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P&I Practical Guide: Defence Strategies & Risk Control for Crew

Claims

In handling Chinese crew injury and work-related claims, shipowners frequently encounter inflated incapacity periods, inflated wage calculation bases, rank-specific demands, and unreasonable claim items. Below is a practical summary of defence strategies and risk mitigation tactics.

1. Reviewing Incapacity Periods & Medical Records

- **Dynamic Medical Record Review:** Align all medical records with typical recovery timelines (e.g., knee meniscus or ligament injuries usually warrant 4–5 months in judicial practice). Be vigilant against unjustified condition regression without new trauma; deduct non-injury-related medical costs and delays.
- **New CoC as a Cut-off Evidence:** Obtaining a new Certificate of Competency (CoC) after passing MSA medical checks legally proves fitness for duty under GB 30035-2021. Use this as core evidence to terminate the crew member's claimed incapacity period.

2. Establishing Reasonable Wage Calculation Bases

- **12-Month Average Actual Income:** For crew under "concentrated work/rest" rotation systems, reject using any high single-month or on-board salaries.
- **Deduct Allowances & Subsidies:** Exclude food allowances, overtime pay, and direct social security allowances when calculating incapacity wages and one-off disability subsidies.

3. Rank-Specific Reviews & Excluding Unreasonable Claims

- **Catering Department Check:** For ranks like Cooks, enforce specific health criteria (e.g., intestinal infectious disease checks under GB 30035-2021) before certifying fitness to resume work.
- **Disallow Unfounded Claim Items:**

- (i) Nursing Fees: Reject duplicate claims already covered in hospital bills or post-discharge claims lacking medical orders/self-care disability status;
- (ii) Travel & Unilateral Appraisal Fees: Reject unauthorized out-of-town medical travel costs and unilaterally commissioned appraisal fees;
- (iii) Future Treatment Costs: Refuse prepayments lacking definitive medical orders proving necessity.

4. Risk Control Recommendations

- Track Certification Status: Periodically make inquiry with MSA during claim periods to verify if the crew has passed medical exams or issued a new CoC.
- Standardize On-Board Incident Logs: Ensure the Master/Chief Officer immediately prepare signed Accident/Injury Reports and medical logs for injury.
- Control Sick Leave Pay: Distinguish the basic wages from overtime/bonuses during sick leave and retain any and all written medical certificates.
- Formalize Sign-Off & Discharge: Complete the formal sign-off handovers and termination by agreement to eliminate "forced resignation" claims.
- Challenge Unilateral Appraisals: Cross-examine crew-commissioned disability appraisals immediately and request re-appraisal in court/arbitration if needed.

If you encounter any problem when handling similar cases, please feel free to contact our P&I Claims Team.