



For immediate release
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Proposed auto insurance reforms are a short-term band-aid, but long-term solutions to secure access to justice for victims still needed, Ontario Trial Lawyers Association says

Toronto – The auto-insurance reform proposals released today by the Ontario government fall short in securing fairness and access to justice for innocent accident victims, according to the Ontario Trial Lawyers Association (OTLA), but the elimination of deductibles in fatal accident claims is a step in the right direction. Over the past 18 months, calls for progressive changes to the rights of innocent accident victims have been made by groups and individuals as diverse as retired Associate Chief Justice of Ontario Coulter Osborne to the United Senior Citizens of Ontario. In April, the Financial Services Commission of Ontario (FSCO) recommended significant improvements to compensation rights based on the need to improve access to justice for accident victims. These recommendations were welcomed by innocent accident victims, their families and those who represent them.

Today's reform package, while disappointing in some respects, should be viewed as an attempt by the Ontario government to take pressure off of auto-insurance premium increases that had been threatened by the insurance industry over the past several months, according to OTLA President Judith Hull.

"We need to find a longer term solution to cure what ails auto insurance," Ms. Hull said. "We are disappointed that this reform package fell short of the recommendations principally to improve access to justice made by the government's expert panel in its five-year auto insurance review. In our view, this was a missed opportunity to implement tort reforms to protect the rights of accident victims and their families. To some it will be seen as an effort to protect the already lucrative auto-insurance lobby."

The OTLA is encouraged the government is committed to ongoing consultation with stakeholders and consumers.

The OTLA is also pleased that that the government is planning to eliminate the deductible on fatalities. This restriction has proven to be a significant barrier to fairness for family members of those killed in auto accidents.

Unfortunately, the reforms do not address the FSCO recommendation to scrap the controversial “defining regulation” used to limit compensation to retired or non-working accident victims for pain and suffering and health care costs.

“We realize that the government wants to offer consumers a choice in the level of insurance coverage they receive. Unfortunately, consumers don’t have a choice when they are involved in an accident, or the seriousness of the injuries they receive. Fairness demands that society should err on the side of increased access to justice when it comes to rights to compensation,” Ms. Hull said.

The OTLA looks forward to fully participating in the government’s promised review and implementation process.

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