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LEGAL OPINION

Murder of 3rd engineer by oiler/ Labour accident

An oiler who had complaints against the 3rd engineer over tasks the latter had entrusted to him eventually murdered the 3rd engineer onboard, while the vessel was in passage.

Heirs of the deceased sued the owner of the ship for damages. They were found to be entitled under the law 551/ 1915 for remuneration; they were also found entitled to moral damages, as the murderer was a servant of the shipowner, so the willful misconduct of the oiler was binding his employer.

Piraeus one member first instance Court Judgment no 5695/ 2013, Judge: V. Petropoulou, Attorneys at law: G. Moschos, Aik. Protopapa, Maritime Law Review vol. 42, p. 211.

NOTE: The shipowner's liability in a labour accident is ruled by law 551/ 1915, which provides for a fixed amount of remuneration regardless of fault on the side of the owner. The latter may be found liable beyond law 551/ 1915 provisions, when there is a breach of specific safety rules (which was not the case in above incident), and in which case higher remuneration is afforded.

Moral damages can be sought independently of above. The test here is whether there was willful misconduct on the side of the owner. This again, is judged on the servant of the owner, as in this case. Fault of the murderer bound the owner and rendered him liable to pay moral damages.

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