



Editor: John Rislanti

Manitoba Chapter February Newsletter

**TUESDAY, FEBRUARY 22, 2011
BERGMANN'S ON LOMBARD,
6th FLOOR - 167 LOMBARD AVENUE, WINNIPEG**

PROGRAM:

12:00 NOON	WELCOME
12:15 PM	LUNCH
12:30 PM	GUEST SPEAKER
1:15 PM	CRM GRADUATES
1:30 PM	ADJOURNMENT

(½ hr ICM education credit provided)

COST: **\$25.00 MEMBERS \$30.00 GUESTS -**
CRM GRADUATES AND INSTRUCTORS FREE
(Please bring correct change if paying cash. We must charge no-shows unless they provide 24 hrs prior notice)

RESERVATIONS: **By Noon, Friday, February 18, 2011**
Annette.Ethier@gov.mb.ca or 945-1917

PROGRAM: POWER & PAIN OF SOCIAL MEDIA

Canadians – in ever increasing numbers – are blogging, tweeting and accessing social networking websites. This growing power of social media is increasing the legal risks for Canadian businesses. These risks include disgruntled employees intentionally revealing trade secrets, defaming supervisors, harassing co-workers, or posting negative information about their employers' businesses. There are even additional threats resulting from loyal employees who inadvertently disclose information online that runs afoul of security, privacy and competition laws.

Join us for this timely RIMS luncheon during which we will discuss:

- The legal do's and don'ts of monitoring employee social media activities during and after work hours;
- Tips for creating meaningful social media policies; and
- How to deal with potential civil liability resulting from employee social media activities

ABOUT OUR SPEAKERS:



Adam Herstein is a partner at Pitblado LLP, a leading business law firm in Winnipeg Manitoba. Adam practises in the area of corporate commercial law with a particular emphasis on information technology and intellectual property law. In that capacity, Adam advises creators and users of technology with respect to its use, protection and commercialization. His clients include companies involved in internet marketing, search engine optimization, IT security, software development, website development, providers of technology services, videogame developers and many other creators of technology. A good part of Adam's practice also involves providing advice to business users of technology in industries such as financial services and health care. Adam is the chair of the Technology and Intellectual Property Law Section of the Manitoba Bar Association. Adam is also a former director of IT.Can, the Canadian Technology Lawyers Association.



Brian Bowman practices as a business lawyer with a specialization in privacy, access to information, online reputation management, intellectual property and technology matters.

Brian is a nationally recognized leader in privacy and access to information law, and is a frequent speaker, media commentator and author. He writes a professional blog at brianbowman.ca, which provides practical assistance to Canadian businesses so they can better deal with issues related to privacy, access to information and other cutting edge legal issues.

Brian is involved in numerous volunteer efforts including serving as Incoming Chair to the Winnipeg Chamber of Commerce, Member on the Certified General Accountants of Manitoba's Board of Governors, and Province President (Manitoba, Saskatchewan) for the International Legal Ethics Association, Phi Delta Phi.

This luncheon will also recognize the recent CRM Graduates from the University of Winnipeg Continuing Education Program and their excellent instructors.

MaRIMS Vision: To be recognized as a strong, vibrant, inclusive association promoting all aspects of Risk Management.

MaRIMS Mission: To promote the growth and development of Risk Management through education and networking.

COMING EVENTS:

TUESDAY, MARCH 22, 2011

MARIMS LUNCHEON

Establishing and Maintaining a Self-Insurance Program

Speakers: Jim Swanson Province of Manitoba
Kevin Lee Aon Actuarial

THURSDAY, FEBRUARY 17, 2011 11:30 AM

Canadian Society of Safety Engineering (CSSE) - Manitoba Chapter

Luncheon / Professional Development Seminar

Caboto Center 1055 Wilkes Avenue

Guest Speaker will be Dan Lenters, CRSP, from FWS Group.

Contact Ed Pschulski at csse@mts.net

MONDAY JUNE 13, 2011, 12:00 NOON

MARIMS'S ANNUAL DON HYDE MEMORIAL GOLF TOURNAMENT

Breezy Bend Golf Club, 7620 Roblin Boulevard, Headingley



CURRENT GRADUATES FROM UNIVERSITY OF WINNIPEG RISK MANAGEMENT PROGRAM:

Olabode Abediyi

Elaine Alvis

Carlos Betonio

Olayemi (Olay) Fatunbi

Robert (Bruce) Graham

Charles Offor

Edward Pschulski

Scott Roberton

Chris Sahaidak

Gail Stoyko

Shannon Van Norman

Tania Whyte

Abiodun (Abbey) Akindele

Aaron Arjoon

Brett Christie

Kevin Graham

Shawn Kidd

Robert Parent

Jeff Rentz

Denine Rodrigues

Kevin Smith

Tom Thordarson

Carolle Vieville

MANITOBA GOLF CARTS ARE "AUTOMOBILES" (c/o Canadian Underwriter)

A golf cart is in fact an "automobile" under the Manitoba Public Insurance Corporation Act (MPIC), the Court of Queen's Bench of Manitoba has ruled.

Jeff Hruska sustained an injury to his right leg while a passenger in a golf cart in April 2003. He filed a negligence claim against the golf club and the golf cart driver, Christopher Gama. The golf club said Hruska's injury was covered by Part II of the MPIC Act, which deals with universal bodily injury compensation. That being the case, no-fault compensation would be payable to Hruska, but his civil action would be statute-barred.

Hruska applied for benefits, but Manitoba Public Insurance denied his request, saying there was an exclusion for "off-road vehicles" under Part I of the MPIC Act.

The court observed different definitions of an "automobile" appear in Parts I and II of the MPIC Act.

Part I of the MPIC Act, which deals with registration and insurance, defines an automobile simply as "a motor vehicle" It further refers to the Highway Traffic Act, which says a 'vehicle'

under this definition means a device in, upon or by which "a person or thing may be transported or drawn upon a highway."

Part II of the MPIC Act defines an automobile as: "a vehicle not run upon rails that is designed to be self-propelled or propelled by electrical power obtained from overhead trolley wires." Part II does not define a "vehicle."

The Court of Queen's Bench of Manitoba said a golf cart is an automobile under both parts of the MPIC Act.

"Even if one were led to the definition of 'vehicle' in Part I and thereby to the HTA definition, that would not exclude a golf cart," the court ruled. "It is a device by which a person may be transported on a highway and is not designed solely by human muscular power, or used on tracks; nor is it a motorized mobility aid [the other vehicle exclusions in the act]."

OBITUARY – LINDA HENRY



A dear friend and colleague to many of us in the risk management and insurance profession passed away on January 16, 2011. Linda Henry was 55 when she succumbed to cancer after a brief illness. Linda was a loving person, dedicated to her family and friends and to her career. She was a person who contributed and gave willingly of her time and talents, who exemplified solid "rural" values, and expected little for herself in return for the help she gave others. Linda had a great sense of humour, loved to laugh and have fun, and she went about her work in a quiet professional manner. She worked at Royal Insurance, the Risk Management unit at United Grain Growers and more recently at Aon Brokers in Winnipeg. Linda had many friends in the industry. She was a willing participant in the activities of the Manitoba Risk and Insurance Management Society throughout the years and took on key roles when Manitoba hosted the Canadian Risk Management Conferences and the Don Hyde Memorial Golf Tournaments.

Insurers are scouring social media for evidence of fraud [Los Angeles Times]

Jan. 25--Now there's another reason to be careful about what you post on Facebook: Your insurance company may be watching.

Nathalie Blanchard found out the hard way.

Struggling with depression, the 30-year-old from Quebec, Canada, took a medical leave in early 2008 from her job as an IBM technician. Soon after, she began receiving monthly disability benefits from her insurer, Manulife Financial Corp.

A year later and without warning, the payments stopped.

A representative of the Toronto insurance company told Blanchard that Manulife used photos of her on Facebook -- showing her frolicking at a beach and hanging out at a pub - - to determine she was depression-free and able to work, said Tom Lavin, Blanchard's attorney.

"They just assumed from the pictures that she was a fraud," Lavin said, "without investigating further before terminating Nathalie's benefits."

Blanchard sued Manulife, accusing Manulife of failing to talk to her doctor and neglecting to inform her before cutting off payments. The case is scheduled for trial next January.

Manulife, citing ongoing legal proceedings, declined to comment on the case but said in a statement: "We would not deny or terminate a valid claim solely based on information published on websites such as Facebook."

Social-networking websites such as Facebook and MySpace have become the go-to places where employers, college admissions officers and divorce lawyers can do background checks. Armed with the information, police have caught fugitives, lawyers have discredited witnesses and companies have discovered perfect-on-paper applicants engaged in illegal or simply embarrassing behavior.

And now insurance companies are exploiting the free, easily accessible websites.

Such sites have become the latest tools in detecting fraud, which the industry says costs the U.S. as much as \$80 billion a year and accounts for 3% to 10% of total annual healthcare spending.

Investigators who once followed people with cameras now sit behind desks "mining databases and searching Facebook," said Frank Scapili, spokesman for the National Insurance Crime Bureau, a nonprofit that investigates suspect claims for insurance partners such as Allstate and State Farm.

"They look out for things that don't add up," he said, "like someone who claimed they hurt their back too badly to work and then bragged on Facebook about running a marathon."

Social-networking sites have become such "standard tools" that Peter Foley, vice president of claims at American Insurance Assn., said that investigators could be considered negligent if they didn't conduct at least "a quick scan of social media to check for contradictions."

But the evidence gathered on these sites, Foley and other insurance experts caution, should be used only as a launch pad for further investigations and never as final proof of fraud.

JOKES OF THE MONTH

Van Gogh's Family Tree.....

His dizzy aunt -----Verti Gogh
The brother who ate prunes -----Gotta Gogh
The cousin from Illinois ----- Chica Gogh
His magician uncle -----Where-diddy Gogh
His Mexican cousin ----- A mee Gogh
The Mexican cousin's American half-brother ----- Gring Gogh
The nephew who drove a stage coach-----Wells-far Gogh
The ballroom dancing aunt ----- Tang Gogh
The bird lover uncle -----Flamin Gogh
His nephew psychoanalyst ----- E Gogh
A sister who loved disco ----- Go Gogh
And his niece who travels the country in a van ---Winnie Bay Gogh