

**June 2022**

# **DISCIPLINE**

# **REPORT**

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This is the 54th periodic report to Fellows, Associates, and Affiliates, prepared in accordance with Bylaw 20.12(8). Its primary purpose is to educate and inform these persons about the disciplinary process and current disciplinary activities. Please send any comments or suggestions for improvements in these reports to me at my online directory address.

## Meetings

Since the last discipline report of November 2021, the Professional Conduct Board (PCB) held three video conferences and one hybrid in-person/virtual meeting in Toronto.

## Disciplinary costs (\$000) to March 30, 2022

	FY 21-22		FY 20-21	
	Actual	Budget	Actual	Budget
Routine legal costs	27.9	75	27.2	75
Non-routine legal costs	181.9		314.3	
Other costs	88		134.7	
Total costs	297.8	75	476.2	75
	Actual		Actual	
Costs recovered				
No. of cases reviewed	15		12	

Note: "Non-routine legal costs" and "Other costs" are now paid from a discipline reserve of \$750,000.

## Cases

### Charges filed and cases completed

There were no cases completed where charges were filed since the last report.

### Cases outstanding where charges have been filed

Charges were filed against four current members and one former member, all resulting from one case. The notice of the dates of the Disciplinary Tribunal hearing was published on April 28, 2022, in accordance with Bylaw 20.06(6). The Tribunal will render its decision

within 90 days from the date of the end of the hearing, in accordance with Bylaw 20.07(1).

Charges were also filed against another current member, as published on April 28, 2022, in accordance with Bylaw 20.04(3.1). A Disciplinary Tribunal has been appointed and the notice will be published in accordance with Bylaw 20.06(6) when the hearing date is set.

Anyone who wishes to request more information about the disciplinary process may obtain that information from the Executive Director.

### Other complaints and information

Since the last report, the PCB discussed 13 cases against 13 Fellows, Associates, or Affiliates, including the six cases noted above.

One new case was dismissed following a review of the situation. The PCB seeks further information before deciding how to proceed in one earlier case and one new case. One earlier case was dismissed following a review of additional information.

Two earlier cases and one new case are under review by investigation teams (ITs).

### Summary by practice area

The 13 cases set out above may be summarized by practice area as follows:

	Cases	Individuals
Life	1	1
Pension	7	8
P&C	0	0
Workers' compensation	0	0
Actuarial evidence	1	1
Other	4	4



## How does the PCB handle enquiries?

Members of the profession may have seen documents related to the activities of the PCB earlier this year and it seems timely to provide a description of how the PCB handles enquiries for the information of members.

It is important to stress that **all** enquiries are reviewed, regardless of the source, and appropriate actions are taken as warranted. Further, the PCB protects the confidentiality of the information it receives, including the interests and reputation of members who are the subject of the information.

There are two types of general enquiries:

1. From time to time, you may face a situation where you are unsure how to proceed in accordance with standards of practice or generally accepted actuarial practice. It is recognized that some situations may be sensitive, and that a member may wish to enquire about the spirit or intent of standards of practice or generally accepted practice in a confidential manner. For that reason, the *Rules of Professional Conduct*, under Rule 13, provide that a member may consult, in confidence, the chair of a practice committee or designated council, and that the person consulted is not required to report apparent noncompliance in such circumstances. When the PCB receives an enquiry relating to the appropriateness of the Institute's *Standards of Practice, Rules of Professional Conduct*, or accepted actuarial practice, it is then referred to the appropriate practice committee.
2. Similarly, a member may consult, in confidence, the Chair of the PCB for advice on a situation of potential misconduct without naming the actuary involved. Since this

type of consultation is made in confidence, the member should feel comfortable with identifying themselves to the person consulted. In any event, a member transmitting information or making an enquiry is expected to behave in a professional manner and respect the confidentiality of the discipline process.

## Information and complaints

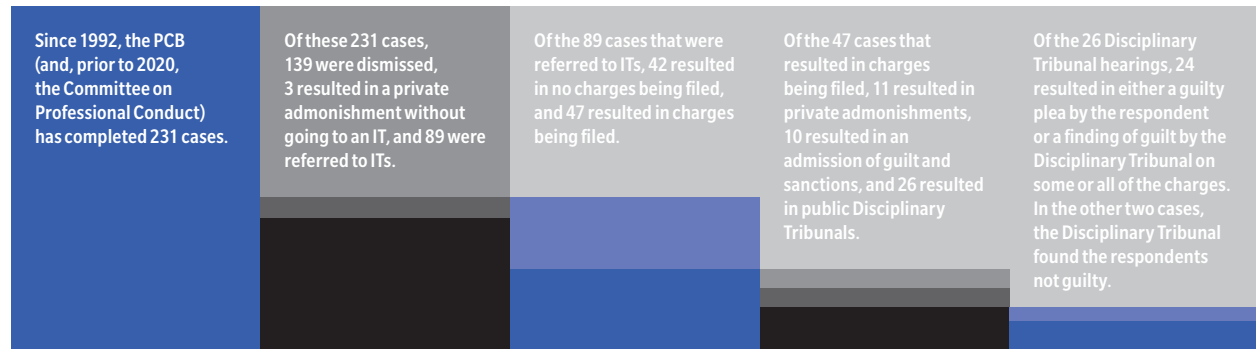
Any formal complaint received is reviewed in accordance with the process laid out in the CIA Bylaws, starting with the appointment of a subgroup of PCB members to perform an initial review to determine if further investigation is warranted. If so, an investigation team is appointed, typically made up of two actuaries who are not members of the PCB.

If the communication received is provided as information rather than a complaint, the information is reviewed by a subgroup to determine if it refers to any potential professional misconduct by a member. If the PCB deems it warranted, based on the information provided, it files a complaint against the member and proceeds with the appointment of an investigation team, as outlined above. Sometimes the information provided is vague in nature and does not point to potential misconduct. In such cases, no further action is taken by the PCB.

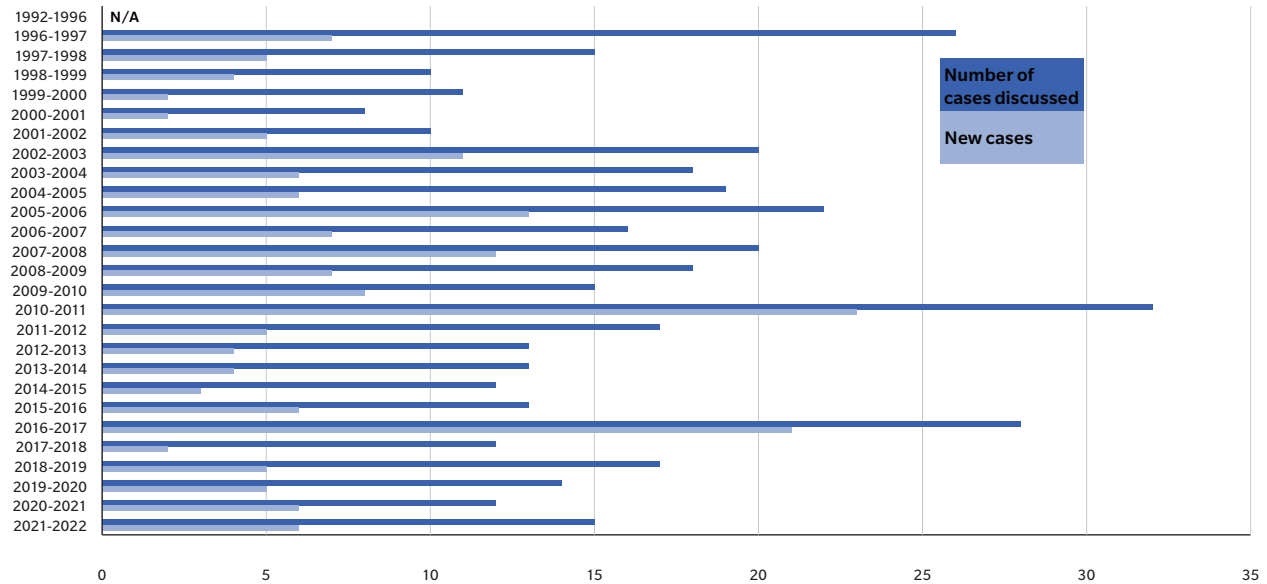
When a case is opened, whether it arises from a complaint or information, the complainant or informant is asked to sign a confidentiality agreement. If the agreement is not signed, the complainant or informant will receive no further information concerning the case. It is important to note that the PCB will proceed with the review of the case regardless of whether the confidentiality agreement is signed.



## Summary of disciplinary cases since 1992



## Statistics of cases reviewed per fiscal year



**Jean-Claude Primeau, FCIA**  
Vice-Chair, Professional Conduct Board