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LEGAL OPINION

Labour accident / Accident during leave

A seafarer was serving onboard a vessel and during New Year's holidays, he took three days leave. He continued being member of the crew and was expected back at the end of the leave. However, he was killed in an accident while returning home from recreation activity, during the period of leave. His heir sued the owner for labour accident damages.

The Court considered the accident did not occur by reason of the seafarer's work, as it was not linked with recreation during service or transport to or from the vessel. Accordingly, the claim was rejected.

Piraeus One-member Court of Appeal Judgment no 237/2014, Judge: S. Lignou, Attorneys at law: A. Dendias, A. Psaltis, Maritime Law Review vol. 42, p. 363.

NOTE: A labour accident need not necessarily occur during work; it can also occur by reason of it, which means it occurred under circumstances related with the work and appeared as a result of same. The example of an accident on the road to work is illustrative of a labour accident by reason of work. However, where there is no proximate cause linking accident with work, the accident cannot be established as a labour one. The mere fact the seafarer in the above case was still a crew member, did not suffice to render the accident a labour one, and an entitlement to relevant remuneration.

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