themselves and for their employees agree THAT:

### **A. With respect to policyholders and claimants**

1. Collect, use and disclose personal information only in accordance with the Privacy Code set out above.
2. Policyholders and claimants are entitled to receive courteous, fair and objective treatment at all times;
3. Policyholders and claimants are entitled to receive prompt and knowledgeable service;
4. Any policyholder, claimant or any other person who has given a written statement to any member may request and obtain a copy without charge;
5. Policyholders or claimants shall not be given legal advice; nor shall they be advised to refrain from seeking legal advice and no adjuster shall deal with any policyholder or claimant who is represented by legal counsel without the consent of the legal counsel involved;
6. Policyholders will be given explanations with respect to their insurance coverage as relevant to the loss or claim being adjusted;
7. Medical information or records shall not be obtained on any policyholder or claimant without the written consent of the individual or his or her legal representative;
8. An adjuster will identify himself as an insurance adjuster in his dealing with any policyholder or claimant and shall, if requested, fully identify his principals.

### **B. With respect to insurers and self-insurers**

1. Collect use and disclose personal information only in accordance with the Privacy Code set out above.
2. All facts which have a bearing on the loss or claim shall be disclosed to the insurers or self-insurers;
3. The adjuster shall represent only one interest and shall immediately inform his principals of any potential conflict of interest brought about by either dual assignments, financial or other interest in the claim, personal relations, or previous knowledge of circumstances relating to his mandate;

4. The adjuster shall have no financial interest in any adjustment nor shall he acquire either for himself or any person with whom he has an arms-length relationship, any interest or title in salvage unless he receives written authority from his principals;
5. The adjuster will not accept any form of consideration, other than from his principals, or other inducements from any party who has an interest in a claim;
6. All information received shall be treated confidentially and shall not be disclosed to any person except as authorized by his principals or required by law;
7. Adjusters shall not act together for the purpose of setting prices or wages.

#### APPENDIX I

Consistent with the best interests of the insurance industry and the public, the purpose of this Association is to promote and represent common business interests of licensed independent adjusters within the insurance industry.

In furtherance of this fundamental purpose and objective, the Association shall promote:

- (a) uniform standards of conduct in the adjustment of insurance claims;
- (b) insurance education among its members and encourage greater industry and public understanding of the workings of the adjustment business;
- (c) distribute publications and programs to enhance the professional development of its membership;
- (d) communicate with and explain to federal and provincial governing bodies, the insurance industry and the public, the ramifications of matters of direct interest to its members in their conduct of the adjustment business; and
- (e) in general, promote and encourage understanding, cooperation and good relations amongst its members, the insurance industry and the public.

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