

Frequently Asked Questions (FAQ's) relating to P&I Club Cover



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This document has been produced by the thirteen P&I Clubs which are members of the International Group of P&I Clubs in order to answer a number of questions that are frequently asked about P&I Club cover relating to the vaccination of seafarers.

The International Group of P&I Clubs (IG P&I) has also collaborated with the International Chamber of Shipping (ICS) on an ICS publication "Coronavirus (COVID-19): Legal, Liability and Insurance Issues arising from Vaccination of Seafarers":

<https://www.ics-shipping.org/wp-content/uploads/2021/03/Coronavirus-COVID-19-Legal-Liability-and-Insurance-Issues-arising-from-Vaccination-of-Seafarers.pdf>

A number of general and operational issues are dealt with in detail in that document and so reference is made to it throughout these FAQ's. It should be noted that most issues relating to the vaccination of seafarers are operational ones, which are therefore not covered by P&I insurance.

Frequently Asked Questions (FAQ's)

1. Is the cost of COVID-19 vaccinations covered under P&I insurance?

See also ICS paragraph 3.1.6 "Is the shipowner liable for the costs of vaccinating seafarers?"

Governments are providing free vaccinations for their citizens and, increasingly, to visiting seafarers. However, the provision of COVID-19 vaccinations is an operational issue and so neither the cost of the vaccine, nor any ancillary costs, are covered under P&I insurance.

2. Are any liabilities resulting from vaccinating seafarers covered under P&I insurance?

See also ICS paragraph 3.1.7 "Is the shipowner liable for the consequences of vaccinating seafarers, including any side effects?"

If, during the course of their employment, a crew member is diagnosed with symptoms due to a reaction to a vaccination and both the vaccine and the vaccine administrator were approved according to the relevant protocol in that jurisdiction, then the shipowner's liability for illness and/or death, under the terms of employment and any applicable Collective Bargaining Agreement (CBA), would apply as it would with any other illness. This liability would be covered by the shipowner's P&I insurance, with each case depending on its individual facts and merits.

3. Would P&I insurance cover a member's liabilities in the event of a seafarer not being vaccinated

See also ICS paragraph 2.1.2. "Informed and Voluntary Consent to the Vaccination" which deals with the situation where a seafarer chooses not to be vaccinated.

And ICS paragraph 3.1.9 "What would the shipowner's liabilities be in the event that a seafarer refused vaccination and other crew members contracted COVID-19 as a result of contact with the unvaccinated seafarer?"

A seafarer employed under a contract of employment which does not make vaccination a requirement for employment cannot be required or mandated to be vaccinated, so P&I cover would not be prejudiced.

4. Would P&I insurance remain in place to cover a shipowner's liabilities if seafarers in transit are sent via a third country to be vaccinated?

This would have to be decided on the facts of the case and would depend on the length of the stay and whether the seafarer is travelling to their assigned vessel. If the third country is not *en route* to the entered vessel, the diversion would be operational in nature and is likely to fall outside the scope of P&I insurance.

5. Can Clubs recommend specific facilities providing vaccination services in ports where a shipowner's ship is calling?

Clubs do not have the local expertise to provide such recommendations but will make their network of correspondents and contacts available so that the shipowner can make an operational decision.

The following information on the availability of vaccines for seafarers in ports around the world may also be useful:

<https://icma.as/vaccines>

6. Should the whole crew be vaccinated at once and if not, how should the seafarers to be vaccinated be chosen?

Whilst this is an operational decision, in an ideal world the preference remains for seafarers to be vaccinated before deployment so they are still ashore should they suffer any severe reaction. The crew will also be better protected from the start of their contract and the logistics of the administration of two-dose vaccines can be more easily managed.

Now that countries are beginning to vaccinate foreign seafarers, a shipowner may decide to provide the opportunity to vaccinate the whole crew at once or only part of the crew. Particularly when deciding to vaccinate all their crew at once, a shipowner should consider the risk of adverse reactions. Even the usual side effects from the vaccine may still affect the ability of the crew to perform their duties safely, as well as impacting on safe manning levels.

If vaccinating part of the crew, shipowners may wish to select crew from various ranks to ensure that safe manning levels are maintained and also to prioritise according to risk, including age and health status.

If seafarers are to be vaccinated in port, it is important to coordinate closely with the correspondent and vessel's agent and provide them with the ship's ETA so that they can liaise with the vaccine facilitator. The earlier these operational arrangements are started, the more likely they are to proceed smoothly.

7. What documentation are the shipowner and seafarer required to provide?

Since the shipowner is simply facilitating the opportunity to be vaccinated, a letter of indemnity is not considered necessary. If deemed appropriate, a simple acknowledgment of the facilitation would be sufficient. Shipowners should seek their own legal advice on this point.

The vaccine administrator may require a letter of consent in order to vaccinate the seafarer, which is likely to include a declaration that the seafarer has been fully briefed, including having any questions satisfactorily answered, and acknowledges the risks involved.

Shipowners may wish to make translation/interpretation services available so that a seafarer can communicate accurately in respect of any previous health issues.

The following link provides multilingual COVID-19 resources which may be useful to seafarers:

<https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/multilingual-covid-19-resources>