

# **ICBC Fairness Officer**

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## **2024/25 Annual Report**

**Michael Skinner**  
Fairness Officer

**May 15, 2025**

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## **2024/25 Annual Report**

### **Office of the ICBC Fairness Officer**

#### **Executive Summary**

The Annual Report of the ICBC Fairness Officer is a summary of activities in fiscal year 2024-25. The report is a requirement of the Fairness Officer's Terms and Conditions of appointment, outlined in Appendix D.

This report includes:

- Fairness Officer professional biography, and personal message from the Fairness Officer
- The concept and elements of the Office of the ICBC Fairness Officer, with some examples of customer complaints and resolved cases
- Statistics from 2024-25 fiscal year: April 1, 2024 to March 31, 2025.
- Terms and Conditions for the Fairness Officer.

## **The ICBC Fairness Officer**

Michael Skinner is an experienced investigator, administrator and dispute resolution specialist. In his 30-year public sector career he has served as Executive Director of the Health Professions Review Board and led civil justice reform projects with the Dispute Resolution Office at the B.C. Ministry of Attorney General. His extensive work with two Offices of the British Columbia legislature – the Office of the Information and Privacy Commissioner and Office of the Ombudsperson – shaped his commitment to multi-party dispute resolution, complex investigations and major public reporting. He has authored several significant public reports incorporating recommendations for systemic reform.

Prior to his public sector career, Michael practiced as a barrister at two Vancouver law firms from 1982 to 1987, focusing on personal injury and general litigation. He is a former director with the B.C. Council of Administrative Tribunals and a former member of the Law Society of B.C. and the British Columbia and American Trial Lawyers Associations. He obtained his law degree from the University of British Columbia after acquiring a business administration degree at the University of Alberta. He is active in community justice and relief organizations in the city of Victoria. He began his tenure as ICBC Fairness Officer on July 12, 2021. Upon expiry of his initial 3-year term as Fairness Officer he was re-appointed for an additional 3-year term effective July 12, 2024.

## **Fairness Officer's Message**

### The daily challenge of fair practices

In July 2024, I was honoured to be reappointed to a second three-year term as ICBC Fairness Officer. Reflecting on the past three years in this position, I am drawn to comment on the Fairness Officer's mission: to ensure customers affected by ICBC's products, services or decisions are treated fairly in all matters of process and administration.

It has become clear that for many individuals accessing ICBC services, the process is smooth – individuals receive the product or service they seek. However, for a small number of individuals, their experience can be challenging. ICBC's role to administer insurance claims and drivers' licences, collect provincial debt and issue BCID, are legally-mandated services (under both statute and contract law) that can significantly impact customers and other members of the public.

When individuals access services, fairness requires that ICBC communicate in a timely and clear manner the applicable information about processes and decisions so that the customer is able to have their concerns addressed, or dispute a decision. Individuals who lack the necessary guidance in the claims process or want to challenge the Corporation's position on an issue sometimes bring their concerns to the Fair Practices Office (FPO) for resolution.

Overall, I have been deeply impressed with the quality, clarity and depth of FPO investigations and reporting as they respond to these complaints. For those persons who remain dissatisfied with the outcome of their complaints as communicated by the FPO, there remains the option of advancing their complaint to my office, which brings me to my next observation.

### From the FPO to my office: the number and nature of the complaints we receive

In general, this past year has seen a gradual increase in the number of complaints submitted to my office, including an increase in non-jurisdictional complaints - complaints that I am without legal authority to investigate or comment. These are typically complaints that focus on an amount payable by the Corporation, determination of responsibility for a crash, or eligibility for benefits such as income replacement or medical and rehabilitation services.

Out of the 111 new files the FO received this year, 55% (61) of the complaints related to claim services. Of the claim files were closed, 26 were as non-jurisdictional complaints. Another 32 files included a complaint related to a non-jurisdiction claim decision and about mishandling of the claim process by staff or customer service.

While there continues to be an increase in claim related files received by my office, overall, it is a very small number compared to the number of claims opened by the Corporation – in 2023/24 that number was approximately 1.1 million. The evidence based on number of complaints to our office confirms that the vast majority of claims go well; the few claims that don't are typically resolved by escalation through ICBC's internal complaint process. To advance a claim, a claimant has responsibilities to provide ICBC with information (medical, financial or factual); ICBC in turn is responsible to process the information in a timely manner and give decisions or directions to claimants about legal entitlement to benefits. If the complaint ends up on my desk, and information is a key issue, I will remind claimants of their legal duty

to support their claim application by submitting the requested information – when that happens, it can be eye-opening to see just how quickly the claim is processed and resolved.

#### Meeting a critical challenge with technology and educated judgment

As in past years, we received submissions from individuals coming to Canada from jurisdictions that do not have a reciprocal licencing protocol with ICBC. Many come from jurisdictions facing conflict, war, or other geo-political challenges, and must confront unique challenges in obtaining a full Class 5 BCDL. For these non-reciprocal jurisdictions, applicants are required to complete the knowledge test, and all non-reciprocal foreign driver licences (NRDL) are sent to the Special Investigation Unit (SIU) where they are reviewed by a group of subject matter experts, or review committee. This year, the statistics (10 out of 29 driver licensing submissions, and increasing in the first month of 2025/26), have indicated a growing number of complaints related to foreign NRDL.

In response to these complaints, we conducted an examination of the SIU review process. The Review Committee reviews applications to examine the documents and supporting information in detail, with each member reviewing every document in turn. I was privileged to attend a meeting of this committee and observed their techniques and processes to determine the authenticity of the licences and supporting documents. The Committee takes their assigned task with the utmost seriousness because their deliberations can have a direct impact on road safety. As it turns out, for NRDL from some foreign jurisdictions, the committee approves a large majority of applications; further, for a document to be rejected the Committee must be unanimous – if one member considers the document in question to be authentic, that document is accepted.

Obtaining a BC Driver's License when arriving from a non-reciprocal jurisdiction can feel onerous, and the impacts of not being able to obtain a BC Driver's Licence can be significant for new immigrants and their families. However, through my examination of this sophisticated assessment process, I am convinced that ICBC's review process is fair and balances the rights of licence applicants with the overriding legal and policy goal of public safety.

#### The Important Stuff (from where I sit)

Lastly, as always, heartfelt thanks to the leadership and staff of the Fair Practices Office who handle and resolve the lion's share of complaints large and small, simple or extremely complex. Reading your analyses and resolutions is always an education. And my thanks – the word seems so inadequate - to Registrar Deidre Matheson, the engine of the office of the Fairness Officer, sounding board for difficult issues and consistent provider of wise independent counsel. I couldn't (and wouldn't want to!) do this job without you.



Michael Skinner

ICBC Fairness Officer

## Mission Statement

To ensure customers affected by ICBC's products, services or decisions are treated fairly in all matters of process and administration.

## Role and Authority

ICBC Fairness Officer will focus on ensuring the Corporation's decisions, actions and practices are transparent and fair, while further strengthening public trust in ICBC as dedicated to providing affordable auto insurance coverage and caring for people who are injured in a crash.

The Fairness Officer will have the authority to review and make recommendations to resolve customer complaints about the policy and process ICBC used to make a decision in their case. The officer may also make broader systemic recommendations to enhance fair decision-making.

Under the Fairness Officer Regulation, the officer will report annually on complaints received. ICBC will provide an annual report to the minister responsible for ICBC, outlining its response to any recommendations made by the officer, which will be made publicly available. Amendments to the *Insurance Corporation Act* received Royal Assent on March 25, 2021, and regulations approved on June 2, 2021, provide further parameters for the role of the fairness officer.

## The Fairness Officer must be:

- **Independent**, in particular, the Fairness Officer is independent of ICBC and any prior decisions that may have been made by ICBC
- **Impartial** in all respects
- **Accessible** to the public in writing and online
- **Responsive** to those who write

## Upon completion of a review, the Fairness Officer may:

- Refer the matter back to ICBC for reconsideration.
- Make a specific recommendation to ICBC that the complaint be resolved in a particular manner. Should ICBC reject the Fairness Officer's recommendation, the Fairness Officer is empowered to take the matter directly to the Board of Directors of ICBC. If the Board rejects the recommendation, the Fairness Officer is empowered to take that matter to the public through the press where appropriate.
- Dismiss the complaint if the Fairness Officer finds no unfairness on the part of ICBC or its employees.

## File statistics 2024/25

The Fairness Officer reviewed 111 files in FY 2024/25; 92 were closed and 19 are still pending review and/or response. An additional 36 files from previous years were closed in FY2024/25.

9 additional UDAP files were opened in FY2024/25.

Business Area	TOTAL	IN PROGRESS
ACCOUNT SERVICES	0	0
CLAIMS	61	8
DRIVER LICENSING	29	8
VEHICLE LICENSING/UNDERWRITING/VEHICLE REGISTRATION	9	0
UDAP	9	2
OTHER	3	1



## **Appendix A – Case comments**

### **Life Changes when you graduate or stop being a student.**

As a registered student at an educational institution in BC, the complainant was able to drive with their out-of-province licence during the period of their studies. However, as the law requires for all out-of-province students, once they end their studies and decide to remain as a resident in BC, they are required to convert their out-of-province DL to a BCDL. Unfortunately, the complainant did not do that, and after hitting a deer while driving as a graduate with the out-of-province licence, ICBC advised that they were in breach of their insurance policy for driving without a valid DL. However, ICBC provided them with an opportunity to be covered by their insurance policy provided they could obtain a BCDL within 30 days of the notification. In this case, the complainant was unsuccessful in their attempt to obtain a valid BCDL and was therefore held in breach of their insurance policy, the result being that they were not covered for damage to their vehicle.

### **ICBC is responsible to ensure all BC Driving licences meet security standards, even when a BCDL is lost in the mail**

A driver had recently renewed their licence prior to leaving for a job assignment in Japan. When the physical licence never arrived, possibly due to a strike at Canada Post, the complainant asked for a replacement. For security reasons, the driver was advised they would have to return to a driver licensing location in BC to seek the replacement in person. Due to the cost and time required to return to BC, the customer felt they were unable to do this. After much discussion, ICBC agreed to offer a 6-month extension to the paper interim licence. Hopefully this would be a time sufficient for either the misdirected licence to be located, or for the complainant to obtain a Japan driving licence, if that was legally required under the conditions of the complainant's residency.

### **Drivers and policyholders have communication responsibilities**

While ICBC will attempt to keep you informed as to when your driving licence or insurance policy is about to expire, the responsibility rests with the customer to ensure the license or insurance is kept up to date.

The complainant found this out to their disappointment when their Class 4DL expired. They had moved to another city without updating their address with ICBC and thought they would be notified of any important developments (such as pending DL expiration) through their local BC Services office – the office that acts as a general provincial government contact point for remote communities.

Unfortunately, Services Office staff do not conduct a comprehensive check on licensing issues when a person contacts them for other matters. When the complainant continued to drive with an expired licence, they were eventually pulled over by police and the truth was discovered. The result was that if the customer wished to obtain another Class 4 DL, they were required to go back to square one of the application process, a time-consuming and costly process. While it may have felt unfortunate for the complainant, it was a fair outcome. As with all driver licensing processes, the safety of all who use BC's roads must be the guiding principle.

### **You are responsible for paying your monthly payment plan**

The complainant had outstanding insurance premium debt from the past calendar year for which ICBC had created a payment plan with specific deadlines. The customer operated a farm with both animals and produce that they needed to get to market, and for that purpose the complainant operated a heavy-duty pickup and commercial trailer. The complainant sought to renew their insurance, arguing that without coverage they could not get their goods to market and would have zero cash flow to pay for expenses (including outstanding insurance premiums).

ICBC had previously attempted to assist the complainant by agreeing to allow the customer to insure their vehicle while arranging for a debt repayment plan. However, as the customer did not honour the payment plan, when it came time to renew again, ICBC applied its Refuse to Issue (RTI) policy – see *Insurance (Vehicle) Act*, s. 93.1 - based on lack of payment. The bottom line for obtaining insurance is clear: it is up to the applicant to make the payments they agree to make under the contract.

### **What are your responsibilities after a crash?**

We receive many complaints related to claim decisions that my office is restricted from commenting on. Generally, the matters raised are details and facts that will be considered in the Civil Resolution Dispute process, should an individual apply for a hearing through its process. However, the summaries below highlight some repeated themes related to a customer's responsibility after a crash:

1. Claimants are responsible for participating in the claim process. This means making a statement, providing information such as witness information, police report information, consenting to the release of medical and work-related information to process enhanced care benefits and Income Replacement benefits. This is not an exhaustive list – in its course of investigation of a claim, or in determining eligibility, ICBC is required by law to ensure a claimant is eligible for benefits.
2. After a crash that renders your vehicle non-drivable, you are responsible for removing personal items of value from the vehicle. In one case, a complainant neglected to do this, and alleged that certain items had later gone missing. As a customer courtesy, ICBC routinely seeks to have items of value removed from the vehicle (e.g., at an impound lot) and held for the customer, but, as it was in this case, if there is nothing in the vehicle matching the description given by the customer, nothing can be done. As we noted to the complainant, "the unfortunate reality is that you have made a claim that, without additional evidence, no one is in a position to confirm or contradict. It is simply an unknown."

### **A changing position during negotiations is not evidence of corruption or dishonesty**

The complainant was negotiating the resolution of a material damage claim involving their vehicle. They felt they were being pressured into a decision to repair the vehicle. Repairs were subsequently authorized by the complainant and begun by a repair shop. The complainant, in looking at the scope of repairs inquired about a cash settlement (write-off) option and was told that might be available but repairs to date would have to be deducted.

Later, ICBC changed its position and offered, as a customer service gesture, a full cash settlement for vehicle value with no deduction for repairs completed to that date. The complainant took the changing position and lack of full disclosure at the outset as evidence of systemic corruption. We disagreed, and on review of the communication record regarded the changing position as an honest response to initial miscommunication, evolving information about the condition of the vehicle and the most appropriate response from the Corporation.

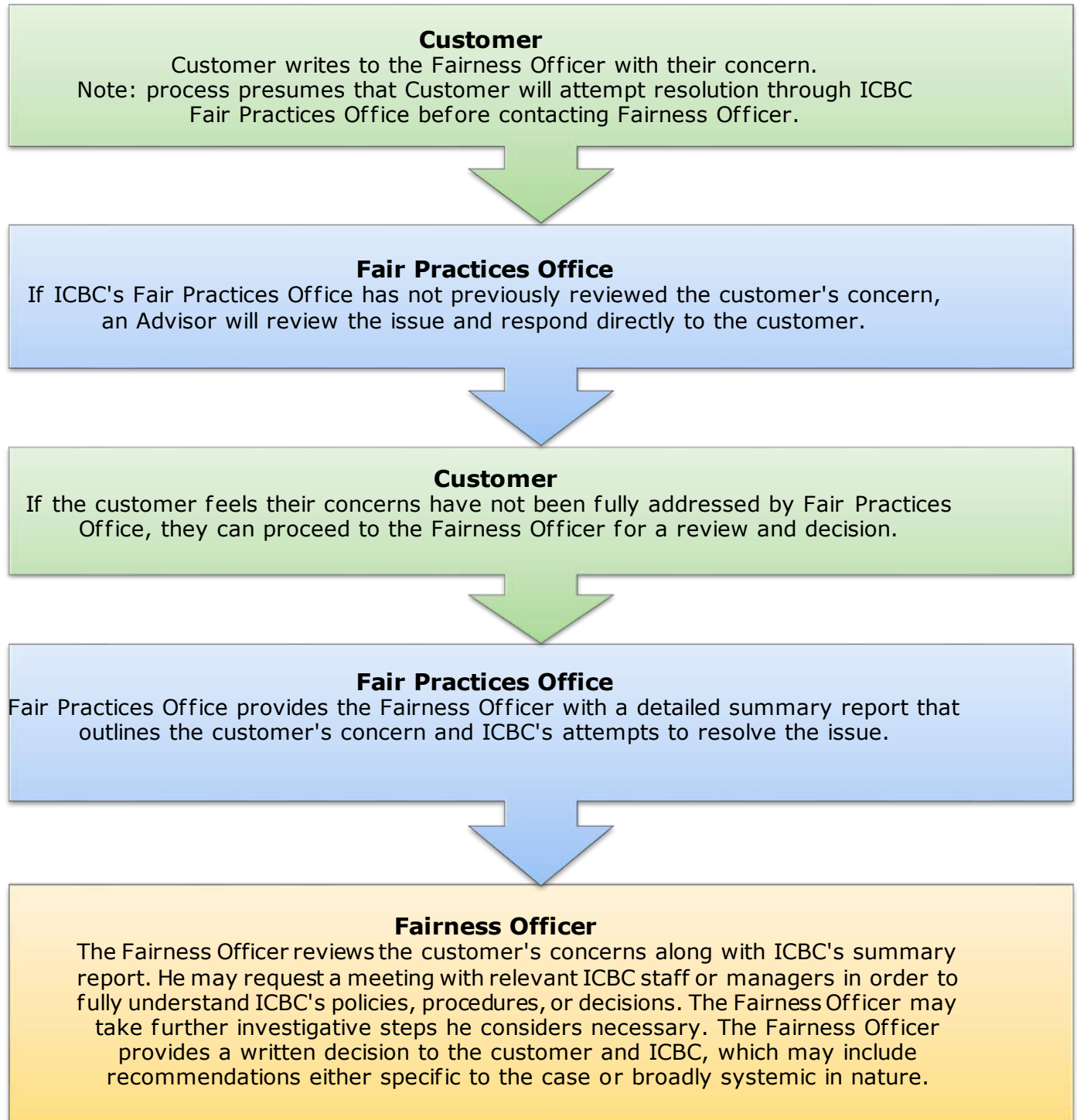
Again, my office is without jurisdiction to comment on “an amount payable by the Corporation”. We viewed this as another opportunity to examine claims settlement processes for fairness on a systemic basis. This case certainly cleared the fairness bar, with a fully reasonable outcome for the complainant.

### **Appendix B – Fairness Officer UDAP review – update**

UDAP (Unlisted Driver Accident Premium) continues to be a matter of some concern to me as I seek to conclude my long-running investigation. I am pleased to confirm that I have made progress toward acceptance of my draft recommendations in discussions with the Corporation that could result in some practical changes to how UDAP is administered. I hope to be able to report in the coming months.

## Appendix C

### The Fairness Process



## **Appendix D – Terms and Conditions of Appointment for the ICBC Fairness Officer**

### **Terms and Conditions for the ICBC Fairness Officer**

August 9, 2024  
Michael T. Skinner

Dear Mr. Skinner,

Congratulations on your reappointment as the Fairness Officer (the “Officer”). ICBC is looking forward to continuing to work with you, ensuring ICBC’s decisions, actions, and practices are transparent and fair.

The Officer position is established in Part 3 of the *Insurance Corporation Act* (the “Act”). The Officer’s powers, duties and responsibilities are set out in the Act and the Fairness Officer Regulation, B.C. Reg. 142/2021 (the “Regulation”).

This letter is not intended to conflict with the powers, duties, and responsibilities of the Officer set out in the Act and Regulation. To the extent of any conflict between the provisions of this letter and the Act or Regulation, the provisions of the Act or Regulation will govern.

This letter sets out in detail the terms and conditions of your Order-in-Council (“OIC”) appointment OIC# 424. The Officer is expected to comply with the terms and conditions outlined in this letter and the Officer’s powers, duties, and responsibilities as set out in the Act and Regulation.

### **Term**

The term of your OIC appointment OIC# 424 is for three (3) years, with an effective date of July 12, 2024 and with the possibility of renewal for additional three (3) year terms in accordance with s. 55 of the Act (the “Term”).

### **Location of Fairness Office**

The Fairness Office (the “Office”) and the Officer position may be operated in a virtual environment. It will be up to the Officer to determine if physical office space is necessary, in consultation with the Board and in accordance with s. 55 of the Act, to ensure effective operations and the successful achievement of the Officer’s mandate.

### **Responsibilities and Accountabilities of Role**

The Officer’s powers, duties, and responsibilities are set out in the Act and Regulation. For clarity, the Board will provide remuneration to the Officer for the following services as set out below:

## **Primary Services**

### **i. Corporation Processes**

- Review, investigate and/or make recommendations on ICBC processes in accordance with the Act and Regulation.

### **ii. Administration**

- The Officer is responsible for the Office administration, including process and procedure development and obtaining support services necessary to fulfil the Officer's mandate.
- The Officer will submit an annual budget before the start of each fiscal year in accordance with s.55 of the Act with the timing to be directed by the Board.

### **iii. Reporting**

- ICBC will, upon request, make all reasonable efforts to provide information and data to assist the Officer in meeting their reporting obligations as established in the Act and Regulation.
- The Officer will attend either a Board or a Board Committee meeting to present the Officer's Annual Report.
- The Officer will attend Board and/or Board Committee meetings, as required.
- The Officer will submit to the Board a report on expenditures on a quarterly basis in accordance with s. 2 of the Regulation within two weeks of the end of the quarter.

## **Additional Services**

Outside of the Officer's powers, duties and responsibilities set out in the Act and Regulation with respect to ICBC's processes, from time to time the Officer may provide consulting services to the Board on other matters affecting ICBC (the "Additional Services") upon the following terms and conditions:

- Prior to performing any Additional Services, the Officer will provide a scope of work with an estimate of number of hours required to complete such work.
- The Officer must obtain written approval from the Chair of the Board, who will consult with the Chief Executive Officer of ICBC, before starting work on any Additional Services.
- ICBC will make available, and the Officer will consult with, personnel of ICBC with the required skills, experience and qualifications to support the Officer in performing the Additional Services.

For clarity, the Additional Services can include matters that are otherwise outside the scope of the Officer's authority under the Act and Regulation, including actions undertaken by ICBC at the direction of Government.

Additional Services performed by the Officer will not be included in any reports required under the Act and Regulation. Reporting on Additional Services by the Officer to ICBC will be upon the direction of the Chair of the Board.

The Primary Services together with any approved Additional Services are hereinafter referred to as the "Services".

## **Time Commitment**

While daily availability is not essential, availability for telephone meetings on two-to-three days' notice and face-to-face meetings on one-to-two weeks' notice is required.

The time commitment will be dependent on the number and complexity of the complaints received by the Office.

It is anticipated the time commitment required will be between 0.25 and 0.5 full-time hours averaged on an annual basis.

## **ICBC Policies**

In providing the Services, the Officer must adhere to the provisions of the most current version of the following ICBC policies, as applicable:

- (a) ICBC Code of Ethics;
- (b) Information Security;
- (c) Diversity, Equity and Inclusion;
- (d) Privacy;
- (e) Acceptable Use;
- (f) Health and Safety;
- (g) Respectful Workplace;
- (h) Alcohol, Cannabis, Controlled Drugs and Medication;
- (i) Security;
- (j) Corporate Acquisition; and
- (k) Use and Protection of Corporate Assets.

ICBC will provide a copy of the most current ICBC Code of Ethics and Information Security policy to the Officer for acknowledgement and signature confirming awareness and acceptance annually.

ICBC will ensure access to the most current versions of the foregoing policies.

## **Relationship of the Officer, ICBC and Staff**

The Officer will ensure that the Services are provided exclusively by the Officer. Notwithstanding this limitation, the Officer may retain, as may be necessary and in accordance with s. 55 of the Act, staff to assist the Officer in providing the Services (the "Staff").

ICBC staff will make themselves available to provide any necessary ongoing support for the Officer and the Office. However, the Officer may retain Staff to support the Office. In that event, the Officer warrants that all Staff will have the required qualifications, skills, and experience to provide the Services and will provide the Services in accordance with terms and conditions outlined in this letter, and the Act and Regulation.

All Staff are required to read and acknowledge, by way of signature, the most current ICBC Code of Ethics and Information Security policy prior to assisting the Officer in providing the Services, and annually thereafter.

The Officer agrees that the Officer (and any person retained by the Officer) is not an employee or agent of ICBC and has no authority to bind, commit or speak for or on behalf of ICBC.

### **Compensation Services**

ICBC will pay the Officer one hundred forty-six dollars (\$146.00) per hour plus Goods and Services Tax and Provincial Sales Tax as applicable during the Term for performance of the Services upon receipt of an account from the Officer.

### **Expenses**

ICBC will reimburse the Officer for any necessary expenses, including necessary Staff costs to assist the Officer in fulfilling the Officer's duties, over the Term and in accordance with the budgeting process prescribed in s. 2 of the Regulation.

### **Invoicing**

The Officer will submit invoices providing a breakdown of time and services performed in relation to the Primary Services, and if applicable, a separate breakdown of time and services provided for any approved Additional Services. The Officer will identify expenses on a separate invoice and will provide original receipts. ICBC will pay the Officer within thirty (30) business days of receipt of an invoice for the Services.

### **Confidentiality**

Recognizing that any fairness complaint could later become the subject of litigation, and that information or documents received in the course of reviewing fairness complaints should not lose any claim of privilege which may attach to them:

The Officer and Staff will,

- i. Maintain the confidentiality of all information and documents provided to the Officer;
- ii. Not disclose to any person, including the other party, any information or documents provided to the Officer by ICBC or the complainant without the consent of the party who provided the information or document having been obtained in advance;
- iii. If appropriate, obtain a written agreement from ICBC or the complainant that any confidential information or documents shared with them will be kept in strict confidence and not disclosed to any other person unless required by law; and
- iv. Not refer to any information or documents in any correspondence, report, or recommendation without the consent of the party who provided the information or document having been obtained in advance.



## **General Conduct Principles for Public Appointees and Conflict of Interest**

Government appointees are expected to meet high standards of conduct, which enhance and maintain public confidence in the operation of B.C.'s public agencies, boards, and commissions. They must act to instill public confidence in their actions and decisions. Please review the following link with more information: [General Conduct Principles for Public Appointees – Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca/publicsectorboardtraining)

Note: The above is the minimum for public sector appointees. Additional standards of conduct and conflict of interest provisions that apply to the Officer are specified in the ICBC Code of Ethics.

The Officer may provide services to other clients during the Term, so long as such services are not performed on ICBC's premises or using ICBC equipment and do not interfere or conflict with the terms and conditions outlined in this letter and the Officer's powers, duties and responsibilities as set out in the Act and Regulation.

## **Training for Public Appointees**

As a public appointee, there are training resources available to you and you can learn more about these by visiting the Crown Agencies and Board Resourcing Office website at: [BC public sector board training and resources - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca/publicsectorboardtraining)

If you have any questions regarding your appointment or the terms and conditions outlined in this letter, please contact Doug Cooper ([doug.cooper@icbc.com](mailto:doug.cooper@icbc.com); (604) 982-6590).

I wish you much success in your position and look forward to working with you.

Sincerely,

Catherine Holt

Chair of the ICBC Board of Directors

cc: Mike Farnworth, Minister of Public Safety and Solicitor General and Deputy Premier  
Mary Sue Malougney, Associate Deputy Minister, Crown Agencies Secretariat  
Toby Louie, Executive Lead, Crown Agency Policy and Legislation, Crown Agencies Secretariat  
David Wong, Chief Executive Officer, Insurance Corporation of British Columbia