Insurance

Whether your business wishes to provide insurance products to Canadians for the first time, your established business plans to expand into new markets or distribution channels, or add new insurance products, or whether your business simply needs some guidance to navigate the regulatory environment, it's imperative to have a skilled team to help you understand the legal and regulatory aspects that affect your industry.

Our multidisciplinary approach allows us to assemble the best teams to handle the most complex issues, including:

- governance, market conduct and compliance
- acquisitions and reorganizations of insurance industry participants
- warranties and "near" insurance products
- segregated funds and other investment products
- self-insurance, risk retention and captive strategies
- negotiating distribution, outsourcing and other agreements and drafting policy wordings
- privacy issues and privacy breach responses
- anti-money laundering and terrorist financing
- telemarketing and anti-spam rules
- marketing, advertising and promotional matters
- litigation and other disputes

Our group works regularly with domestic and foreign life, property and casualty insurers, reinsurers, reciprocals, associations, not-for-profits, captives, banks, credit unions, trust companies, brokers, agents, adjusters, managing general agents, underwriters and other industry participants.

Our proven expertise includes:

- the formation, organization and licensing of insurers, reinsurers, intermediaries and adjusters, including the entrance of foreign insurers and non-resident agents and brokers into the Canadian market
- the *Insurance Companies Act* and provincial insurance laws, regulations and guidelines
- federal and provincial regulatory approvals related to insurance products and distribution channels
- acquisitions and reorganizations of insurance undertakings
- day-to-day issues faced by insurance companies, agents and brokers and other entities that work in or provide services to the financial services sector

Our team collaborates with colleagues in related specialties to provide seamless, tailored service. This includes:

- tax
- banking
- capital markets
- regulatory
- investment management
- competition
- employment
- litigation
- privacy

Experience

- Sterling Capital Brokers, an independent benefit consulting firm, in connection with: its merger with Adamek Financial to become the largest independent employee-owned benefit consulting firm in Canada; its merger with Luedey Consultants Inc., a leading boutique benefit consulting firm in Atlantic Canada; and its acquisition of Riverview Insurance Solutions Inc., one of Alberta's leading middle-market benefit consulting firms.
- Canadian Premier Life Insurance Company in its acquisition of Gerber Life Insurance Company's Canadian insurance business from U.S.-based Western & Southern Financial Group.
- Besurance Corporation, a private insurance and technology incubator, in its acquisition of Fenchurch General Insurance, a private insurance company.
- Incorporation, organization and licensing of insurers, brokers and agents.
- Foreign insurers entering Canada with respect to federal and provincial regulatory requirements and federal and provincial licensing applications.
- Governance of insurance companies and advising Boards of insurance companies.
- Obtaining federal and provincial insurance regulatory approvals.
- Regulatory permission with respect to transfers of books of insurance business.
- Withdrawal and winding up of insurers.
- Resolving distribution, product and other regulatory issues with regulators on behalf of clients.
- Preparing distribution and outsourcing agreements.
- Reviewing and developing policy wording.
- Drafting and negotiating distribution, reinsurance, agency, networking, insurance telemarketing and other specialized agreements germane to the sector.
- Reviewing insurance marketing and promotional material and advising on compliance with applicable laws and industry guidelines.
- Reinsurance.
- Self-insured, risk retention and captive strategies.
- Market conduct and compliance requirements.
- Privacy laws, the resolution of privacy complaints and privacy breach responses.
- Preparing privacy policies and procedures and conducting privacy audits.
- Anti-money laundering issues and preparing anti-money laundering policies and procedures.
- Compliance with provincial and federal legislative and regulatory changes.

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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