

LAW

Insurance companies not allowed to bully you into interviews

Insurance companies often like to snoop around.

It can seem like an unending intrusion into a crash victim's privacy—medical and employment records must be produced, often dating years before the crash, hours of interrogation by an insurance company lawyer, video surveillance that is more common than you might think and Facebook postings are sifted through.

Even though you are being perfectly up front and honest, and there has been no hint of bad faith on your part, the law allows for a significant invasion of your privacy when you go after compensation for crash injuries.

I recommend to my clients that they cooperate



ACHIEVING JUSTICE

Paul Hergott

fully with any reasonable requests for information and records.

I believe in an "open book" approach. Being cagey invites suspicion and being honest means there is nothing to hide.

It's the video surveillance and monitoring of Facebook and other social media sites that I find less palatable.

It can be unsettling to be under such scrutiny.

It got to the point in at least one case that the insurance company was

asked to stop being so obvious with surveillance because of the anxiety it was causing.

Aside from causing anxiety, picking and choosing video clips that show you trying to live a normal life without balancing those clips with footage of you having to later ice your neck to calm down the spasms those normal activities caused is simply unfair.

The snooping around that irritates me the most, though, is when the company calls friends, neighbours, employers, co-workers, ex-boyfriends, and other and pressures them to be interviewed.

If the private investigator or lawyer making the call on behalf of the insurance company was up front and honest about

the person's obligations, and if the interviewing was done in a fair and reasonable way, I wouldn't have a problem.

But that's not the way it works. If you are that friend or co-worker, you will not be told that you have absolutely no legal obligation whatsoever to talk to the insurance company's representative.

That's true, by the way, and I'm willing to "walk the talk" on that point. I will provide free legal representative to anyone who is badgered and bullied for an interview by an insurance company representative.

Some insurance company lawyers have gone to the extreme of issuing a threatening letter, saying it will go to court to force an interview, and will go

further to have you jailed if you don't cooperate.

The court doesn't have any time for those antics and will order an insurance company to pay your legal expenses to defend such a court application.

The law does not require you to be subjected to an interrogation by a trained and clever interviewer in the unfair circumstance where your friend or co-worker does not have his or her lawyer present to ensure the interview is conducted in an unbiased way.

The law does not require you to give a taped interview, the tape being kept away from your friend or co-worker and even your request for a copy denied.

The law doesn't re-

quire that because it's unfair.

The truth is that you can require the insurance company to put questions to you in writing and you may respond in writing.

That way, the insurance company representative doesn't get the opportunity to manipulate your evidence, and you can take your time to ensure that only accurate and fair information is given about the person who is struggling for fairness against the insurance company.

Of course, if you

would prefer to be interviewed, at least make sure it's done fairly, by inviting your friend or co-worker and his or her lawyer, to attend and participate.

You can leave it up to the interviewer to make the arrangements.

This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.

GARBAGE

Kelowna won't dump higher landfill fees on DWK

JASON LUCIW
STAFF REPORTER

A break on landfill tipping fees has been extended to West Kelowna, Westbank First Nation and Peachland residents, courtesy of the City of Kelowna.

The move ensures rates for self-hauled household garbage won't increase on the Westside this year when the Westside landfill closes.

Currently all self-hauled waste collected at the landfill is charged \$28.70 per tonne or \$6 per load for loads less than 250 kilograms. It's the same rate charged to Kelowna residents who need to take their garbage to the city's Glenmore landfill.

Kelowna council voted this week to keep all rates the same.

But council could have indirectly doubled the rates on Westside residents this year.

The fee increases were being considered because the Westside landfill must close later this year.

When that happens a transfer station will open at the Asquith Road site and from there garbage will be shipped in bulk to the Glenmore landfill.

The City of Kelowna had considered charging the bulk deliveries from the Westside a fee of \$55 per tonne as they entered the Glenmore dump.

In turn, that rate would have been passed on to residents using the transfer station, doubling the self-haul rate to \$12.

When the Central Okanagan Regional District, which will operate the transfer station, caught wind of the increase, it asked the city to reconsider its decision.

Regional district waste reduction supervisor Peter Rotheisler told Kelowna that it simply didn't make sense to im-

pose a higher rate on the Westside landfill because Peachland, West Kelowna and Westbank First Nation residents would simply drive through the city to take advantage of the \$6 rate in Kelowna.

"The (Westside) transfer station benefits the city in numerous ways, but primarily it reduces the amount of traffic travelling through the city, assuming (Westside) would come through Kelowna to get

to the Glenmore landfill if there wasn't a Westside transfer station." Rotheisler also pointed out that the Glenmore landfill is not set up to take a large influx of new traffic, which was one of the reasons behind setting up a Westside transfer station to begin with.

"So, why would (Kelowna) charge us for doing them a favour and bringing in one load and reducing the impact on their

streets?" asked Rotheisler.

"We want to keep things as equal as possible so we don't encourage people to go outside of the region to drop off garbage."

The other possible outcome of higher self-haul user fees could have been illegal dumping, said Rotheisler.

"We want to prevent that too."

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WEDNESDAY

SHUTTER ISLAND 14A 6:45 & 9:40; Sat & Sun Matinees 12:45 & 3:40; Mon - Thurs Matinees 3:40 only Under 14 must be accompanied by an adult.

COP OUT 14A 7:05 & 9:30; Sat & Sun Matinees 1:15 & 3:30; Mon - Thurs Matinees 3:30 only Under 14 must be accompanied by an adult.

THE CRAZIES 18A 7:25 & 9:40; Sat & Sun Matinees 1:25 & 3:40; Mon - Thurs Matinees 3:40 only (No showing March 11th @ 7:25 PM) PHOTO I.D. REQUIRED

ALICE IN WONDERLAND PG 6:55 & 9:20; Sat & Sun Matinees 12:55 & 3:20; Mon - Thurs Matinees 3:20 only (Not in 3-D)

WHEN IN ROME PG Starts Friday 7:15; Sat & Sun Matinees 1:15 & 3:30; Mon - Thurs Matinees 3:30 only

THE LOVELY BONES PG 9:30

Westbank Film Festival **THE YOUNG VICTORIA** (PG) Thursday, March 11th @ 7 pm

Every Tuesday is One Ticket Tuesday. Regular admission \$9.99 ALL shows (includes admission, medium pop, medium popcorn)

Westbank Film Festival February 18-March 25, Thursdays @ 7pm. Log onto www.westkelownamovies.com for all information

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