

DEALING WITH DIFFICULT ADJUSTERS IN LONG TERM DISABILITY (LTD) CASES

Frequently Asked Questions

How should LTD adjusters behave towards claimants?

Insurance companies owe a duty of good faith towards their insureds. This means that an LTD adjuster who represents an insurer must treat an insured person/claimant with civility and respect. There are no exceptions to this. Adjusters are not allowed to bully claimants, to speak down to them, to harass them, curse at them, threaten them, or otherwise act in a manner that is disrespectful and hurtful.

In some cases, however, it is not clear whether an adjuster has acted inappropriately. An adjuster may have simply miscommunicated information or a request, which could be perceived negatively by a claimant. Such miscommunication may cause a disabled individual to feel harassed or attacked, but that was not the intention and may not constitute inappropriate behavior. It is important to be as objective as possible about your interactions with your adjuster in order to minimize any disruptions to your LTD claim.

Unfortunately, sometimes adjusters act badly. They may yell, use inappropriate language, or act in a way that makes you feel harassed and bullied. This type of behavior could lead to increased stress, anxiety, depression and other psychological (and physical) symptoms that aggravate your disability and adversely impacts your general health. In such circumstances it is imperative that you do not let such behavior go unanswered.

What you can/should do if your adjuster is behaving inappropriately towards you

There are 3 things you can and should do if your adjuster is behaving in a manner that causes you harm:

First, advise your adjuster – in writing – that such behavior is unacceptable. Outline to them in an email exactly what your interactions with them have been like, and state, unequivocally, that you will not tolerate such behavior. Express to them how their behavior makes you feel and how it affects your health. Be as matter of fact as you can be and focus on what happened. Keep a copy of this email.

Do not engage in a back-and-forth argument with the adjuster. The key is to record – in writing – your interactions with the adjuster (ideally on the same day of the interaction).

Second, let your doctor(s) or other health professionals who are treating you know of your interactions with your adjuster, and the stress and anxiety (as well as other symptoms) that these interactions are causing you. It is very important that your increased stress, anxiety and other symptoms resulting from your adjuster's behavior is recorded by your doctor(s) and/or other treating health professionals. Their notes and records may be needed to support your potential future claim for extra-contractual damages (punitive damages) against your insurer should we need to pursue legal action down the road.

Third, if your adjuster's behavior does not improve despite your requests, contact your adjuster's manager and ask to have another adjuster take over your file. Again, this request should be made in writing. If the manager fails to take steps to change adjusters, this may also be used down the road when we pursue legal action against your insurer.

✚ ***What you should not do if your adjuster is behaving inappropriately towards you***

Do not stoop down to their level. Do not yell at your adjuster; do not swear; do not use profanities and do not refuse to comply with your obligations under your LTD policy because if you do any of these things, your LTD claim may become jeopardized. Instead, remain as calm as possible and take the steps outlined above. If nothing helps, contact us immediately and we will discuss with you – at no cost – all your options.

✚ ***Questions? Concerns? Contact us!***

Toll Free: 1-855-821-5900

Email: help@disabilityrights.ca

www.Disabilityrights.ca

or

Post your question and get an answer from one of our disability lawyers at

www.MyDisabilityQuestions.com

FREE CONSULTATIONS

The information provided in this FAQ document is for general purposes only and should not be relied upon in specific cases without consulting a legal team member at Samfiru Tumarkin LLP. For more information, please contact us at:

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