

[Texte]

Mr. Boudria, would you like to start off?

Mr. Boudria: I have one or two short questions to begin with, perhaps not topics you would expect to hear about, but nevertheless under the same vote, I believe. It relates to the life insurance section of the department you administer.

In light of recent questions being raised about AIDS, I want to ask what the position is of the department and what kind of work you have been doing in the area of insurance companies who are either charging extra premiums for people who have tested AIDS positive, which does not necessarily mean they have the disease, as we all know, and if you have done any kind of investigatory work or any work in the following area.

I recall receiving, not that many months ago, from American Express Company a little notice saying they were offering this new type of life insurance; however, if you have taken an AIDS test—not even if you tested positive, but if you took the test during a certain number of recent months—do not bother applying type of thing. Have you had complaints in that regard? I think you have had, because one of my constituents has complained to me and has written to the department. What kinds of actions are you taking in those areas to ensure that people are not discriminated against, particularly when in certain cases there are absolutely no grounds to do so?

Mr. Hammond: Perhaps I should start off by mentioning, Mr. Chairman, that we have had some inquiries—not many, but we have had a few. I must say that most of the inquiries have come from Members of Parliament. Secondly, I have to say that because of various constitutional decisions that have been made relative to insurance and the regulation of the insurance industry, our prime responsibility at the federal level is to try to see that federal companies remain able to meet their obligations. The federal legislation is aimed primarily at achieving that objective. It contains rules relating to investments and how you value liabilities and that sort of thing.

• 1540

Matters of contract and of the contractual relationship between policy-holders and the insurance companies have generally been felt to fall within provincial jurisdictions. There is nothing in the federal legislation that deals with what can be in a contract or with the relationship between the policy-holders, etc.

Nevertheless, we have been interested in what is going on. We have had contact with the Canadian Health and Life Insurance Association to find out what the practices are. Just a couple of weeks ago I attended a meeting of the Canadian Council of Superintendents of Insurance, which includes the federal superintendent and the provincial superintendent. This topic is very much on the minds of the provincial superintendents, and we are very interested in it too.

[Traduction]

Monsieur Boudria, voulez-vous commencer les questions?

M. Boudria: Mes questions risquent de vous surprendre un peu, même si elles s'inscrivent dans le contexte de ce crédit, puisqu'elles portent sur l'assurance-vie.

Savez-vous que certaines compagnies d'assurances imposent des primes supplémentaires à leurs clients qui, ayant subi des tests pour le SIDA, s'avèrent séropositifs, ce qui ne signifie pas nécessairement qu'ils soient atteints de la maladie? Avez-vous fait enquête là-dessus?

La société American Express m'a envoyé dernièrement de la publicité sur un nouveau programme d'assurance-vie. Le dépliant stipulait cependant que toutes les personnes qui ont subi récemment un test pour le SIDA sont inadmissibles, même si elles s'avèrent séronégatives. Vous avez dû recevoir des plaintes, car un de mes commettants m'a écrit à ce sujet et m'informe qu'il vous a prévenus de la situation. Faites-vous quelque chose pour empêcher des mesures discriminatoires aussi gratuites?

M. Hammond: Monsieur le président, la plupart des rares demandes de renseignements reçues à cet égard émanaient de députés. Compte tenu de certains jugements rendus en vertu de la constitution canadienne dans le domaine des assurances, notre première responsabilité consiste à veiller à ce que les compagnies qui relèvent de la juridiction fédérale demeurent aptes à honorer leurs engagements. Les textes qui nous régissent visent d'ailleurs cet objectif. Ils réglementent pour ce faire les investissements, l'évaluation du passif et d'autres éléments encore.

Traditionnellement, les contrats et la relation d'affaires entre les détenteurs de polices et la compagnie d'assurances relèvent de la juridiction provinciale. Les textes législatifs fédéraux se taisent sur ces aspects.

Nous nous intéressons cependant de près à la situation. Ainsi, nous avons demandé récemment à l'Association canadienne de l'assurance-vie et de l'assurance-santé de nous décrire les pratiques courantes. J'ai en outre assisté tout dernièrement à une rencontre du Conseil canadien des surintendants des assurances, qui regroupe le surintendant fédéral et ses homologues provinciaux. Cette question nous intéresse tous beaucoup.