

Workers' Compensation Policyholder Ombudsman

Helping California employers understand their workers' compensation insurance.



Working For California Employers

As Ombudsman, I function independently while receiving guidance from an oversight committee comprised of one insurance company representative, one employer representative, and a California Department of Insurance representative. My job is to assist policyholders in obtaining and evaluating information regarding workers' compensation insurance.

Understanding Your Rights

As an employer, you have specific rights. As Ombudsman, I can serve as an intermediary between disputing parties on certain issues. I do not have the authority to render decisions on behalf of the WCIRB or direct the WCIRB or an insurance company to take a specific action. The primary goal in all disputes is to ensure that the employer fully understands the rules, regulations, and procedures affecting their dispute and that both parties understand the position of the other.

What Can the Ombudsman Do for You?

The Workers' Compensation Policyholder Ombudsman was created to assist California employers obtain and understand information from the Workers' Compensation Insurance Rating Bureau of California (WCIRB) or their insurance companies. The Ombudsman can also act as an intermediary between you and your insurance company or the WCIRB to help resolve disputes.

As California's Ombudsman, I can help you understand:

- Your workers' compensation insurance policy
- The classification(s) assigned to your business
- The experience rating system, including how changes in your payroll, claims history and the economy can impact your experience modification
- What to do if you disagree with your insurance company or the WCIRB on any matters that affect the premium you pay
- What to do if you disagree with how your insurance company is handling a claim

How Does the Office of the Ombudsman Work?

I can explain California insurance regulations and provide information on your right to appeal a decision or action by your insurance company or the WCIRB. I can also act as a facilitator between you and your insurance company or between you and the WCIRB and I can help you navigate and understand the dispute resolution process.

An Employer's Free Resource

All Ombudsman services are provided without charge to employers. In addition, I can direct you to a number of free online resources to help you understand the workers' compensation system. Much of this information is available by visiting the WCIRB website and clicking on the Helpful Information tab.

Ombudsman Outreach to Employers

I am available to speak to employers and employer associations on a variety of topics. My presentations are designed to help employers better understand the workers' compensation insurance system and to help avoid or resolve disputes before they occur.

Who Can Contact the Ombudsman?

Employers can contact my office directly. Although others, such as agents, brokers, consultants, attorneys, and insurance companies, may represent you I am required to work directly with employers. If your agent or broker has questions regarding an employer's workers' compensation insurance policy, they can contact the WCIRB's Customer Service Department at the WCIRB (888) 229-2472. For questions regarding employment status (e.g. independent contractors versus full time employees), please contact the California Department of Industrial Relations. <http://www.dir.ca.gov/>.

While the Ombudsman can provide limited assistance with issues involving claims, claims handling or claims adjustment or premium audit disputes, these should first be addressed with your insurance company directly.

Before Contacting the Ombudsman

Gather sufficient information and documentation about your question or dispute. Providing complete and specific information will help me answer your questions thoroughly and provide the most useful information. Without a detailed understanding of the problem and events that led to the situation at hand, the resolution can be delayed by going back and forth in the information gathering process.

Act in a timely manner. For example, billing problems are easier to resolve when they arise at the time of audit. Once a billing dispute becomes a debt collection dispute, it becomes more complex. Some disputes are also subject to time limits. Waiting may result in the loss of some procedural or administrative rights to appeal.

Contact your insurance company representative. All insurance companies are required by law to have a dispute resolution process. You may be able to resolve your dispute or obtain the information you are looking for by contacting your insurance company directly.

Classification of your Business

All California businesses are classified using the Standard Classification System. Businesses as a whole are classified, not individual employees. The Standard Classification System contains approximately 500 industry classifications and describes groups of employers whose businesses are similar.

Experience Rating

California's Experience Rating system was created to provide you a direct financial incentive to reducing accidents in your workplace. The experience rating system is designed to distribute the cost of workers' compensation insurance in the most equitable way among businesses assigned to similar classifications.

Ownership and Experience Rating

Business ownership, employees, and operations can all have an impact on the classification of your business and your experience modification. A change in ownership may affect your experience modification.

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