

QUESTION: A situation came up recently with one of your clients. They have entered into a contract and are required to provide Waiver of Subrogation for the Workers' Compensation coverage. We provided the policy forms to the certificate holder however, at the bottom of the Waiver of Subrogation endorsement form is a signature line: "Countersigned by _____(Authorized Representative). Our client took this as they need to now have the certificate holder sign this form. The certificate holder is refusing to sign. Can you please shed some light as to why this signature would even be on an endorsement form and who is the Authorized Representative that the form is referring to (i.e. the certificate holder, broker, carrier, etc.)?"

ANSWER: That seems to be the insurer's version of the standard Workers' Comp Waiver of Subrogation endorsement. The New York Compensation Insurance Rating Board's version does not contain a countersignature line. Ordinarily, countersignature refers to an authorized representative of the insurer, not that of a third party. You might want to check with the insurer to see if they even need to have this signed. Countersignature requirements are pretty anachronistic, so I kind of doubt this is necessary.