

# 52.228-4 Workers' Compensation and War-Hazard Insurance Overseas.

As prescribed in [28.309\(b\)](#), insert the following clause:

Workers' Compensation and War-Hazard *Insurance* Overseas (Apr 1984)

(a) This paragraph applies if the Contractor employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to workers' compensation *insurance* under the Defense Base Act ([42 U.S.C.1651](#), *etseq.*). On behalf of employees for whom the applicability of the Defense Base Act has been waived, the Contractor *shall* (1) provide, before commencing performance under this contract, at least that workers' compensation *insurance* or the equivalent as the laws of the country of which these employees are nationals *may* require, and (2) continue to maintain it until performance is completed. The Contractor *shall* insert, in all subcontracts under this contract to which the Defense Base Act would apply but for the waiver, a clause similar to this paragraph (a) (including this sentence) imposing upon those subcontractors this requirement to provide such workers' compensation *insurance* coverage.

(b) This paragraph applies if the Contractor or any subcontractor under this contract employs any person who, but for a waiver granted by the Secretary of Labor, would be subject to the War Hazards Compensation Act ([42 U.S.C.1701](#), *etseq.*). On behalf of employees for whom the applicability of the Defense Base Act (and hence that of the War Hazards Compensation Act) has been waived, the Contractor *shall*, subject to reimbursement as provided elsewhere in this contract, afford the same protection as that provided in the War Hazards Compensation Act, except that the level of benefits *shall* conform to any law or international agreement controlling the benefits to which the employees *may* be entitled. In all other respects, the standards of the War Hazards Compensation Act *shall* apply; *e.g.*, the definition of war-hazard risks (injury, death, capture, or detention as the result of a war hazard as defined in the Act), proof of loss, and exclusion of benefits otherwise covered by workers' compensation *insurance* or the equivalent. Unless the Contractor elects to assume directly the liability to subcontractor employees created by this clause, the Contractor *shall* insert, in all subcontracts under this contract to which the War Hazards Compensation Act would apply but for the waiver, a clause similar to this paragraph (b) (including this sentence) imposing upon those subcontractors this requirement to provide war-hazard benefits.

(End of clause)

**Parent topic:** [52.228 \[Reserved\]](#)