



ADVISORY TO MASTER

Date: 1st April 2020

Advisory #: 04/2020

Title: Crew Entitlement amid Coronavirus (COVID-19)

The majority of calls we are fielding are about crew entitlements surrounding either rotation, leave, or termination. As this situation is not something that was truly considered in conventions and manuals, we are doing the best to give out guidelines. We know that each situation is unique based upon place of repatriation, current SEA, and the human element that is involved.

A Captain had contacted Cayman Islands Shipping Master, James Hatcher and the following response may be useful as you figure out the best course of action for you and your crew (please keep in mind that he is responding to a specific email):

Thanks for the email you are correct I am getting a lot of questions on this sort of thing and as I'm sure you are aware it is very difficult to give definitive responses for all scenarios on this and therefore this is more advice than definitive.

At the outset I can say that termination with notice would be acceptable, however if a seafarer is not in their place of repatriation then they must be paid (and all other contractual entitlements, food, accommodation etc) until they return to their place of repatriation. Obviously, this can run alongside the notice period but if it exceeds this period then they still need to be paid.

In addition many vessels are offering crew to take deferred leave (either at home or even onboard or local (obviously without being expected to do work) – this leave can then be repaid when normality starts to return. Some are also asking crew to take unpaid leave which is not ideal but is being used ashore so we couldn't really oppose this (but suggest accrued leave and deferred leave as an initial option especially if the crew have large leave balances). Obviously the crew have to mutually agree to all of these options but if they don't again termination with notice is an option.

Regarding crew on leave away from home this is tricky as the law and MLC assumes people take their leave at the repatriation destination and I don't really have the answer other than to suggest they are furloughed and take deferred leave or unpaid leave or if not termination but that would mean they do need to be paid until they return home. On the face of it the approach you are doing for scenario 2 would apply to both scenario 1 and 2.

Finally those at home (scenario 3) can be terminated with notice and as always unless the contract says otherwise the leave can be offset against notice. Again however furloughing with deferred leave or unpaid leave could also be an option.

I hope this helps and best of luck there.

Regards

James Hatcher

Shipping Master

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