



The Consumer Voice

A PUBLICATION OF THE CONSUMER WELFARE UNIT OF THE MINISTRY OF LABOUR & NATIONAL INSURANCE

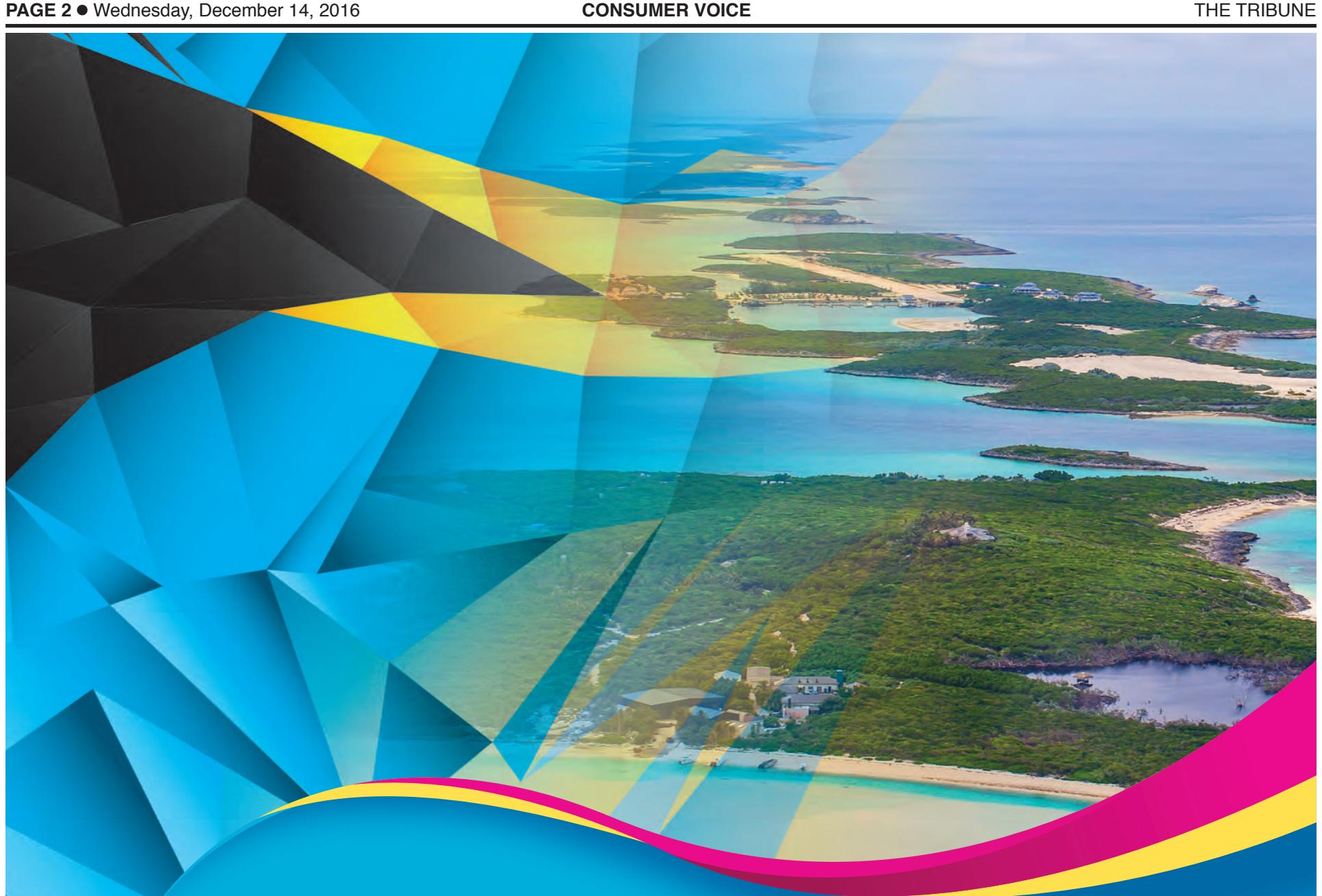
VOL. 3 ISSUE 4

DECEMBER/JANUARY/FEBRUARY 2017



LESSONS LEARNED FROM HURRICANE MATTHEW

MEMBERS of the National Disaster Relief Committee during a visit to West End, Grand Bahama, to get a first-hand view of the extent of the damage caused by Hurricane Matthew.



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Lessons learned from Hurricane Matthew

EDITORIAL

THE end of the year is a time when we reflect on, and highlight events that transpired during the course of the year and their significance.

The general theme of this, the final edition of the Consumer Voice for 2016, is 'Lessons Learned from Hurricane Matthew'. Cognizant of this theme, we reached out to the National Development Plan Secretariat. We wanted to know if the National Development Plan spoke to the development and application of ICT (Information and Communications Technology) to improve and sustain communication throughout the archipelago of The Bahamas, particularly during and after a major hurricane such as Matthew.

We take this opportunity to commend the NDP Secretariat for its prompt response and collaboration with our efforts, and on behalf of our readers thank them for the preparation and submission of the article 'Towards a Smart Bahamas' featured in this edition of the Consumer Voice.

We are also reproducing two of our previous articles; 'Building Safer Buildings – Learning to Follow the Code', was originally printed in December 2015. Our research has revealed that The Bahamas Building Code is one of the most robust in the world. However, the experts agree that we do have a problem with enforcement. We therefore take this opportunity to remind Bahamian homeowners that we live in a hurricane zone; therefore, ensuring that homes are built

to Code is a tremendous mitigating factor against damages and threats to personal safety in the aftermath of a hurricane.

Also being reproduced is 'The Role of a Public Loss Adjuster', from our June 2016 edition. Here at the Consumer Protection Commission we are interested in ensuring that Bahamians are treated fairly in the market place and in this particular instance, that insurers are fair and transparent in their processing and settlement of claims post Matthew. The Commission is keen on matters of consumer redress, and the engagement of a public loss adjuster is an option if a consumer is dissatisfied with an insurance claim settlement. Words of caution however, please ensure that the adjuster and/or their firm is registered with the Insurance Commission of The Bahamas before engaging.

Furthermore, in terms of redress for homeowners, the Consumer Protection Commission applauds the Government of The Bahamas for its introduction and tabling of a Contractors Bill. This will no doubt enhance and complement the consumer protection function and mandate of this Commission.

Finally, we would like to say thank you to our advertisers and writers for their support during the year. We especially thank our readers for their expanding and continued embrace, particularly our college and now university students.

From all of us here at the Consumer Voice and the Consumer Protection Commission, we wish one and all a very Merry Christmas, and a bright and prosperous New Year!





NATIONAL Development Plan conclave at SuperClubs Breezes. Photos/**SHAWN HANNA**

TOWARDS A SMART BAHAMAS

IN 2014, the Government of The Bahamas, in collaboration with the Inter-American Development Bank (IDB), began a programme to draft The Bahamas' National Development Plan (Vision 2040), a long term strategic roadmap for the country. The plan, which is almost complete, is being developed in collaboration and consultation with sector experts and members of the public from all walks of life.

Vision 2040 contains 15 goals that must be achieved for the sustainable development of The Bahamas. These 15 goals apply to 4 key pillars of development: Governance, Human Capital, Infrastructure and the Environment, and The Economy.

It is well known that Information and Communication Technologies (ICTs) enable sustainable development, for example, by:

- improving business competitiveness and stimulating innovation and entrepreneurship;
- modernising the public sector so that governments can offer citizens and businesses better quality services, in more convenient ways (e.g. end-to-end online services);
- providing tools to collect and process environmental information which helps anticipate and communicate environmental conditions and emergencies;
- employing for example, the internet, radio, television and cellular mobile phones to improve public safety and the coordination of response and relief efforts.²

Accordingly, under each Vision 2040 pillar there are specific strategies and action items which highlight the role of ICTs in achieving the respective

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NATIONAL Development Plan conclave at SuperClubs Breezes. Dr Nicola Virgill-Rolle, the Lead for the Government on the National Development Plan is pictured.

TOWARDS A SMART BAHAMAS

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goals.

The Government has also embarked upon the SMART Bahamas Initiative, following commitments made by the International Telecommunications Union (ITU)³ Secretary General, Mr Houlin Zhao, during the official launch of Vision 2040's State of the Nation Report in April of this year.

Inspired by the ITU's and other recognised 'SMART Nation' definitions, Vision 2040 recognises that a SMART Bahamas will use ICTs to improve the quality of life of its citizens, encourage more efficient and competitive enter-

prises in the territory and provide more and better public services in a sustainable manner.

The SMART Bahamas initiative will, in the first instance, lead to the formulation of a SMART Bahamas Master Plan, which should be completed by mid-2018, and will include a strategy, governance framework, implementation plan and a monitoring and evaluation framework. The SMART Bahamas initiative will also include the phased implementation of actions identified under the Master Plan⁴.

Included under Goal 9 of the Vision 2040 framework, the aim of the Master Plan is inter alia, to develop specific technological actions that will support the achievement of The Bahamas'

Vision 2040 goals, using a "Nation-People" centred approach. It will build on ongoing work by the IDB under the Emerging Sustainable Cities 'Sustainable Nassau' Project, to assess how best technology could be used to improve the delivery of services and the experience of persons who visit, work or live in and around the city of Nassau.

The Master Plan will also build on the SMART elements that have already been included in The Bahamas' Vision 2040. The table below summarises just some of the SMART elements under each pillar.

In conclusion and as highlighted above, it is evident that the development and use of ICTs is key to the sustainable development of The Bahamas mainly because

the use of ICTs will inter alia, increase social and economic development by providing novel opportunities to use information communication technology to: (a) increase accessibility to essential government services and social goods such as education and health services and (b) increase business innovation and productivity respectively.

1 any communication device or application

2 http://www.itu.int/dms_pub/itu-d/opb/stg/D-STG-SG02.22.1-2014-PDF-E.pdf

3 A specialised agency of the United Nations (UN) responsible for issues that concern information and communication

4 Draft National Development Plan of The Bahamas, Vision 2040 -Smart Strategy, ITU

EXAMPLES OF SMART ELEMENTS IN VISION 2040

PILLAR	GOAL	SMART ELEMENTS
GOVERNANCE	GOAL 1 A Modern, Open and Accountable, Service Oriented Government that is well trusted by citizens, residents and the business community.	A 'One Window Service' or a 'One Stop Shop' that would transform government service delivery to its citizens and residents, by utilising ICTs to provide a single access point to information and services on-line and in person.
	GOAL 4 The administration of justice will be made more efficient, methodical, fair and effective through coordinated action by the police, courts and corrections.	The acquisition and use of ICTs to track prosecution cases and to store evidential materials gathered by the police. This will help strengthen case management of criminal cases at the Office of the Attorney General, thereby enhancing the delivery of services by that office.
HUMAN CAPITAL	GOAL 5 Integrated people-centred health care, services and programs focused on maintaining healthy individuals within an efficient, well governed system.	The use of integrated ICT infrastructure to facilitate the booking of appointments online for visits to public health care facilities including follow-up appointments, e-invoicing and e-payments and the use of alternative pathways for care delivery including tele-health services.
	GOAL 6 A best in class, comprehensive and effective education system.	The development of a national education ICT framework policy to promote the use of ICTs in schools, ensuring that all students have access to computers, ICT labs, trained ICT technicians or teachers certified in basic ICT and ICT maintenance. Infrastructure and the Environment
INFRASTRUCTURE AND THE ENVIRONMENT	GOAL 9 Modern infrastructure in New Providence and the Family Islands built to grow the economy and withstand the effect of climate change.	The implementation of technological solutions that enable sustainable water and waste management and promote energy efficiency (e.g. smart meters, sensors, SCADA systems, Smart Grids). Strengthening the policy and regulatory framework for further enhancement and expansion of the country's electronic communications infrastructure, including policies that encourage further investment.
	GOAL 11 A natural environment that supports the long term sustainable development of the Bahamian economy and way of life for generations.	The acquisition and use of a Geographic Information System (GIS) for early warning and mapping for flood disasters Use of an Automated Early Warning System to alert individuals and communities of potential emergency situations. Acquisition and use of a Marine Tracking System to strengthen marine management in order to reduce illegal, unreported and unregulated fishing.
ECONOMY	GOAL 14C New growth sectors to encourage opportunities for entrepreneurship and expand the knowledge and creative economy and its industrial and agriculture base.	Recruitment of expert ICT professionals (Bahamian and foreign) to help develop the ICT industry and implement ICT solutions. Integration of ICT learning streams from primary through to tertiary/vocational level and the provision of scholarships to students for their tertiary education or continuing certification in ICT streams. Development of a strong ICT knowledge base and ICT management capacities to encourage firms and government to adopt ICT in their business activities. Strengthening the business enabling regulatory environment that governs growth and monitoring across the entire ICT sector. Promoting growth and development in ICT focused commercial activity by for example, reducing entry barriers and market transaction costs through customs concessions for businesses that are improving or designing ICT solutions or for whom ICT contributes a threshold amount to their profitability.

URCA PROMOTES COMPETITION IN THE

NEWCO, now operating under the brand Aliv, began offering services to the Bahamian public as the second mobile operator in The Bahamas on 1 October 2016. The Utilities Regulation and Competition Authority (URCA) is excited to be part of the ushering in of a new era in electronic communications in The Bahamas.

URCA has introduced a full regulatory framework which seeks to ensure that services provided in the newly competitive cellular mobile market are operated for the benefit of all persons in The Bahamas. The rules introduced promote fair competition between NewCo and BTC, ensure the timely build out of NewCo's network to the whole of The Bahamas in a timely manner, ensure that both networks develop in an or-

derly manner with due respect to the environment, but most importantly, provide important protections for consumers who consume the services these operators deliver. URCA encourages consumers to familiarise themselves with the rules and to advise URCA in the event consumers feel that either NewCo or BTC has breached established rules which govern the sector.

NewCo is required to meet cellular coverage and service obligations relating to the roll out of cellular mobile services across The Bahamas in accordance with its Individual Operating Licence (IOL) and Individual Spectrum Licence (ISL) granted. These requirements will result in full coverage by NewCo's network within 24 months and can be found

on URCA's website at <http://www.urcabahamas.bs/download/005456900>.

What Are The Benefits to Consumers?

NewCo's launch finally brings competition to cellular mobile services, the last monopoly market in electronic communications in The Bahamas. Typically in a competitive environment, consumers benefit from lower prices, increased variety in product offering, improvements in service quality and increased coverage, all of which are expected to revolutionise the way we communicate at a national and global level.

It should be noted that the improvements are expected across both networks as competition from the new entrant forces the

incumbent to improve its service offering to meet the consumer's expectations.

From a national level, the prospective benefits of liberalisation are broad. A few of the possible benefits include:

- Lower prices due to competition in the market
- Increased consumer choice
- Elimination of anti-competitive practices
- Creation of jobs
- Faster Innovation in the industry
- Increased investment in the industry

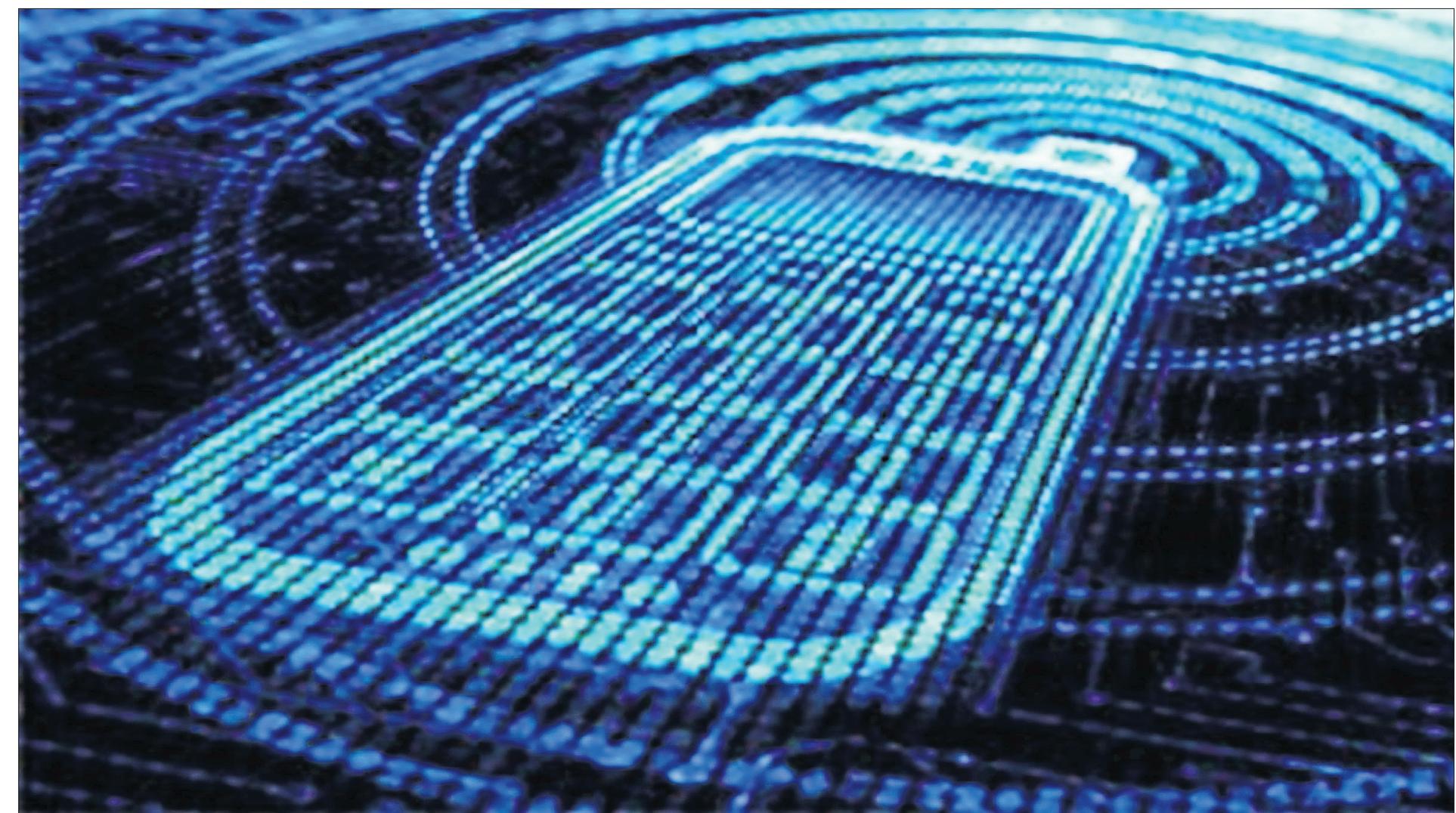
Challenges and obligations

Consumers should also be aware of some of the challenges and responsibilities that this new competitive environment may present. One such chal-

lenge is dealing with a "SIM locked" device. Both BTC and NewCo have the ability to lock the cellular mobile devices they sell and supply to customers, to their own network. This means that the device will not work with a SIM card from the competing network unless it is first "unlocked". If there is a subsidy applied to the device – typically found with a postpaid contract – the provider may require payment of the full outstanding value of the phone in order to have the device unlocked. In instances where there is no subsidy, there should be no cost to the consumer to have the device unlocked.

Consumers should note that they remain responsible for

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ELECTRONIC COMMUNICATIONS SECTOR

Mobile liberalisation now a reality

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payment of all outstanding balances with their existing mobile service provider, even if they decide to obtain services from another. The existing provider may decide to take legal action to recover any unpaid balances.

Additional considerations include possible charges to, place a call to a number on a service provider's network other than your own, known as 'off net' calling.

URCA is working with providers to implement Mobile Number Portability which will enable consumers who wish to do so, to "port" their number from one provider to another as is currently the case with

fixed lines. This way, consumers can switch providers without having to change their numbers. We are working toward launching Mobile Number Portability within the first quarter of 2017.

URCA urges all consumers of cellular mobile services, regardless of the provider, to ensure that they have a clear understanding of the terms and conditions of their service plans before signing any contracts, and that they always receive a copy of any contract.

Should consumers for any reason not be satisfied with the service they receive from providers of any service regulated by URCA, consumers should report their concerns to the service provider and have a right to have the complaint considered

and resolved by the provider within 30 days. Where there is no resolution, consumers are encouraged to file a complaint with URCA. Additional information on Consumer Protection Regulations and Complaint Handling Procedures can be found on URCA's website at <http://www.urcabahamas.bs/consultations.php?cmd=view&article=362>.

URCA urges consumers to make complaints as this is one of the most important ways by which URCA receives information regarding areas of dissatisfaction.

URCA is excited that the electronic communications sector in The Bahamas has achieved this important milestone in the development of competition, and is optimistic that competition in the cellular mobile sector will



bring measurable benefits to all consumers of electronic communications services and will boost the economic and social development of the country as a whole.

• For further information persons may contact URCA at:
Info@urcabahamas.bs

Utilities Regulation & Competition Authority
Frederick House, Frederick Street
P. Box N-4860
Nassau, Bahamas
Tel. (242) 393-0234 (Main)
Tel. (242) 396-5201 (Direct)
Facsimile: (242) 393-0153
Web: www.urcabahamas.bs

HURRICANE PREPAREDNESS TIPS



Because you might lose water supply during a hurricane, you are advised to save an adequate supply of water for domestic use.



Store water in bathtubs and containers.



Flooding increases the possibility of private well contamination. Residents using private well systems are advised not to use the water for potable purposes. Wait for the Department of Environmental Health Services to advise on chlorination treatment.



Boil water that has been stored for several days for at least two minutes to ensure that pollutants are destroyed prior to use.



Listen to the radio for an announcement from the Department of Environmental Health Services or the Water and Sewerage Corporation in the event that municipal supply becomes unsafe for domestic use.



Emergency Helpline 242-325-0505
Family Island Toll Free 242-300-0150
Contact Centre 242-302-5599

help@wsc.com.bs | www.wsc.com.bs  

The Consumer Right To Redress

Who To Call



PRICE CONTROL

Consumer Welfare Unit
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Hotline: (242) 327-2309
Fax: (242) 327-8831



GOODS AND SERVICES

Consumer Protection Commission
Tel: (242) 393-7795-7
Toll Free: 1 (866) 251-5404
Fax: (242) 393-7798
Email: info@cpcbahamas.org



UTILITIES

Utilities Regulation & Competition Authority (URCA)
Toll Free: (242) 300 URCA (8722)
Tel: (242) 396-5200
Email: info@urcabahamas.bs
Website: www.urcabahamas.bs



DATA BREACHES

Office of the Data Protection Commissioner
Tel: (242) 702-1552/702-1534/702-1571
Email: dataprotection@bahamas.gov.bs
Website: www.bahamas.gov.bs/dataprotection



ATTORNEY COMPLAINTS

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Email: administrator@bahamas-barassociation.com



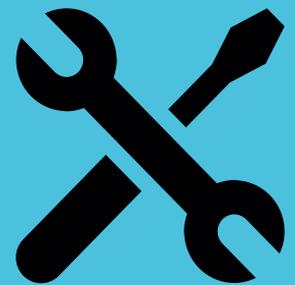
INSURANCE

The Insurance Commission of The Bahamas
Tel: (242) 397-4100
Fax: (242) 328-1070
Website: www.icb.gov.bs



SECURITIES INVESTMENTS

Securities Commission of The Bahamas
Tel: (242) 397-4100
Fax: 396-7530
Email: info@scb.gov.bs
Website: www.scb.gov.bs



LABOUR MATTERS

Department of Labour
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The Bahamas Building Code

THE Ministry of Works through its Buildings Control Section, headed by the Principal Buildings Control Officer, is responsible for policing and enforcing the Bahamas Building Code and Buildings Regulations of the Act.

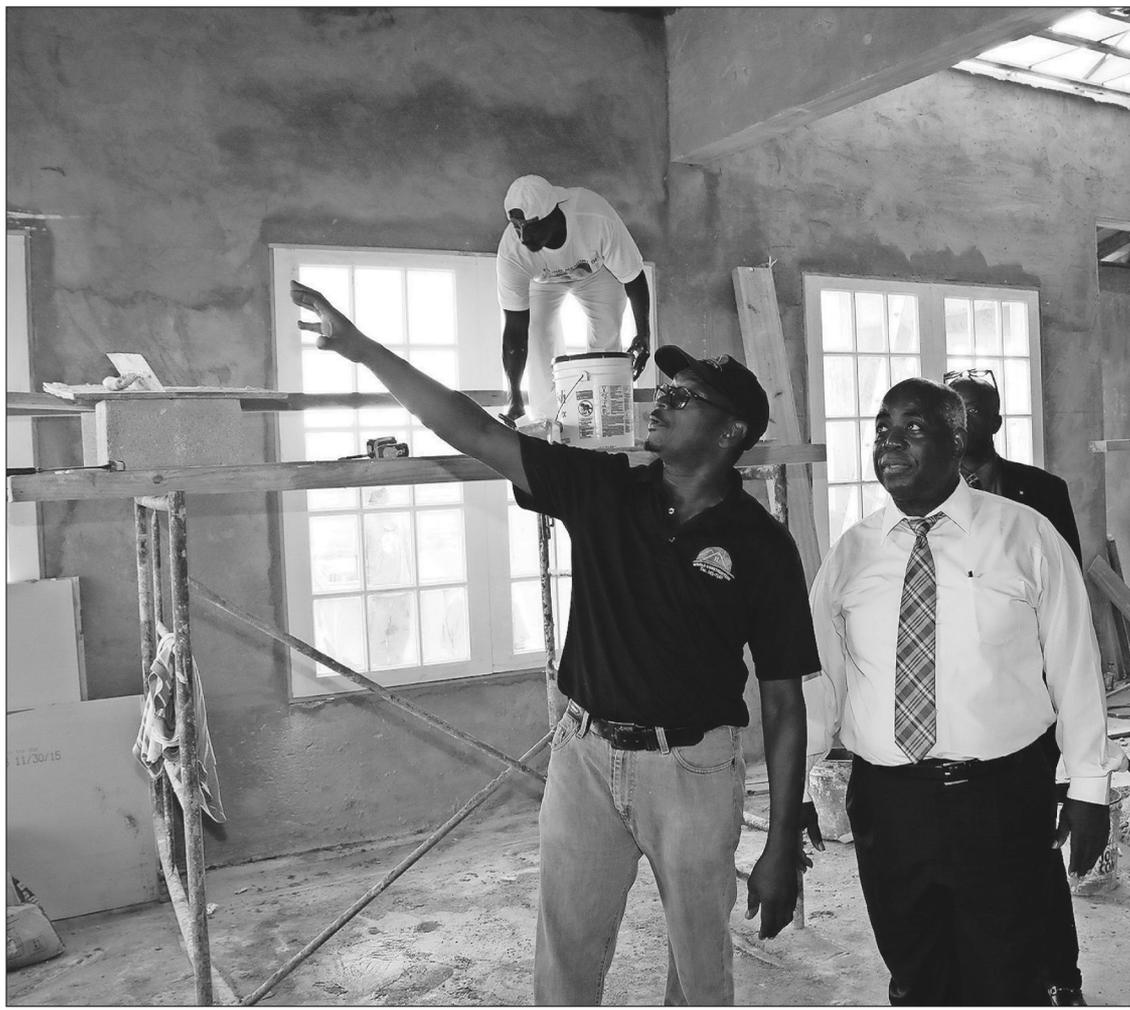
The Consumer Welfare Unit of the Ministry of Labour & National Insurance is aware of consumer complaints, as it relates to shoddy construction of new homes in The Bahamas. Consumers, particularly those constructing new homes, should be aware of the various stages of construction from the approval of the plan and the issuance of a building permit, up to the issuance of the occupancy certificate and the final retention payment.

Our Building Code requires the use of No. 5 or 5/8" steel in reinforced concrete structures. Before the foundation steel is covered, an officer should conduct an inspection to verify that all structural components meet the code standard. This also applies to the columns and the beltcourse, and should a contractor proceed in any of these stages without the approval of the Building Control Inspector, the law permits that the structure is cut open in order to verify that the proper material has been used. This would be done by excavating down to the rock on which the foundation is laid, and removing sufficient of the concrete mixture to determine the presence of the prescribed reinforcement. The same applies for the columns and the beltcourse.

In some cases, the Buildings Control Section, in an effort to mitigate construction delays, accepts reports from locally licensed structural engineers who would verify that a building contractor has complied with the Building Code requirement at the various stages.

The Code also requires that inspections be conducted at the following stages:

- 1) The plumbing and electrical roughing installation, before the floor slab is poured.
- 2) The roof framing and hurricane straps and/or clips installation.
- 3) After installation of plumb-



KIRK WILLIAMS, of World Construction and Development Company, tours the new San Salvador airport with Deputy Prime Minister Philip Davis.
Photo: **Patrick Hanna/BIS**

ing pipes in bathroom walls and the installation of bathroom fixtures.

4) Electrical conduits, wires and fixtures installation.

5) Upon completion and request for occupancy.

Additionally, the Code requires that the foundation of a building be constructed 12" above the known flood plane level or 18" above the crown of the road.

Consumers should note that The Bahamas' Building Code embodies the national quality standards for constructing a building in The Bahamas. Many of the problems experienced by homeowners can be attributed to deviations from the same.

Cracks in walls and floors can largely be attributed to site preparation and the improper compaction of fill. Sometimes foundations are laid out on sites

where cavernous areas are not always observed, or vegetation may be used as part of the fill. Once settlement occurs and the vegetation decomposes this along with the weight of the non-load bearing walls (interior walls) on the floor slab, results in its sinking and consequently cracks develop in the interior walls and floor. Cracks can also be due to defective concrete mix and inadequate cover on steel reinforcement.

To safeguard against this occurring, the fill should be clean and compacted in instalments of 6" until the required level is attained for the pouring of the floor slab. The interior walls should also be tied into the exterior walls by weaving the blocks into the exterior wall blocks or by inserting wire mesh at the juncture where the blocks would intersect. The experience of the

Building Control Section has been that the exterior walls are usually structurally sound, however because of the aforementioned factors – lack of Quality Control and attention to details – damage to interior walls may occur.

Bahamian consumers should also be aware that there is presently no regulation which holds contractors/builders liable for shoddy and unprofessional work, and therefore it is our recommendation that a construction contract be made and entered into with the contractor, to protect the consumer interest. Additionally, there is presently no standard test/qualification which one must meet in order to secure a business license to operate as a Building Contractor in The Bahamas.

Therefore, consumers can best look after their interest and

ensure that Quality Control is exercised in each phase of the construction, by engaging the services of a qualified Architect, Structural Engineer, Quantity Surveyor and/or a Construction Manager – an additional cost, that can be factored into a mortgage or other loan facility, which may well be worth the while in order to avoid future problems.

Consumers should note that a time period is allowed in which complaints of defective works, building, electrical and plumbing can be registered with the contractor, who should ensure that they are addressed and corrected to the satisfaction of the homeowner. As indicated earlier, this and other items should be plainly spelled out in a construction contract.

If the consumer complaint is not addressed in a timely and satisfactory manner, the homeowner is invited to put their complaint in writing and address it to the Secretary of the Consumer Protection Commission, c/o the Ministry of Labour & National Insurance.

RECOMMENDATIONS

1) The early enactment of Regulations governing the qualification standards required for persons operating in this profession. Regulations should have qualification classes 1 through 4. Depending on one's qualification status he'd be qualified to construct a building up to a certain value. Class 4 qualifications being the entry level and class 1 being the highest level and enabling the holder of this level to qualify to construct works to the highest dollar value.

2) The early enactment of Regulation which would hold building contractors/practitioners accountable and liable for their work.

With the enactment of the relevant Regulations aided by the proper research of prospective homeowners, incidences of defective construction works and dissatisfied home owners should be greatly reduced.

Editor's Note: We would like to thank Mr Craig Delancy, Principal Buildings Control Officer, for his invaluable assistance in vetting this article on behalf of The Consumer Voice.

The role of a public loss adjuster



MARCO Beckford rakes up debris from a storm drain as he begins cleanup near the Rubis gas station on Bay Street damaged in Hurricane Matthew. Photo: Tim Aylen/AP

by **ANNETTE MCPHEE, ACII**
Chartered Insurance
Practitioner

IMAGINE sustaining a fracture to your dominant right forearm as a result of a traffic accident. How would you proceed with your claim? Do you know exactly what you would be entitled to?

Or, what if your house and contents were destroyed by hurricane, and the insurance company inform you that they

were underinsured and average would have to be applied. Do you understand how this would impact your settlement offer?

These are just two of the many scenarios claimants can be faced with.

When presented with a claim, the insurance company may appoint a loss adjuster to assess the damages on their behalf and apply the necessary policy terms and conditions.

The insured or third party claimant also have the right to

obtain accurate, independent, unbiased, professional advice on their claims.

Public loss adjusters have been servicing the international insurance market for many years. They are professional claims specialists who advocate for claimants. They examine the insurance contract to verify coverage, research and substantiate injuries or damages, prepare documentation in support of the claim, advise clients of their entitlement and negoti-

ate the best possible settlement.

The claims process can be overwhelming as it requires time and energy from claimants. Frustration may further arise due to a disparity between the expectations of claimants versus the expectations of the insurer. As a mediator, the public loss adjuster understands this and manages these differences via clear, open communication between both parties.

In closing, if you are con-

fronted with a claim, you do not have to completely rely on the decision of the insurance company or the loss adjuster acting on their behalf. You have a right to appoint your own professional claims expert to evaluate your loss and guide you through the claims process. The services provided by a public loss adjuster are invaluable. They add leverage to the negotiation process and should be considered in cases of moderate to large claims or where the claim is disputable.

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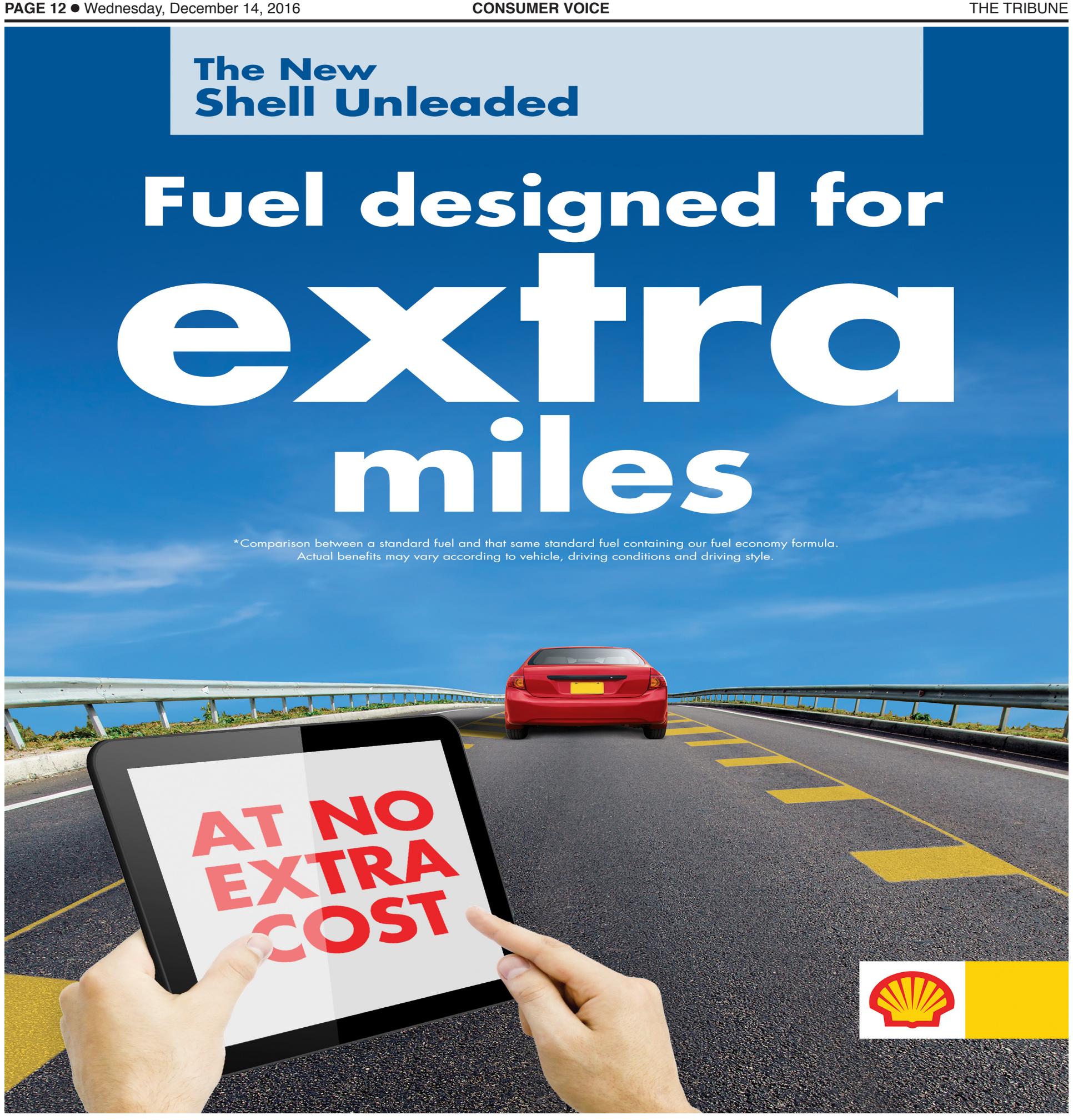


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COST**

