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# Bulletin de documentation

par

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*The purpose of this review of insurance documents, prepared by Miss Dumont, Manager of the Documentation Centre of the Sodarc Group, is to summarize the most pertinent articles collected over the preceding quarter. A monthly Bulletin containing the full-length review may be obtained at a cost of \$80 per year for Canadian orders and \$75 U.S. for foreign orders. Here are some excerpts of June and July 1986 Bulletins (Volume XIII, Nos. 6 and 7).*

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## 1. Extraits du numéro de Juin 1986

### Actualité juridique/Legal news

Confidentiality of an *Adjuster's Report*. Extensive legal research established that a determination of the aspects of confidentiality and privileges is based upon what the courts refer to as the "Dominant Purpose" theory. If an adjuster's report is drafted with the dominant purpose of anticipated litigation, then it can be expected that the adjuster's report will be considered by the Court as privileged and confidential. The mere inscription on an adjuster's report of "Strictly confidential in anticipation of litigation" is not sufficient. A review of Court decisions rendered in *Quebec* and in Common Law provinces. (*Canadian Journal of Insurance Law*, Vol. 4, No. 3, May-June 1986)



### Assurances maritimes/Marine insurance

*Marine insurance* will undoubtedly be the branch with the lowest growth potential until the year 2000, according to a Swiss Re report. In addition to the structural and growth crisis between 1972 and 1985, the marine insurance industry recorded 18 major losses of over \$10 million each, totaling almost \$2.4 billion. This means that

marine insurance has to expect each year 7 major losses with an average amount of over \$24 million each.

(*Journal of Commerce*. June 19, 1986)



### **Compagnie captive/Captive insurance company**

518 Corporate risk managers' involvement with *captives* appeared to wane somewhat in 1985, despite the tightening commercial p/c insurance market, according to a recent survey made in the U.S.A. A total of 30.6% of the risk managers said their companies had captives in 1985, down slightly from 33% in 1984. Risk managers' involvement with captives was more prevalent at larger companies. Captive involvement dropped dramatically at companies with sales of \$2 billion to \$4 billion.

(*Business Insurance*. June 16, 1986)



### **Gestion du risque/Risk Management**

More risk managers at small companies are using *risk management information systems*. The increasing sophistication of risk management and insurance functions at these companies has contributed to this growth. Also, the cost of setting up on computerized RMIS is declining as both hardware and software become less expensive.

(*Business Insurance*. June 16, 1986)



*Hazardous transport* in limelight. During the past 10 years, more than 90% of all hazardous materials transportation deaths and 65% of the injuries occurred on highways. Trucks were responsible for about 85% of all incidents. Human error was the cause in 65% of the cases – U.S.A.

(*Journal of Commerce*. June 24, 1986)



**Marchés, produits/Markets and products**

The Home group in going back to writing Directors' and Officers' liability coverage, but with a new emphasis on "market niche". The new program will emphasize specialization. The concentration is on new and emerging companies. The market is attractive. The program has been divided into two underwriting facilities : small to medium-sized companies and large companies.

(*Journal of Commerce*. June 17, 1986)



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**Publicité, marketing/Marketing, advertising**

Jusqu'où s'étendra le *marketing direct* ? Le point sur la situation en France. Les caractéristiques. Les expériences des Mutuelles-Unies, du GAMF, des AGF et d'UAP.

(*L'Argus*, 13 juin 1986)



**2. Extraits du numéro de Juillet 1986**

**Assurances - États-Unis/Insurance U.S.A.**

*Claims-made* takes hold. 39 states adopt ISO's form, but several still balk. Insurers so far are forcing the primary coverage only on the most hazardous and largest businesses. Most offer businesses are still able to exercise their preference and buy occurrence CGL forms for primary coverage.

(*Business Insurance*. July 21, 1986)



July commercial property/casualty *renewals* : some bright spots seen despite tight market. Commercial insurance buyers are controlling their costs by assuming higher *self-insured retentions* and reducing the *limits* of the coverage they buy. It's too soon to detect any insurer rate reductions following the recent passage of state tort reforms. Some insurers will write general liability insurance only on a claims-made basis for large risks that threaten to produce claims

years in the future, through occurrence form are still widely available for businesses with more short-tail liability exposures.

(*Business Insurance*. July 14, 1986)



**Assurances marchés, produits/Insurance markets, products**

520 *The D & O insurance* disaster. The ad "terrorem" threat of personal liability suits could change the whole stance of corporate management. More and more judges are holding business people personally liable for civil damages stemming from their business decisions. Mergers are just one of many liability mine fields for the careless executive. The D & O insurance.

(*Across the Board*. July-August 1986)



*Le risque nucléaire*. L'aspect juridique. Les pools atomiques. L'accident de Tchernobyl. Les dommages aux personnes. Les dommages économiques. Affections provoquées par les rayonnements ionisants.

(*L'Argus*, 27 juin 1986)



The tightening of the *specialty market* continues into 1986. Due to restricted reinsurance capacity, surpluses lowered by the ravages of rate wars of the early 1980s and premium quotas anticipated by managing general agents, market expectation is rated from fair to poor in a majority of specialty risks. The worst outlook : Physicians and Hospital Malpractice ; Professional E & O ; D & O and Fiduciary Liability ; Special Financial Guarantee programs ; Aviation/ Satellites and Space Vehicles coverage.

(*SCMR*. June 1986)



Liability insurance, especially for *high-risk* insurance, will be difficult to buy and expensive for at least another year. But market conditions for short-tail insurance lines like *property insurance*

should improve during the coming years. Tougher casualty lines are still seeing dramatic rate increases. Discussion over the new claims-made forms.

(*Business Insurance*, June 23, 1986)



Le groupe *La Laurentienne* envisage l'émission d'assurance contre le *cancer*. La filiale américaine l'offre déjà. Il s'agit d'un contrat relativement simple. Le genre de contrat envisagé vise les personnes à revenu moyen. La prime envisagée est de l'ordre de \$125 ou \$200 par année et la couverture, de \$10,000 ou \$20,000.

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(*Le Devoir*, 22 juillet 1986)



#### **Courtier d'assurance/Insurance broker**

*Brokers' revenues* blast off. Analysis of the top 20 U.S. broker rankings. Predictions about short-term developments in the commercial insurance market from the leaders of the largest brokerages. Individual reports on the 20 largest U.S. based brokers. The 20 largest insurance brokers in the world and profiles of the non-U.S. companies. *Sodarcán Inc.* is the 20th worldwide insurance broker. After consolidating the management of its three direct brokerage, Sodarcán Inc. is continuing its commitment to improving brokerage services. Now, more than 30 offices operate under the *Dale-Parizeau* name throughout Canada. The company plans to remain strong as an underwriter of reinsurance in Canada through a subsidiary, *The National Reinsurance Co.* The reinsurance brokerage division, *Le Blanc Eldridge Parizeau* also plans its expansion and Sodarcán management expects significant growth in 1986 in the consulting and specialized services divisions ; insurers will need increased services from firms like Sodarcán's *Hébert, Le Houillier Inc.* in Montreal.

(*Business Insurance*, June 23, 1986)