



Consumer Advisory Panel

2020 Annual Report

Overview

Established in January 2020, the Consumer Advisory Panel (the Panel) serves as an advisory body to the Financial Services Regulatory Authority of Ontario (FSRA) through FSRA's Consumer Office. The Panel provides advice from a consumer perspective on proposed FSRA policy changes and regulatory activities, and is an important part of FSRA's stakeholder engagement process.

Overall, the Panel is intended to:

- Act as an advisory body to provide advice from a consumer perspective on FSRA's policymaking and activities;
- Provide external input, based on personal experiences and perspectives as consumers and/or advocates, to proposed policy-related matters and changes;
- Identify topics covered by FSRA's mandate that could benefit from potential consumer policy, outreach and education, for the Consumer Office to consider; and
- Inform and assist the Consumer Office in becoming the voice of the consumer in FSRA with regard to rule making, policy initiatives, business planning, consumer protection and other regulatory activities.

Through collaboration with FSRA, the Panel seeks opportunities to help FSRA carry out its statutory objects, including protecting the rights and interests of consumers and contributing to public confidence in the regulated sectors. The 2020 Consumer Advisory Panel Annual Report is intended to provide an overview of the Panel's inaugural term, including its membership and key activities.

The Panel's 2020 Highlights

The Panel's nine members helped inform FSRA's policymaking by contributing combined experience and expertise in investor and pensioner protection, insurance reform, credit unions, financial services, advocacy and law, and academia. The Panel co-hosted a Consumer Engagement Series with the Consumer Office to address the need for title protection and minimum standards for financial planners and advisors practicing in Ontario.



Membership

The Panel is comprised of nine representatives who brought diverse perspectives and backgrounds from across the financial services sector. The members have extensive leadership and experience in representing consumer interests in Ontario and Canada.



Sharon Altman-Leamen

Ms. Altman-Leamen is a Director of the Canadian Federation of Pensioners and a member of its advocacy team. She is also the co-founder and President of Yellow Pages Pensioners Group. Her work focuses on protecting the pensions and benefits of active and retired members of defined benefit plans in Canada, especially with regard to underfunded pension plans that in some cases are in wind-up (i.e., termination or discontinuation), due to bankruptcies or insolvencies.

Kristian Bonn

Mr. Bonn is the Vice President (and future President) of the Ontario Trial Lawyers Association, focused on advocating for the rights of those who have suffered injury and losses as the result of wrongdoing by others. As a law partner at Bonn Law Office Professional Corporation, he represents individuals who are involved in auto insurance disputes, property insurance claims and other civil matters.

Anish Chopra

Mr. Chopra has over 20 years of experience interacting with clients of all backgrounds across a variety of wealth channels, including investment advisors, financial advisors, and institutional and retail investors. He served as Chair of the CFA Society of Toronto, and on the Board of Directors of the Alternative Investment Management Association (AIMA) Canada, the Canadian Accounting Standards Board. He was also a community member on the Ontario Judicial Council.

Rhona DesRoches

Ms. DesRoches is the Chair of the Board of FAIR Association of Victims for Accident Insurance Reform. She has extensive experience in the insurance industry representing consumer interests and perspectives, and 25 years of working with governments, regulators and other stakeholders to advocate for victims.

Hitesh Doshi

Mr. Doshi is a professor at Ryerson University. He served as the Chair of the Consumer Advisory Council of Tarion, Ontario's New Home Warranty Program, and of the City of Toronto's Technical Advisory Group on Green Roofs. His work focuses on providing an informed, research-supported consumer perspective to regulatory authorities.

Roger Gauthier

Mr. Gauthier has extensive knowledge and experience in the credit unions sector at the local, provincial and national levels. He has served on the Forum de Concertation de Desjardins, a national advisory panel. He is a Board member of the Fédération des caisses populaires de l'Ontario and of several credit unions/cooperatives working to ensure that financial institutions and insurance providers remain strong and stable.

Harold Geller

Mr. Geller is a lawyer who represents investors and insurance clients. He is a member of the Ontario Securities Commission's Senior Expert Advisory Group and the Ombudsman of Banking and Investment's Consumer and Investor Advisory Council. He serves on the Executive Committees on Elder Law for both the Canadian and Ontario Bar Associations, and on the Canadian Bar Association's Executive Committee on Insurance Law.

Robert Gouley

Mr. Gouley has significant experience advising on investor protection issues and regulatory proposals, including the Fair Treatment of Customers Guideline adopted by Canadian Council of Insurance Regulators (CCIR) and Canadian Insurance Services Regulatory Organizations (CISRO). He led the Canada Advocacy Council of CFA Societies Canada, and was the Chair of the Canadian Securities Traders Association. His work focus on promoting investor protection and confidence, and fair and efficient capital markets.

Laura Tamblyn Watts

Ms. Tamblyn Watts is a public policy lawyer with 20 years of expertise in the aging, financial, disability and consumer sectors. She founded and was the National Director of the Canadian Centre for Elder Law, and the Chief Public Policy Officer at the Canadian Association of Retired Persons (CARP). She recently founded CanAge, a non-profit organization for seniors in Canada. She teaches at the University of Toronto in the Institute for LifeCourse and Aging, and the Factor Inwentash Faculty of Social Work.

FSRA's Consumer Office

The Consumer Office was established to serve as the voice of the consumer within FSRA. More specifically, the Consumer Office:



- conducts consumer research;



- sets the strategy for FSRA's consumer engagement and education in the regulated sectors;



- leads select cross-sectoral policy projects;



- supports sector-specific policy projects; and



- provides secretariat support to the Panel.

In addition to consulting the Panel, the Consumer Office works with regulatory partners and consumer stakeholders to gather insights on consumer perspectives, expectations and understanding of the financial products and services provided by regulated entities. The insights and cross-collaboration are essential to the implementation of FSRA's key priorities, including protecting the public interest.

Engaging with industry partners, consumers and other stakeholders is an integral part of the regulatory process and a key element of the FSRA mandate. The Consumer Office is dedicated to ensuring that consumer perspectives are embedded in FSRA's strategy and policy development.

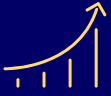
Timeline

1



- On June 8, 2019, FSRA officially started regulating financial services and pensions in Ontario.

2



- On October 15, 2019, [FSRA launched a public consultation](#) for the Panel's proposed Terms of Reference and called for member applications.

3



- On January 23, 2020, [FSRA established the Consumer Advisory Panel](#).

4



- In February 2020, FSRA formed its Consumer Office.

5



- **During the 2020 term, the Panel was involved in the following:**
 - Four official Panel [meetings](#) held on March 4, June 24, October 15, and November 24;
 - Co-leading the FP/FA Consumer Engagement Series on September 15, September 30, and October 14, which resulted in [the Panel's submission](#) to the public consultation on the *Financial Professionals Title Protection Rule and Guidance*; and
 - Various targeted meetings on ad hoc topics (e.g., auto insurance-related issues) with select Panel members.

Panel Engagement and Activities

The Panel engaged with FSRA on policy and regulatory initiatives to varying degrees throughout 2020. The unique and diverse feedback, insights and expertise helped inform the development of key initiatives across FSRA's core regulatory areas, including Auto Insurance, Life and Health Insurance, Credit Unions, Pensions, Mortgage Brokering, and Financial Planners and Advisors.

While serving as an advisory body for FSRA, the Panel also created opportunities to invite an extended network of stakeholders to a discussion on FSRA's proposed [*Financial Professionals Title Protection Rule and Guidance*](#).

In September and October 2020, the Panel and Consumer Office co-hosted a series of engagement sessions to discuss the proposed minimum standards for "financial planner" and "financial advisor" title users. The sessions brought together over 20 consumer stakeholders with diverse backgrounds in the financial planning and advice marketplace, including academics, consumer protection advocates and public interest stakeholders.

This engagement helped to inform the Panel's [consultation submission](#) on the *Financial Professionals Title Protection Rule and Guidance*.

During the Panel meetings held in March, June, October and November of 2020, FSRA presented overviews of its initiatives to the Panel for information and/or input. In varying levels of detail, the Panel was informed on the following activities:



Insurance

- **Fair Treatment of Customers Harmonization** – FSRA's proposed guidance to harmonize its standards for the fair treatment of insurance customers with the national guidelines adopted jointly by CCIR and CISRO.
- **Insurance Supervisory Approach for 2020-21** – FSRA's three areas of focus for its supervision in the Life and Health Insurance sector, including the fair treatment of customers, Life Agent Reporting Forms (LARF) and a thematic review of the insurer-managing general agents (MGA) relationship.

- **COVID-19 Emergency Response** – FSRA’s measures to help the industry provide support to consumers during the COVID-19 emergency period, including consumer relief and guidance to protect auto insurance Statutory Accident Benefit claimants.
- **Take-All-Comers Rule** – FSRA’s review of various activities and practices by insurers and brokers that may be contravening the Take-All-Comers rule, in coordination with the Registered Insurance Brokers of Ontario (RIBO).
- **Proposed New Rate Posting Approach** – FSRA’s new approach to communicating auto insurance rate approvals.
- **Residents’ Reference Panel on Auto Insurance in Ontario (RRPAIO)** – A FSRA-led panel series comprised of a representative group of Ontarians to learn about their priorities, preferences and vision for the future of automotive insurance regulation in Ontario.
- **Unfair or Deceptive Acts or Practices (UDAP) Rule** – FSRA’s two-stage process for transitioning to a UDAP rule and more principles-based regulatory approach, by clearly defining outcomes that are unfair or otherwise harmful to consumers.
- **Insurer-MGA Relationship Review** – FSRA’s review of the insurer-MGA relationship to assess effective governance and risk management of MGAs, as well as identify potential gaps between the roles of insurance companies, MGAs and independent agents.



Mortgage Brokering

- **Mortgage Brokering Supervisory Approach for 2020-21** – FSRA’s three primary goals for supervising the Mortgage Brokering sector, including borrower protection, capital formation and investor protection.
- **Syndicated Mortgages Supervisory Approach for 2020-21** – FSRA’s supervisory approach to strengthen protections available to investors in high-risk syndicated mortgage investments (SMIs).



Credit Unions

- **Market Conduct Code Framework (MCF) Guidance** – FSRA’s proposed MCF guidance for the Credit Union sector and intention to continue engagement with consumers throughout the guidance development process.



Pensions

- **Actively Monitored Single Employer Defined Benefit Plans** – FSRA’s supervisory approach to actively monitored pension plans to improve outcomes for pension plan beneficiaries.
- **New Portability Approach** – FSRA’s work to address the limitations on commuted value (CV) transfers and annuity purchases in response to COVID-19.
- **Review of Multi-Employer Pension Plans** – FSRA’s targeted review of multi-employer pension plans (MEPPs).
- **Missing Members Guidance** – FSRA’s work to help ensure that members can remain in contact with their plans and receive their benefits after leaving the plan.



Financial Planner/Financial Advisor Title Protection

- **Financial Professionals Title Protection Framework** – FSRA’s progress on developing a title protection framework for financial planners and financial advisors.



Cross-Sectoral Topics

- **Service Standards** – FSRA’s 22 new service standards proposed to set clear service expectations, improve service delivery and promote process transparency.
- **Enforcement Transparency and Case Prioritization** – FSRA’s approach to principles-based enforcement, and application of its new prioritization rubric to consistently assess and manage cases for compliance action.
- **FY 2021-22 Priorities and Budget** – FSRA’s Proposed FY 2021-22 Statement of Priorities, which outlines cross-sectoral and sector-specific priorities, key deliverables and anticipated outcomes for the next fiscal year.
- **Consumer Engagement Framework** – FSRA’s strategic thinking on consumer stakeholder engagement.
- **Consumer Insights Research Project** – FSRA’s progress on its consumer insights research.
- **Disgorgement** – FSRA’s preliminary work on disgorgement.
- **Complaints** – FSRA’s preliminary work on complaints resolution internally and across the regulated sectors.
- **Whistleblowers** – FSRA’s preliminary work on whistleblower protections.

Engagement Outcomes

During the 2020 term, the Panel strengthened the policy and regulatory initiatives outlined above by:

- Sharing experiences and considerations from a consumer perspective;
- Challenging the regulator on assumptions and inputs;
- Offering empirical research (e.g., reports) on key issues;
- Providing sector-specific insights; and
- Identifying various lenses through which initiatives must be considered.

Reflections from Panel Members



“I am fortunate to have been appointed to FSRA’s first Consumer Advisory Panel (CAP) for 2020, and re-appointed for 2021. It is an invaluable opportunity to contribute to discussions and provide insights, from a consumer’s perspective, into many topics affecting pensioners, and consumers in general.

I am looking forward to FSRA’s new Rule Making capabilities and to the expanded role for the CAP in bringing forth consumer concerns to FSRA for further consideration. Based on the CAP members’ knowledge and expertise, we can help to work towards solutions and protect consumers’ rights.” - Sharon Altman-Leamen



“I found the opportunity to engage on the matter of FA/FP Title Protection to be very meaningful. Actively participating in a process to hear and synthesize the voices of stakeholders into a response from the Panel was fulfilling. The Panel should look forward to greater opportunity to participate with respect to plain language issues and the use of FSRA portal for communicating to consumers.” - Hitesh Doshi



“FSRA is to be commended for creating a Consumer Advisory Panel (CAP) to proactively create an opportunity to put issues that matter to Ontarians in front of an interested Panel looking for solutions that best serve the public’s interest. I look forward to participating on the CAP to provide insight and ideas with the goal of protecting consumers in a changing environment in 2021.” - Rhona DesRoches

Moving Forward

At the conclusion of the 2020 term, the Panel and FSRA worked together to self-reflect and identify opportunities to strengthen the Panel’s collaborative model.

The Panel members generally agreed that significant changes to the terms of reference (TOR) are not required. However, in order to ensure that the Panel is positioned and empowered to focus on the most salient issues from the consumer perspective, FSRA amended the TOR to add an agenda-setting meeting at the outset of every term. The agenda-setting meeting provides a venue for the Panel to determine in advance the key consumer topics that it will prioritize and address during the term, based on FSRA’s Statement of Priorities.

The Panel’s 2021 term is now underway. Building on its foundational efforts from the inaugural term, the Panel will continue to play a prominent role in providing advice to FSRA from a consumer perspective.

2021 Meeting Schedule

During the 2021 term, the Panel is scheduled to have six official meetings. The Panel’s meeting dates are as follows:

- January 29
- March 26
- May 27
- July 29
- September 30
- December 8

The Panel will also continue to work collaboratively with FSRA on select policy projects outside of official meetings.

If you are interested in learning more about the Panel, please visit the [Consumer Advisory Panel](#) page on FSRA’s website. This page includes the Panel’s TOR, information about Panel membership and meeting summaries.

