



Ship Type: All Trade Area: All

Bulletin 468 - 05/06 - Crew Disability Compensation - Philippines

The Association wishes to draw Members' attention to two recent decisions of the Supreme Court in the Philippines, the impact of which, if not overturned, increase the compensation payable to ill or injured Filipino crew.

The Supreme Court has ruled that once medical assistance has been provided for more than 120 days, which under the POEA Standard format defines the period of time sickness wages are paid (although an obligation to provide medical assistance continues), seafarers are entitled to USD 60,000, being equivalent to 100% disability compensation. These decisions have been ruled upon applying the principals of the Labour Law / Code and specifically those of the Philippine Social Security System (SSS). However, Section 20(3) of the POEA Standard format clearly states that the benefits due under contract are separate and distinct from the Social Security System.

The decisions specifically note that (a) PERMANENT DISABILITY is the inability of a worker to perform his job for more than 120 days, whilst (b) TOTAL DISABILITY is considered permanent if it lasts continuously for more than 120 days.

It has been strongly recommended that company-designated physicians closely monitor the treatment of ill or injured seafarers and should ensure that reports are provided on the 60th and 90th days of treatment, so a plan of action can be determined before the 120 day deadline. It is also important to ensure that requests for approval of medical treatment and/or surgical intervention are acted upon immediately, particularly where the cases are assigned to the local Manning Agent to handle.

It is, however, recommended that cases are reported to the Club in order that assistance and guidance can be provided in liaison with the local correspondents, so that a consistent approach to the handling of illness / injury claims can be taken.

Source of information: Tony Nicholson / Peter Jackson
Peoples Claims Department (L3/L5)
+44 207283 4646
London5.ukclub@thomasmiller.com