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LEGAL OPINION

Dismissal of seafarer due to lay up of vessel

A vessel is considered as laid up when she remains idle in port if no voyage exists or in case of repairs or survey. A seafarer may be dismissed from his work in case of lay up of the vessel, and if the lay up lasts at least 15 days, the seafarer is entitled to dismissal remuneration, which may not be less than 15 days salary.

This remuneration is not applicable in the case when a seafarer is employed again on board within 40 days from dismissal, or refuses a proposal to be employed again within 90 days from the dismissal.

In a case where the dismissal is due to fault of the seafarer, no remuneration is due.

Piraeus One Membered Court of Appeal Judgment no 297/2014, Judge: F. Tserketzoglou, Attorneys at Law: Aik. Stamatelopoulou, St. Lyras, Maritime Law Review vol. 42, p. 389.

NOTE: Lay up of vessels is a practice that applies due to market conditions. However, where there are scheduled lay ups, as in case of repairs etc, the crew leaves the vessel and receives the remuneration as discussed above. Managers of the vessel can schedule their employment plans in accordance with expected time of vessel remaining idle and can always avoid such remuneration if they re-employ the seafarer.

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