WAIVER ISSUED UNDER SECTION 1651(e) OF THE DEFENSE BASE ACT

Issue Date: April 1, 2016
Expiration Date: March 31, 2021
Waiver Type: General
Country: Greenland
Waiver Number: 2016-1

A. Authority
The Defense Base Act, codified at 42 U.S.C. 1651(e), permits the Secretary of Labor, in the exercise of his discretion, upon the recommendation of the head of any department or other agency of the United States, to waive the application of the Defense Base Act with respect to any contract, subcontract or subordinate contract, work location under such contracts, or classification of employees.

B. Scope of Waiver
This waiver of the Defense Base Act applies to:
1. The classification of employees set forth in Section C below
2. All contracts, subcontracts or subordinate contracts;
3. All agencies of the United States;
4. Work to be performed at any location within the country specified above;
5. Work which would have otherwise been covered by the Defense Base Act.

C. Classification of Employees
All employees covered under “COMPULSORY WORKERS’ COMPENSATION LAWS” of the country specified above.

The term “COMPULSORY WORKERS’ COMPENSATION LAWS” means laws which provide at least for compulsory payment by an employer of compensation and medical benefits for an accidental injury (including occupational disease and death), arising out of or in the course of employment, to employees or their survivors without payment for or contribution to the cost of the insurance or benefits by the employee and without reduction for the employee’s fault. The benefits for such injuries may not exclude any cause, including but not limited to injury or death resulting from war, hostilities, terrorist acts, or nuclear, biological, chemical or radiological exposure or contamination.

If third country nationals (non-citizens of the country named above) are hired, the benefits must not cease if the employee is repatriated.

D. Conditions of Waiver
1. This Waiver does not apply to any employee who:
   a) Is a citizen of the United States of America; or,
   b) Is a lawful resident of the United States of America; or,
   c) Was hired in the United States of America.
2. This waiver covers only those employees who are covered under the laws of the country specified above relating to compulsory employer provided accidental injuries, illnesses and deaths as specified above, and subject to the application of the Defense Base Act is hereby granted to All United States Government agencies with respect to work performed in the country specified above, and subject to the conditions listed above, for a period of three years unless modified, terminated, suspended, or revoked earlier than that date.

3. This waiver excludes employers otherwise covered by the War Hazards Compensation Act (42 U.S.C. 932(c)) from the obligations to provide compensation for injuries, illnesses, or deaths of employees as specified above, and subject to the application of the Defense Base Act.

4. For any employees for whom the applicability of this waiver has been waived, the employer is responsible for providing for those employees the same protection as that provided by the War Hazards Compensation Act (42 U.S.C. 932(c)) except that the level of such benefits shall conform to any law or international agreement controlling the benefits to which those employees may be entitled.

5. Grant of Waiver

Pursuant to the authority granted to the Secretary of Labor under 42 U.S.C. 1651(e), waiver of the application of the Defense Base Act is hereby granted to All United States Government agencies with respect to work performed in the country specified above, and subject to the conditions listed above, for a period of three years unless modified, terminated, suspended, or revoked earlier than that date.

F. Previous Waivers

All previous waivers granted with respect to the country specified above are hereby revoked and superseded by this waiver. Any rights which may have accrued under previous waivers are hereby revoked and superseded by this waiver.

E. Separability and Termination

If the applicability of this waiver to any employer or employee is held to be invalid, the applicability to other employers or employees shall not be affected thereby. On expiration, modification, termination, suspension or revocation of this waiver all rights or obligations incurred under it shall continue for all injuries arising prior to that date.

G. Grant of Waiver

Pursuant to the authority granted to the Secretary of Labor under 42 U.S.C. 1651(e), waiver of the application of the Defense Base Act is hereby granted to All United States Government agencies with respect to work performed in the country specified above, and subject to the conditions listed above, for a period of three years unless modified, terminated, suspended, or revoked earlier than that date.

Antonio A. Rios
Director, Division of Longshore and Harbor Workers' Compensation