



SOUTH AFRICAN INSURANCE ASSOCIATION

**SAIA Code of Conduct
(Draft)**

Definitions

'Associates' means any individual and/or business appointed by or contracted to the insurer to represent the insurer in any matter relating to short-term insurance business, as well as any sub-contractors of such individuals and/or businesses. Such associates include intermediaries contracted to fulfil any non-independent intermediary services, for example:., administration agents, assessors, claims managers, collection agents, investigators, loss-adjusters, service providers (such as builders, plumbers, panel beaters, tow truckers, and others) and underwriting managers, This excludes advice given by independent intermediaries.

'Business day' means a period during which a business is normally open for business, excluding any public holiday, Saturday or Sunday. When a particular number of business days is provided for between the happening of one event and another, the number of days must be calculated by—

1. excluding the day on which the first such event occurs;
2. including the day on or by which the second event is to occur; and
3. excluding any public holiday, Saturday or Sunday that falls on or between the days contemplated in paragraphs (a) and (b), respectively.

'Insurer' means a registered short-term insurer which is a member of the SAIA and therefore subject to this Code.

'Self-regulation' means the adoption by the members of SAIA of self imposed rules and practices that will contribute to fair, transparent and ethical business practices reflected in this Code of Practice, and compliance by SAIA and the members of SAIA with these rules.

'Short-term insurance' includes all types of short-term insurance provided by members of the SAIA in terms of the Short-term Insurance Act 1998 as amended, except reinsurance.

Introduction

The South African Insurance Association (SAIA) represents the short-term insurance industry in South Africa at all levels and with all stakeholders to ensure a sustainable and dynamic short-term insurance industry for the benefit of all involved. The SAIA acts as the spokesperson of the industry seeking to constructively work with all relevant stakeholders including consumers and users of short-term insurance, Government, the media and other relevant entities.

SAIA Mission

To promote and represent the interests of the short-term insurance industry, while leading, promoting and enhancing the efforts of the industry to become recognized and trusted as an important contributor to the South African economy and society.

SAIA Mission

- Representing the short-term insurance industry with all stakeholders and at all levels in such a way that these stakeholders have trust and confidence in the industry;
- Creating an environment in which the members of our industry can share information, debate important and relevant issues, and create a common vision for the short-term insurance industry;
- Creating opportunities for the industry to continue with and/or embark on initiatives that will enhance its image and reputation amongst all stakeholders;
- Promoting understanding of short-term insurance to all stakeholders;
- Promoting awareness of the industry and its contributions to society and the South African economy.

Self-regulation

An industry with effective self-regulation will be perceived as offering fair value and good service to consumers. One of the roles of the SAIA therefore is to achieve, through various mechanisms including this Code of Conduct (hereinafter referred to as the 'Code') that the industry is seen as an industry in which high standards apply with regard to its business practices.

Self-regulation is about SAIA members being committed to self-imposed guidelines regarding ethical and professional business practices, and not about the SAIA imposing even more 'rules' and 'regulation' on its members.

Purpose of the Code

The purpose of this Code is to:

- Promote high ethical standards and good business practices in the short-term insurance industry by giving specific guidance with regard to acceptable and unacceptable practices in all the phases and relationships of short-term insurance business; and
- Give the current and potential customers of short-term insurance products a clear indication of the self-imposed rules followed voluntarily by SAIA members who provide such products to them.

The Code therefore forms the basis of resolving any conflict which may arise between consumers and insurers and their associates.

This Code is important, notwithstanding the legislation and regulation that governs the industry and protects consumers, because:

- Legal controls do not necessarily distinguish between insurers and/or their associates that follow the best ethical and business practices and those who do not. A voluntary Code can assist in ensuring dubious practices exploiting grey areas are eliminated to the ultimate benefit of current and potential customers, and the short-term insurance industry.
- The Code sets standards for ethical business and relationships through voluntary self-regulation, which helps ensure that the spirit of the Code is followed and not only the letter of the law, where it can be difficult to define good, honest business practices and relationships.
- A voluntary Code of Conduct followed by the members of SAIA can greatly assist in building and maintaining a good image and reputation of the industry.
- Industry codes are best practice in terms of the Consumer Protection Act of South Africa.

Relationship between insurers and consumers

A relationship of good faith lies at the heart of the insurance contract between insurers and customers. It is with this relationship in mind that SAIA members undertake to comply with the requirements of the SAIA Code of Conduct. At the same time, it is expected that customers will also conduct themselves within the spirit of honesty and good faith.

The SAIA Code of Conduct

1. General

- 1.1 The Code covers all short-term insurance business provided by the members of the SAIA, except reinsurance, and sets out the minimum standards for all SAIA members in dealing with current and potential customers, the insurers' associates, and with each other.
- 1.2 This Code exists within the legal and regulatory environment in which SAIA members operate, and in cases of conflict or inconsistency between this Code and the legal and regulatory environment, the relevant legal and regulatory requirements will prevail.
- 1.3 The objectives of the Code are:
 - 1.3.1 To commit insurers and their associates to high standards of customer service.
 - 1.3.2 To assist in improving the image and reputation of the short-term insurance industry, contributing to increased consumer confidence.
 - 1.3.3 To promote sound, informed relationships between insurers and their customers.
 - 1.3.4 To ensure cheap, good and quick mechanisms exist for the resolution of complaints and disputes between insurers and their customers.
- 1.4 The objectives of this Code will be pursued, and all its provisions applied, notwithstanding:
 - 1.4.1 The need for insurers to comply with all relevant legislation and regulation and meet the prudential requirements set by the regulatory authorities.
 - 1.4.2 The duty of good faith.
 - 1.4.3 The contract between the insurer and its customer.
 - 1.4.4 The need for the development of appropriate products and services for its customers and potential customers.
 - 1.4.5 The need to keep insurance affordable.
 - 1.4.6 The need for competition that does not negatively impact the industry's reputation.
- 1.5 The Code establishes a complaints procedure but does not create any new legal rights for consumers and the procedure will not deal with any complaints which have already been referred to a Court or an Ombud.
- 1.6 If a SAIA member fails to comply with this Code, the Code Compliance Committee will investigate the matter and may impose sanctions on such a member.

- 1.7 The Code's Compliance procedure will be followed when a complaint has not been resolved through the member's internal processes, and when the complaint does not fall under the jurisdiction of an established Ombudsman.

2. Commitment to the Code

- 2.1 SAIA members are obliged to:
- observe and comply with the Code; and
 - to create public awareness of their membership of the SAIA; industry self-regulation measures and the Code of Conduct; and the commitment of SAIA members to achieving high ethical standards within the industry, where possible.
- 2.2 SAIA members must confirm their compliance with the SAIA Code of Conduct annually. The Chief Executive/Managing Director of each SAIA member must sign the compliance clause on their membership application and again annually when confirming continued membership of the SAIA for the next year by paying new subscription fees.
- 2.3 To foster support for the Code and to actively promote widespread awareness of its principles, ethical practices and obligations, SAIA members should:
- Ensure that their employees are familiar with the Code, its requirements and their employers' commitment to the Code.
 - Highlight compliance with the SAIA Code of Conduct in marketing and other relevant communications, where possible.

3. Professional Standards

Short-term insurers enter into contractual relationships with third party suppliers that provide them with services, which should be properly documented in agreements. In such cases, insurers are in essence transferring duties to their Associates. The following standards therefore apply to the employees of insurers as well as to the Associates.

The SAIA members, their employees and Associates are required to:

- conduct their services in an honest, fair and transparent manner;
- only perform functions that match their expertise;
- Ensure that all staff receive adequate training to enable them to carry out their functions competently.

The training of relevant employees will include *inter alia*:

- Principles of short-term insurance and any relevant legislation and regulation.
- Product knowledge.
- Claims handling procedures, where necessary.
- The insurer's complaints handling procedure.
- The requirements of this Code.

The provisions of this Code will be included in the performance objectives of relevant employees, and if necessary additional training is to be given to ensure the requirements of this Code are met.

The SAIA members, their employees and associates must have and maintain:

- All licences, registrations and approvals required by law; and
- membership of a relevant and recognised professional body, or otherwise be able to demonstrate sufficient expertise, whichever is appropriate.

Associates must be informed about the standards in the Code and be required to comply with these standards while acting on behalf of the insurer. The insurer must have a mechanism to assess, monitor and rectify the performance of the Associate. If the performance of the Associate fails to respond satisfactorily to the corrective measures, the services of the Associate should be terminated.

Associates must be required to inform insurers of a complaint against them while acting on behalf of the insurer. The insurer will keep a record of relevant complaints in order to monitor and ensure compliance with the Code.

Associates are required to inform customers of the services they have been asked to provide and the identity of the insurer for whom they are acting.

The insurer is to deal with complaints received by customers relating to Associates in terms of its own complaints handling procedures.

4. Communication

Communication from insurers to policyholders will take place through the relevant channels, i.e. directly and/or through intermediaries. Communication sent to an intermediary, if this is the policyholder preference, will be deemed as communication sent to the policyholder.

5. Information

The following standards apply with regard to providing information to consumers and/or potential consumers:

- 5.1 Insurers must, either directly or through the SAIA, make information readily available regarding:

- general insurance;
- assisting home and motor insurance customers to determine the level of insurance cover they require;
- the key factors that affect premium;
- aspects of insurance that appear to be misunderstood by consumers based on enquiries or complaints received, as and when necessary;
- the effects of non-payment of premium via debit orders, the process to be followed when debit orders are returned unpaid, as well as the potential costs involved in re-running debit orders;
- the Code and its requirements.

5.2 Insurers will support industry initiatives under the auspices of the SAIA to make general information on short-term insurance available to consumers and potential consumers.

5.3 SAIA members will promote their membership of the SAIA, and/or their adherence to the SAIA Code of Practice in their communications with consumers.

Insurance Sales and Policy Maintenance

The following standards apply to insurance enquiries, quotes / offers, buying, or the renewal of insurance cover:

- 6.1 The sales process must be conducted in a fair, honest and transparent manner.
- 6.2 Only material information required for assessing an application for insurance cover will be requested by the insurer.
- 6.3 All material information must be obtained by the insurer at the time of underwriting and not at a later or claims stage.
- 6.4 Insurers and their Associates must inform customers of their legal duty to disclose information in terms of legislation. In addition, the importance of proper disclosure from the side of the customer as well as the consequences of non-disclosure must be explained.
- 6.5 Disclosure by insurers and their Associates must be in plain language and be done at the appropriate time. If disclosures are given verbally, they must be confirmed in writing within 30 days.
- 6.6 Disclosures must include the following:
 - The contact details of the Ombudsman for Short-term Insurance, the FAIS Ombud, as well as the insurer's internal adjudicator, if applicable.

- The contact details of the insurer and especially its relevant service, departments.
 - The name, class and type of insurance policy involved.
 - The premium and excesses payable, exclusions and/or special terms and conditions.
 - The due dates for premium payments as well as the consequences of non-payment.
 - The name and contact details of the compliance officer or department of the insurer.
 - The complaints procedure followed by the insurer.
- 6.7 When an insurer accepts a full book of business from an intermediary, the insurer accepts all risks associated with the entire book at the time of taking over the business (i.e. in essence the underwriting stage).
- 6.8 All documents used by the insurer and its Associates, including the application form, the policy / contract including the schedule and terms and conditions, must be in plain language and understandable by the customers of the insurer.
- 6.9 It is the duty of the insurer and/or the Associate to make every attempt to ensure that the consumer understands the policy documents, the extent of the cover, the exclusions, the special terms and conditions, and all relevant aspects of the policy including excesses, the relevance of regular and nominated drivers, no claims bonuses, etc. Terminology should be clear and not ambiguous.
- 6.10 The insurer and/or its Associate must assist policyholders to insure their assets including motor vehicles for an appropriate value at inception stage, as well as at renewal stage.
- 6.11 Insurers will provide copies of any relevant documentation (e.g. reports on structures of buildings, the condition of vehicles, etc) related to their insured assets that they receive at underwriting stage to customers, if available. Insurers should also encourage relevant associates to provide consumers with copies of their findings directly.
- 6.12 If an insurer or its Associate declines to provide the customer with insurance cover, they must:
- Provide the reasons for the decision.
 - Inform the customer of the Insurer's / Associate's complaints procedure should the customer wish to dispute this decision.
- 6.13 Customer information will only be shared as required by law, as approved by the customer, or for crime combating purposes, in terms of South African law. In all other instances, customer information will remain private.

6. **Insurance Claims**

6.1 ***Claims Handling***

Insurers will follow the following standards with regard to insurance claims submitted by their policyholders:

- Claims handling will be conducted in a fair, transparent and timely manner.
- Customers will be advised how to lodge insurance claims, and where appropriate, claims forms and other documentation needed by the insured will be provided by the insurer readily and timeously.
- When claims are being considered by the insurer, only relevant information will be taken into account.
- The customer will be kept informed about the progress of his/her claim.
- The following timelines are undertaken by SAIA members when handling a claim:
 - Once all the necessary documentation is received by the insurer, and no further investigation is needed, the insurer must accept, reject or dispute the quantum of any claim, and notify the customer of its decision within 10 business days.
 - Should further information and/or investigation be needed, the insurer will within 10 business days after a claim was lodged notify the customer of the information needed, appoint an assessor and/or loss adjuster if necessary and provide an initial estimate of the time required to make a decision on the claim.
 - The insurer will keep the customer regularly informed of the progress of the claim, and will do so at least every 10 business days.
 - The insurer will respond to routine requests for information with regard to claims lodged within 5 business days.
 - A claim will be paid within 10 business days once the quantum is agreed.
 - Should the customer satisfactorily demonstrate a need for urgency based on financial hardship as a result of the event causing the claim, the insurer will fast-track the assessment and decision process of the claim where possible.
 - Should any circumstances make the above-mentioned timeframes impractical, the insurer must agree a reasonable timeframe with the customer.

6.2 Insurers will only reject claims in the following circumstances:

- If evidence exists that there was material misrepresentation and/or non-disclosure by the customer.
- Evidence exists that the claim is fraudulent.
- The loss is specifically excluded in the policy contract.
- The loss is not covered by the policy contract.
- Conditions stipulated in the policy contract were not met by the policyholder.
- There was non-payment of the premium.
- The loss is not covered by the policy contract.
- In any other legally permitted circumstances.

6.3 Should an insurer make the decision to reject a claim, the following procedure will be followed:

- Reasons for the decisions will be provided by the insurer to the customer in writing.
- The insurer will inform the customer about its complaints procedure, as well as about other recourse avenues open to the customer.
- The insurer will provide the customer with copies of relevant documents and information from third parties, that influenced the decision on request, that are not subject to legal privilege, if available.

6.4 Subject to the principle that insurance is not intended to place a person in a better position than before, when at claims stage an insurer finds that the customer was also insured by another insurer, the insurer will:

- Pay the claim, and arrange with the other insurer to be compensated for its rateable proportion, or arrange with the other insurer to each pay the rateable proportion due by each.
- Include a contribution clause in its policy contracts.
- Refund premiums in accordance with the respective rateable proportion of the risk, where appropriate.

7.2 Extraordinary circumstances

This section applies to extraordinary circumstances in which a large number of claims are lodged at once. Examples of such circumstances will include catastrophes and disasters. The following standards will apply:

- 7.2.1 Insurers will respond to disasters and catastrophes in a fast, professional and practical way and in a compassionate manner.
- 7.2.2 It is possible that the insurer might not meet the standards set out in other sections of this Code due to a very large number of claims arising from extraordinary circumstances. In such cases, the insurer will take internal measures to ensure appropriate response to the situation.

7.3 Repairs, workmanship and materials

In the process of repairing, replacing, rebuilding, and or any other relevant action related to an insurance claim, the following standards will apply:

- 7.3.1 An assessor and/or service provider will be dispatched to address the claim of a customer within a reasonable time period, in relation to the urgency of the situation, but at the latest within 10 business days.
- 7.3.2 The insurer will make a decision regarding the repair and/or any other action needed within 10 business days after receiving the relevant information from the assessor and/or other service provider, in relation to the type and urgency of the event.
- 7.3.3 Should an associate contracted by the insurer to do so, authorise a repair or other such action, the insurer will honour this authorisation.
- 7.3.4 The insurer may prefer a supplier, but should the customer request a specific service provider, the insurer should reasonably consider this request.
- 7.3.5 When the insurer elects to repair, reinstate or rectify any loss or damage, the insurer must accept responsibility for the quality of the materials and workmanship.
- 7.3.6 The insurer will handle any complaint by the customer regarding the quality or timeliness of the work or conduct of the repairer in terms of the insurer's complaints procedure.

7. Insurance fraud

Members of the SAIA are unequivocally opposed to insurance fraud and will do everything in their power to establish, investigate and prevent insurance fraud. SAIA members will follow the following standards that are relevant to insurance fraud:

7.1 Insurers

- 7.1.1 All insurers are expected to participate in combating insurance fraud.
- 7.1.2 Should an insurer cancel a contract with a broker due to the fact that that broker was found to have acted fraudulently, the following procedure will be followed by the insurer:
 - 7.1.2.1 The insurer will inform the customers of the broker about the cancellation of the contract between the insurer and the broker, as well

of the options available to the customers including retaining their current policies with the insurer directly or through another broker, or moving their business with the broker;

- 7.1.2.2 Inform the Financial Services Board (FSB) of the cancellation of the contract with the broker and the reason for it;
- 7.1.2.3 Inform the SAIA and/or South African Insurance Crime Bureau (SAICB) of the cancellation of the contract with the broker and the reason for it;
- 8.1.3 Should an insurer be approached by a broker with a book of business, the insurer will establish with the FSB/SAIA/SAICB whether another insurer has notified the FSB about the cancellation of a contract with that particular broker due to the fact that that broker was found to have acted fraudulently. Should the insurer find out that that broker had in fact been referred to the FSB, the insurer should not accept business through that particular broker.

7.2 Insurers’ employees and contracted associates

- 7.2.1 A policyholder will be deemed “innocent until proven guilty”.
- 7.2.2 Investigators, loss adjusters and assessors will treat customers with respect at all times and will not harass, intimidate or threaten customers at any time during an investigation. Insurers will include this provision in their third party supplier agreements.
- 7.2.3 Insurers will request access to relevant information only when investigating potential insurance fraud, and will treat any personal information within the relevant laws of privacy laws.
- 7.2.4 When sharing information regarding insurance fraud, such information will only be shared for the purpose of combating crime as it is highly prejudicial.

SAIA 09/10/5 2:55 PM
Comment: Leave out?

8. Cancellation of insurance

Should the insurer wish to cancel a policy, the following standards will apply:

- 8.1 Prior to cancelling a policy, the individual aspects of the customer’s circumstances must be considered in order to ensure that each case is treated on its own merit. In addition, the insurer will allow the customer to make representations for reconsideration before finally cancelling the policy.
- 8.2 Should an insurer make the decision to cancel a policy, the policyholder shall be informed in writing of the reasons for the cancellation, even if in general terms, and the complaints procedure if the customer is not happy with the decision.

SAIA 09/10/5 2:55 PM
Comment: Impractical?

SAIA 09/9/4 7:00 AM
Comment: Some comments were received re this clause. I added in general terms to make it easier as almost all (myself included) believe this is an important clause and should remain.

- 8.3 Should an insurer cancel the policy of a customer, the insurer must pay any monies owed to the customer within 10 business days, except in exceptional circumstances.

9. **Advertising**

- 9.1 Comparisons in advertising will consider the best interest of consumers, and may not be misleading in any way.
- 9.2 Comparisons in advertising must be factual, and verifiable.
- 9.3 Comparisons in advertising must be in no way derogatory towards any individual or entity and must not reflect negatively on any other party, including the insurance industry as a whole.

(Advertising is a contentious point. On the one hand there is a view that members should not portray the industry in a bad light through advertising as this will perpetuate a bad image and reputation for the industry which will hamper representative efforts, on the other there is the belief that advertising is about competitive edge and should only follow ASA rules. The first two points above might suggest a compromise hoping that in the interest of the consumer, comparisons will not be misleading, i.e. leading consumers to investigate their options. More info: Internationally, advertising is not included in Codes as far as I can see. In SA, it is included in the LOA (ASISA) Code that has 4 pages on advertising, as well as in most of the other Codes including the latest industry Code used by the direct marketers.)

SAIA 09/9/4 7:02 AM

Comment: This will remain a contentious point to be resolved at SAIA Board level.

10. **Consumer education**

It is the responsibility of the short-term insurance industry, together with the other industries in the financial services sector, to contribute to financial education of the consumer. In accordance, the following are requirements for all SAIA members, unless exempted by the Financial Sector Charter (FSC), and/or the SAIA Board, in which case exempted members are strongly encouraged to make a voluntary contribution:

- 10.1 SAIA members must spend 0.2% of their after-tax profits on consumer education.
- 10.2 A minimum of 50% of this money must be contributed to the SAIA industry initiatives.
- 10.3 Should members choose to spend the remaining 50% on their own consumer education programmes, this money must be spent in accordance with the SAIA

consumer education guidelines (a copy of which is attached to this Code), and the FSC requirements if applicable.

- 10.4 The SAIA and its members will participate fully, through the SAIA Consumer Education Strategy, in the National Consumer Education Strategy as facilitated by the Financial Services Board (FSB).

11. Information sharing

In order for the SAIA to be proactive in its activities to serve its members, as well as to represent its members appropriately in interaction with the media and consumers, it is required that members will share certain information with the SAIA regularly. The following are required:

- 11.1 SAIA members must provide information according to a SAIA template regarding trends in claims, insurance fraud, and other information, on a quarterly basis.
- 11.2 This information will be used in a responsible and non-company specific manner, with all specific characteristics or individual information removed.
- 11.3 A summary of the industry information will be shared with members on a quarterly basis.
- 11.4 Any additional relevant information sharing as decided on by specific SAIA committees, or required by the SAIA, as and when required.

12. Complaints handling

13.1 *Complaints handling procedures*

The following standards apply to the complaints handling procedures of members:

- 12.1.1 Complaints will be dealt with in a fair, transparent and timely manner.
- 12.1.2 Information about an insurer's complaints handling procedure will be readily available, and will be made available to customers.
- 12.1.3 The insurer will only ask for and use relevant information when dealing with a complaint.
- 12.1.4 Insurers will inform customers about the information used in the decision-making process involved in the handling of a complaint. The customer must have the opportunity to correct any such information, if necessary.

- 12.1.5 Should a mistake or an error have been made in assessing the complaint, the insurer must rectify this mistake as soon as is reasonably possible.

13.2 Internal dispute resolution

The following standards apply to our member companies' internal dispute resolution:

- 13.2.1 Insurers will respond to complaints within 15 business days, provided they have all information needed and/or an investigation has been completed.
- 13.2.2 In cases where further information, assessment or investigation is required, the insurer will agree with the complainant on a reasonable timeframe. Should it be impossible to reach agreement, the complaint will be dealt with as a dispute and will be referred to a different employee who has the appropriate knowledge, expertise, experience and authority to deal with it.
- 13.2.3 The complainant will be kept informed of the progress of the complaint on a regular basis, and at least every 10 business days.
- 13.2.4 When the complainant is notified of the outcome of the complaint, the complainant will also be informed about how such a decision could be reviewed by another employee who has the appropriate knowledge, expertise, experience and authority to deal with a dispute.
- 13.2.5 If a complainant wishes to have a decision regarding a complaint reviewed, the following standards are applicable:
- 13.2.5.1 The insurer will treat it as a dispute.
- 13.2.5.2 The insurer will notify the complainant of the name and contact details of the adjudicator assigned to liaise with the complainant in relation to the dispute.
- 13.2.5.3 The dispute resolution process will follow the standards in 13.1 above.
- 13.2.5.4 When a decision has been made, the insurer will respond to the complainant in writing giving:
- 13.2.5.4.1 Reasons for the decision;
- 13.2.5.4.2 Information about how to access external dispute resolution or policyholder recourse mechanisms;
- 13.2.5.4.3 Notify the complainant of the timeframe in which an external dispute should be lodged.

13.3 External dispute resolution

13.3.1 All SAIA members subject to this Code are obligated to become members of the voluntary Ombudsman for Short-term Insurance (OSTI), and abide by the OSTI's rules and decisions.

13.3.2 Insurers will refer customers to OSTI in order to deal with complaints that fall within its mandate.

13.3.3 SAIA members will include the details of the OSTI in disclosure documents, and documents regarding rejections of claims, as well as cancellation of policies which relate to policies that fall within the jurisdiction of the OSTI.

13.3.4 When internal complaints procedures have been unable to resolve complaints and/or disputes, customers must be referred the OSTI when the compliant and/or dispute relates to a rejected claim within the jurisdiction of the OSTI, or to the SAIA Code of Conduct if the matter is not related to a rejected claim.

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Comment: Cancellation part still contentious

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Comment: Are we clear enough that the SAIA will deal with complaints outside of the other ambits?

13. Monitoring and enforcement of the Code

Compliance with the Code will be monitored in order to ensure that self regulation takes place as per the requirements of this Code.

14.1 Responsibilities of SAIA

14.1.1 The SAIA will create awareness with regard to the need for compliance with this Code amongst its members.

14.1.2 The SAIA will create awareness about this Code amongst consumers.

14.1.3 The SAIA will monitor compliance with this Code by its members to the benefit of the short-term insurance industry as a whole, as well as the consumers, through the compliance reports received by members.

14.1.4 The SAIA will supply an annual report on the compliance of its members with the Code to the Code Compliance Committee, after receiving annual compliance reports from its members.

14.1.5 The SAIA will also report in general terms on relevant industry matters to the FSB and other relevant bodies.

14.1.6 The SAIA will:

14.1.6.1 Receive allegations/complaints about non-compliance with the Code.

14.1.6.2 Refer alleged non-compliance to the Code Compliance Committee.

- 14.1.6.3 Assist the Code Compliance Committee in its investigations when necessary.
- 14.1.6.4 Identify and investigate potential non-compliance with the Code in the absence of a formal complaint, if necessary.
- 14.1.6.5 Convey decisions of the Code Compliance Committee to members and/or the complainants if required.
- 14.1.6.6 Monitor any required corrective measures.
- 14.1.6.7 Report any failure to correct non-compliance as decided by the Code Compliance Committee to this Committee within 15 business days after the required period allowed for corrective measures had expired.
- 14.1.6.8 Impose sanctions as per the decision of the Code Compliance Committee and/or the appointed individual responsible for the appeal when necessary.

14.2 Responsibilities of SAIA members

14.2.1 SAIA members will:

14.2.1.1 Put appropriate procedures and systems in place to comply with the Code including training of staff and contracted associates, monitor compliance with the Code, report on compliance with the Code, and any other required action in this regard.

14.2.1.2 Report on compliance with the Code to the SAIA annually.

14.2.2 Monitor their compliance with the Code and rectify any unintentional non-compliance as soon as possible.

14.2.3 Accept that they will not be in compliance with this Code if their employees, and/or contracted associates fail to comply with this Code when acting on their behalf.

14.2.4 Co-operate with the SAIA and/or the Code Compliance Committee when investigating potential non-compliance with the Code, and/or a complaint in this regard.

14.2.5 Apply corrective measures when required within an agreed timeframe.

14.2.6 Accept the decisions and/or sanctions of the Code Compliance Committee, the SAIA and/or the appointed individual in cases of appeal.

14.3 Reporting on non-compliance

Alleged non-compliance with this Code can be reported to:

SAIA Chief Executive Officer

SAIA

PO Box 30619
Braamfontein
2017

info@saia.co.za

011 726 5381 (phone)

011 726 5351 (fax)

14.3.1 A complaint regarding the non-compliance with the Code by a SAIA member must be in writing.

14.3.2 The complaint must be lodged within one year of the incident occurring.

14.3.3 A complaint will be dealt with within a reasonable period of time after all the relevant information has been received.

14.3.4 The final decision and reasons for the decision will be conveyed to the complainant by the SAIA.

SAIA 09/10/5 2:59 PM

Comment: A year is too long.

14.4 Code Compliance Committee

14.4.1 A Code Compliance Committee will deal with complaints regarding non-compliance with the Code.

14.4.2 The Code Compliance Committee will consist of a senior representative of the OSTI, a nominee of the Board of the OSTI, a senior representative of the FSB, a nominee of the SAIA Board, as well as the SAIA Chief Executive Officer. The Code Compliance Committee can co-opt a specialist in the appropriate field on the Committee, if necessary.

14.4.3 The Code Compliance Committee has the following functions:

14.4.3.1 Monitor Code compliance through an annual report received from the SAIA.

14.4.3.2 Make determinations and impose sanctions where a breach has been reported to the Code Compliance Committee by and/or through the SAIA.

14.4.3.3 Conduct investigations into alleged breaches using information requested from the insurer in question and supplied by the complainant, as well as any other relevant information.

14.4.3.4 Consider any information submitted by the insurer before making its decision.

14.4.3.5 Notify the Chief Executive Officer of SAIA or his/her appointed representative in writing of its decision within 60 business days after receiving the complaint.

14.4.4 When dealing with complaints regarding non-compliance with the Code, the Code Compliance Committee will consider the following:

- 14.4.4.1 The objectives of the Code;
 - 14.4.4.2 The significance of the non-compliance with the Code;
 - 14.4.4.3 The potential impact of the non-compliance on the short-term insurance industry;
 - 14.4.4.4 The appropriate sanction.
- 14.4.5 The decision of the Code Compliance Committee is binding on SAIA members.
- 14.4.6 An appeal can be lodged in writing against the decision of the Code Compliance Committee within 15 business days after formal communication of the decision by the Code Compliance Committee.
- 14.4.7 The Chief Executive Officer of the SAIA, together with the Chair of the SAIA Board or a nominee of the SAIA Board, will appoint an appropriate person to deal with appeals against the decisions of the Code Compliance Committee, when necessary.

14.5 **Sanctions**

- 14.5.1 The Code Compliance Committee can impose the following sanctions on SAIA members for non-compliance with the Code:
- 14.5.1.1 Rectifying steps to be undertaken within a specific timeframe.
 - 14.5.1.2 A requirement that a compliance audit be undertaken.
 - 14.5.1.3 A requirement that corrective advertising be undertaken within a specific timeframe and/or using media types.
 - 14.5.1.4 A requirement for publication of non-compliance.
 - 14.5.1.5 A fine payable to the SAIA, within the SAIA guidelines in this regard.
 - 14.5.1.6 A recommendation with regard to expulsion as SAIA member.
 - 14.5.1.7 A recommendation with regard to referral to the FSB.
- 14.5.2 The sanctions as imposed by the Code Compliance Committee are binding on SAIA members.
- 14.5.3 Paid fines will be contributed to the SAIA Consumer Education Initiatives.

14. **Review of the Code**

The SAIA Code of Practice will be reviewed regularly, and at least every three years, and/or on an *ad hoc* basis when and if deemed necessary.

The review process will take into account any changes in objectives and needs in the short-term insurance environment at the time of review.

SAIA 09/9/4 6:49 AM

Comment: I received a comment re the desirability of this as it could make members negative regarding the consumer ed initiatives? For discussion. VP

Any amendments or a new Code will be approved and adopted by the SAIA Board.

4th Draft
5 October 2009

74766: 3rd Draft
3 September 2009

#74414: 2nd Draft
August 2009

#73451: 1st Draft
June 2009

Add signature page.

More comments for discussion:

- Are there any competition issues in this Code? Shouldn't, but let's think about this.
- Isn't SAIA a representative body? Must it 'police' its members? The decision was made at Board level that we should have a Code with 'teeth'. The SAIA can only represent its members properly if it is credible, and the industry is perceived as being credible. Self-regulation was approved at Board level as part of the image and reputation strategy. The SAIA itself will not 'police'/sanction members – this will be done by the Code Compliance Committee. However, the SAIA can identify matters in the interest of the image and reputation of the industry. A question is again, should the SAIA be part of the Compliance Committee? Isn't there a conflict of interest? The Task Team decided yes, but let's discuss again.
- It is likely that the corporate governance structures and procedures emanating from the binder regulation discussions under the ILAA, will need to be included in this Code to deal with conflicts of interest between insurers, brokers and customers. Should we make provision for this now?