



Timely Claims Reporting Requirements - Keeping Costs Under Control

Did you know timely reporting of claims can potentially help keep your insurance rates stable? We have a shared interest in prompt claims reporting; late reporting of claims can impact MEARIE's ability to investigate a claim and establish a proper defense. For example, late reporting might:

- Prevent a proper investigation of the accident scene before the scene changes.
- Cause the claim to increase resulting in a larger settlement.
- Impact our loss ratio and our reinsurance negotiations. Late reported claims can wreak havoc with our program loss ratios and can negatively impact our ability to negotiate favorable terms with our reinsurance partners – resulting in higher insurance rates.

Each of the Underwriting Groups has specific reporting requirements as part of the terms and conditions of the policy. These reporting requirements may affect your legal rights and the claim recovery process. No matter when, where or what the type of incident or loss experienced, you should report it to MEARIE as quickly as possible and assist in the investigation. The reporting requirements for each policy are summarized here (please refer to the actual policy wording and insurance contract for complete and detailed reporting requirements).



Prompt reporting of claims, incidents or legal actions is one of your ongoing responsibilities as a MEARIE Subscriber.

To ensure prompt and timely reporting of all claims, incidents or legal actions here are some simple steps to follow:

- 1) Notify MEARIE of any incidents** (even if you are uncertain as to whether it is claimable) as soon as possible – even if you don't have a form filled out yet.
- 2) Review your internal company Policies & Procedures** to ensure employees know what steps to take in the event of a loss or claim. Establish protocols identifying who is responsible for determining if a loss is insured and for reporting these incidents to MEARIE.
- 3) Preserve evidence**, damaged vehicle or damaged equipment for potential investigation by claims adjuster.
- 4) Do not undertake repairs/remediation to any damaged equipment**, etc. (that is involved in a claims investigation) without having established approval/agreement with the Adjuster, or to mitigate further loss, or except as required by Authority having jurisdiction.
- 5) Document, document, document.** Gather and document as much information as possible, including pictures. Keep all records, correspondence and pictures until the claim is finalized.
- 6) Complete the appropriate MEARIE form**, available on the MEARIE website, providing as much detail as is available. Submit the completed form with documentation and pictures to the MEARIE Claims Department as outlined on each form.
- 7) Not sure if it could be claim?** Contact MEARIE to discuss.

MEARIE Comprehensive Liability Policy – Your Reporting Responsibility

You are responsible to report a claim or incident which may lead to a claim, as soon as you become aware. Please use the: **2012 GENERAL LIABILITY CLAIM FORM.**

POLICY WORDING: Section 8.4 NOTICE OF ACCIDENT, OCCURRENACE, CLAIM OR SUIT states that When an **Occurrence** or accident happens or **Other Notice of Claim First Received by the Insured** occurs or exists or an oral **Claim** is made against an **Insured**, written notice shall be given by or on behalf of the **Insured** to the **Reciprocal** or any of its authorized agents as soon as practicable after notice thereof has been received or knowledge thereof gained. . . Such notice shall contain particulars sufficient to identify the Insured and also reasonably obtainable information respecting the time, place and circumstances of the Occurrence or accident, the name and address of the injured, the particulars of the damaged property, the name and address of the Insured, and the name and address of all witnesses.

MEARIE Vehicle Policy – Your Reporting Responsibility

An incident that involves more than \$1,000 damage or personal injury is to be reported to the police and reported to your insurer within 7 days. Please use the: **2012 VEHICLE ACCIDENT REPORTING FORM.**

Potential claims under the MEARIE Vehicle policy are regulated by legislation in the Province of Ontario and have stringent reporting requirements. Under Section 1.4 Your Responsibilities of the OAP1 Vehicle policy it states “If you fail to meet your responsibilities, claims under this policy, with the exception of certain Accident Benefits, may be denied.” The following excerpts from the policy should be kept in mind in the event of an incident or claim;

POLICY WORDING: 1.4.4 You agree to inform us (MEARIE) in writing of any incident involving the automobile (vehicle) that must be reported to the police under the Highway Traffic Act or for which you intend to make a claim under this policy. You must notify us (MEARIE) within seven days of the incident or, if unable, as soon as possible after that.

Statutory Requirement 6 - Requirements Where Loss or Damage to Automobile

- 1) Where loss of or damage to the automobile occurs, the insured shall if the loss or damage is covered by this contract,
 - a) Give notice thereof in writing to the insurer with the fullest information obtainable at the time
 - b) At the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage
- 2) Any further loss or damage accruing to the automobile directly or indirectly from a failure to protect it as required . . . is not recoverable under this contract
- 3) No repairs, other than those that are immediately necessary for the protection of the automobile from further loss or damage, shall be undertaken and no physical evidence of the loss or damage shall be removed,
 - a) Without written consent of the insurer, or;
 - b) Until the insurer has had a reasonable time to make the examination for which provision is made in statutory condition 8



MEARIE Property Policy – Your Reporting Responsibility

Incidents that result in physical damage including mechanical equipment breakdown should be reported to MEARIE as soon as possible to allow for the adjuster to investigate and aid in the recovery or repair. Please use the: **2012 PROPERTY NOTICE OF LOSS CLAIMS FORM**.

POLICY WORDING: Under Section H – Conditions of the MEARIE Property policy report requirements are outlined as follows:

6. REQUIREMENTS AFTER LOSS

Upon the “Occurrence” of any loss of or damage to the insured property, the Insured shall, if the loss or damage is covered by the contract, in addition to observing the requirements of Conditions 9, 10 and 11,

- A) forthwith give notice thereof in writing to the Insurer,
- B) deliver as soon as practicable to the Insurer a proof of loss verified by a statutory declaration,
 - (i) giving a complete inventory of the destroyed and damaged property and showing in detail quantities, costs, actual cash value and particulars of amount of loss claimed,
 - (ii) stating when and how the loss occurred, and if caused by fire or explosion due to ignition, how the fire or explosion originated, so far as the Insured knows or believes,
 - (iii) stating that the loss did not occur through any willful act or neglect or procurement, means or connivance of the Insured,
 - (iv) showing the amount of other insurance and the names of other insurers,
 - (v) showing the interest of the Insured and of all others in the property with particulars of all liens, encumbrances and other charges upon the property.
 - (vi) showing any changes in title, use, occupation, location, possession or exposures of the property since the issue of the contract,
 - (vii) showing the place where the property insured was at the time of loss;
- C) if required, give a complete inventory of undamaged property and showing in detail quantities, cost, actual cash value,
- D) if required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers verified by statutory declaration, and furnish a copy of the written portion of any other contract.

The evidence furnished under clauses C and D of this condition shall not be considered proofs of loss within the meaning of Conditions 12 and 13.

The MEARIE Group’s Reciprocal News is an electronic publication intended for Subscribers of The MEARIE Group’s Insurance programs. It is published on a periodic basis and is intended for information purposes only. In the event of specific claims, incidents or legal actions against the Subscriber, coverage will be determined by MEARIE policy interpretation.



If you have questions about incident or claims reporting do not hesitate to contact MEARIE, either:
Jasreen Hundal | jhundal@mearie.ca or
Gary Durie | gdurie@mearie.ca
800.668.9979