

## **DUTIES AND OBLIGATIONS TOWARDS CLIENTS**

- 1.** Before accepting a mandate, claims adjusters must take into account the limits of their abilities and knowledge and the means available to them. They must not undertake or continue a mandate for which they are not sufficiently prepared, without obtaining the necessary assistance.
- 2.** Claims adjusters must act promptly, honestly and fairly in providing their professional services under the mandates entrusted to them.
- 3.** Claims adjusters may not be the mandatary of both the insurer and the insured at the same time.
- 4.** Claims adjusters may not represent opposing interests, except with the consent of their clients.
- 5.** Claims adjusters must not under any circumstances undertake appraisal work before receiving a mandate to that effect.
- 6.** Claims adjusters must notify the client promptly of any information in their possession that could affect decisions regarding the settlement of a claim or reduce or compromise an entitlement to compensation, such as breaches of contract, fraud, misrepresentations and the forging of evidence.
- 7.** Claims adjusters must, without delay, act on the instructions received from a client or notify the client that they are unable to comply with them.
- 8.** Claims adjusters must, upon request, report to the client and show diligence in submitting reports, rendering accounts and making remittances.
- 9.** Claims adjusters must submit every offer of settlement to the client.
- 10.** In carrying out a mandate, claims adjusters must avoid multiplying professional acts.
- 11.** Claims adjusters may, for good and reasonable cause, cease to act on behalf of a client after taking the necessary measures to prevent prejudice to the client.
- 12.** Claims adjusters must cease to represent a client if their mandate is revoked.
- 13.** Claims adjusters must not, through fraud, trickery or other deceitful means, avoid or attempt to avoid their professional civil liability or that of the firm or independent partnership within which they carry on their professional activities.
- 14.** Claims adjusters who have been given a mandate must not require advances that are disproportionate to the nature and circumstances of the claim and the state of the parties. In addition, they must charge fair and reasonable remuneration, justified by the circumstances and proportionate to the services rendered. In setting remuneration, claims adjusters must take particular account of the following factors:
  - (1) their experience;
  - (2) the time devoted to the matter;

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- (3) the difficulty of the problem submitted;
- (4) the importance of the matter;
- (5) the responsibility assumed;
- (6) the provision of unusual services or services requiring exceptional competence or speed; and
- (7) the result obtained.

**15.** Claims adjusters must ensure that a client is informed of the approximate and foreseeable cost for their services.

**16.** Claims adjusters who have entered into a contract with a client providing for hourly remuneration must provide all explanations necessary for the client to understand the statement of remuneration and the terms and conditions of payment.

**17.** Upon completion of their mandate, claims adjusters must repay any part of an advance on their remuneration for which no work was performed.