

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

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## LEGAL OPINION

### Labour accident

A seafarer, employed onboard a passenger ferry, was leaving the vessel each evening, dining at a nearby restaurant and then, riding a motorbike, to a house where he was temporarily residing. One evening, he lost his life in a road accident, while riding without wearing a helmet, towards his residence, after dining as described above.

His heirs sued his employer shipowner for labour accident. The shipowners argued a decrease in the remuneration invoking contributory negligence should apply, because the seafarer was not wearing a helmet at the time of the accident.

The Court found that a) The heirs were entitled to the remuneration, b) That no decrease would apply; such decrease could have applied in case of non-observance of labour safety rules, but not for failing to wear a helmet beyond working hours.

Supreme Court Judgment no 1072/2018, Presiding: Ev. Lambropoulou, Rapporteur Judge: N. Tsakos, Attorneys at law: N. Diakoyiannis, V. Saxonis, Maritime Law Review vol. 47, p. 249.

NOTE: A labour accident is one occurring during or by reason of the employment. Here, the seafarer was not actually working, but was on his way back to his residence, with an intermediary stop in the restaurant. This itinerary was considered as occurring by reason of his employment and qualified the accident as a labour one.

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