

WESTSIDE

▼ LAW

ICBC critic sides with company over ads



ACHIEVING JUSTICE

Paul Hergott

It may be the least likely person on the planet to be supportive of ICBC.

I typically have ICBC in my cross-hairs, taking aim at what I consider the unfairness in the way it handles crash injury claims, particularly when the claimant is unrepresented.

I have always been clear, though, that I have nothing against the men and women who are employed by ICBC, who are simply doing their jobs.

They are paid to follow corporate policies that are designed to maximize corporate profits. That's what corporations do, whether private, public or Crown corporations.

By minimizing what it pays injured victims of car crashes, it is maximizing profits. As distasteful as I might find its methods, it's the real world.

It has another way to maximize profits, though, one that I am 100 per cent in favour of.

I've commented several times that the best car crash claim is no claim at

all.

Stop car crashes, or at least minimize them, and the claims are minimized as well. The fewer the claims, the less dollars ICBC has to pay, and their profits are maximized.

Obviously, at least to me, the corporation's motivation is not to make our roads safer. Its motivation is to reduce claims. That's fine by me.

But whatever the motivation, if the result is less carnage on the roads, I'll support it.

ICBC has recently been lambasted about spending \$1.7 million on an advertising campaign designed to discourage 19- to 25-year-old men from drinking and driving.

The edgy advertising campaign had adver-

tisements showing young men caught by police in embarrassing situations, with a link drawn between that and being caught drinking and driving.

The intended result was an ambitious one—to change attitudes.

its advertising team for coming up with a brilliant campaign.

But the campaign was killed in June, 2009, by then solicitor general, Kash Heed.

Reportedly, controversial sexual themes were thought to overshadow and "make light of" the serious message of impaired driving.

ICBC commissioned the advertisements and began airing them.

Heed killed the campaign.

ICBC's director of road safety has said it was a decision "we all made," referring to ICBC, the police services and the superintendent of motor vehicles.

Obviously, ICBC was required to agree, because otherwise it wouldn't have started airing the campaign, an advertising campaign that would have put our society's pathetically casual attitudes about drinking and driving front and centre, acting both to change attitudes as well as to bring the subject to the forefront through con-

troversy. But it was killed one year ago, just as it began to air.

A total of \$1.7 million of our tax dollars was put into that campaign.

ICBC has been working on a replacement campaign but it has yet to be unveiled.

In the meantime, however, many British Columbians have been injured or killed by young men who have driven drunk— young men who might otherwise have been swayed by an edgy campaign.

I am on your side on this one, ICBC. Be edgy. Be controversial.

My only criticism is that you bowed to the pressure from your campaign partners and the campaign you conceived and started to run was scrapped.

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.

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▼ DISTRICT

Large elm tree to go

The District of West Kelowna will remove a large elm tree adjacent to the parking lot of the Gelatly Bay Aquatic Park on Tuesday.

The removal will take place because of safety concerns.

In response to the concerns and frequent motor vehicle impacts, the district has completed a detailed hazard and wildlife assessment of this tree.

The assessment indicated the tree is past its prime and in a state of decline.

Associated canopy die off has led to reports of limbs shedding and near misses to pedestrians and motor vehicles.

Situated between the roadway and parking lot, this tree has also suffered damage from vehicles colliding with it over the years.

The tree has no branch nesting sites, cavity nests or observations of predatory bird roosting in it.

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