

NEWSFRONT



GREEK SHIPPING INTELLIGENCE

ISSN 1105-9303

1 August 2025

Vol. 26/ No. 31



LEGAL OPINION

Labour claim / Owners liability / Bonus

In a dispute concerning labour claim onboard a vessel, exploitation and management of which were entrusted from the owner to a third party, the issue of joint liability for both owner and exploiter arose.

It was found that they are both jointly liable, however the owner's liability is limited to the value of the vessel and solely through it. Exploiter's liability is unlimited.

Further, the seafarer was contracted on the basis of a salary above the amounts provided by the applicable collective agreement. The defendants, owner and exploiter, proposed that his claim should be set-off with the salary amounts agreed, exceeding the basic salary as provided in the collective agreement.

It was found however that, for such set-off to apply, relevant clause should be included in the employment agreement; failing such clause, no set-off could apply.

Piraeus One-membered Court of Appeal Judgment no 104/2024, Judge: M. Papadogrigorakou, attorneys at law: E. Liousskos, A. Kondosea, NOMOS legal platform.

NOTE: 'Closed' salary is the lump sum agreed as remuneration to the seafarer, and cannot be less than the amounts provided in the collective agreement (basic salary and allowances). In case future amounts are due, they can be set-off with the amounts exceeding collective agreement sums, on the condition that they still result less than the agreed closed salary. If they exceed it, sums above the closed salary are due. Another condition for the set-off to apply, is that it is provided in the employment contract; if not, any additional amounts are due in their entirety.



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