

NEWSFRONT

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LEGAL OPINION

Capacity of employee or worker in a repairs company

A man was contracted as a fitter, being highly qualified and experienced. When his contract ended, he sought employee's remuneration instead of worker's, invoking that the mental part of his tasks prevailed over the manual part thereof. He also invoked the fact that he was leading the team of workers assigned to a task, when a group and not a sole worker were involved. He further invoked that he was responsible for the technical works.

The Court examined the case and found that the mental part is indeed existing in any technical work; however this alone does not suggest that the mental part was the prevailing one; in such works, the manual part prevails, as the ship repairs works, where the man was involved, have a prevailing element of the manual aspect over the mental.

Accordingly, the man was considered to be a worker and not an employee, and was entitled to the worker's remuneration.

Supreme Court Judgment no 1129/2023, Presiding: L. Morfis, Rapporteur Judge: I. Dourouklakis, attorneys at law: D. Hasanakos, P. Sapountzakis, NOMOS legal platform.

NOTE: The employee status is sometimes wanted due to higher income. Apart from typical issues re contracting bureaucracy which give a hint whether we have employment or labour, the conditions in work define the capacity of the contracted person.

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