

NEWSFRONT

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LEGAL OPINION

Labour accident

A seafarer injured his right hand while repairing a cylinder onboard. He was treated in the vessel's medical installation, and then in a poorly equipped hospital of Micronesia and after 12-14 days, was transferred to a hospital in Singapore, which was the less preferred alternative due to bureaucracy delays. The seafarer subsequently became incapable of working because of the accident and sued for full damages, invoking fault on the part of the shipowner has led to the accident.

The Court did not find fault entitling the seafarer to full damages. Instead it awarded the limited remuneration according to law 551/1915, covering remuneration regardless of employer's fault.

Piraeus One membered Court of Appeal Judgment no 102/2015, Judge: A. Theofanis, Attorneys at law: Chr. Moschos, Aik. Protopapa, Maritime law Review vol. 43, p. 11.

NOTE: There are more alternatives regarding labour accident remuneration, depending on the extent of fault of the shipowner. Such fault is judged on the observation, or not, of existing applicable safety regulations, not of general safety principles.

In the first case, protection afforded is unlimited. Further, if no violation of such provisions is proved, the claimant is eligible under law 551/1915 limited remuneration. In either case, moral damages can be adjudicated based on fault of the shipowner, such fault here being considered on general terms; the requirement of violation of specific provisions is not applicable in moral damages.

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