

NEWSFRONT

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LEGAL OPINION

Shipowner-Exploiter-Labour claim

A seafarer was employed on board an Italian flag vessel, time-chartered by her Italian shipowner to a Greek charterer. The contract of employment was between the shipowner and the seafarer. Greek collective agreement applied and charterer's accounting department was processing and clearing payments to the seafarer.

The latter filed a lawsuit against charterer, claiming labour wages. The charterer denied the claim, alleging that it was not the employer.

The Court took into account the parties to the employment contract, the lack of a declaration of exploitation of the vessel by the charterer, the fact that shipowner maintained operational control on the vessel. It accordingly rejected the claim on the grounds that the charterer was not a party to the employment contract, so any claim should be filed against the shipowner.

Piraeus One Membered Court of Appeal Judgment no 49/2018, Judge: M. Papadogrigorakou, Attorneys at law: P. Kontouris, St. Markoyiannakis, Maritime Law Review vol. 46, p. 36.

NOTE: Here the seafarer failed to prove the capacity of the charterer as exploiter of the vessel (efoplitis). The charterer was nothing more than that, and accordingly had no interference to the operation of the vessel.

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