

28.309 Contract clauses for workers' compensation insurance.

(a) The *contracting officer shall* insert the clause at [52.228-3](#), *Workers' Compensation Insurance* (Defense Base Act), in *solicitations* and contracts when the Defense Base Act applies (see [28.305](#)) and-

(1) The contract will be a public-work contract performed outside the *United States*; or

(2) The contract will be approved or financed under the Foreign Assistance Act of 1961 (Pub.L.87-195) and is not excluded by [28.305\(b\)\(2\)](#).

(b) The *contracting officer shall* insert the clause at [52.228-4](#), *Worker's Compensation and War-Hazard Insurance Overseas*, in *solicitations* and contracts when the contract will be a public-work contract performed outside the *United States* and the Secretary of Labor waives the applicability of the Defense Base Act (see [28.305\(d\)](#)).

Parent topic: [Subpart 28.3 - Insurance](#)