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LEGAL OPINION

Deterioration of disease- labour accident

A master employed onboard a vessel felt sick during a trip from Asia to South America. He was found to have a problem in his neck at first port and same was diagnosed in the next (a Chinese) port. Relevant medical treatment was granted as from the first port.

The master sought repatriation, and however he accepted to take the vessel to the next port (in Australia), where he left the ship. In Greece, it was finally found he suffered from cancer.

The master sued for labour accident remuneration. Although the disease was pre-existing, the Court found it had deteriorated due to delay in the master receiving treatment and the delay was due to the mistaken diagnoses of the doctors in the ports where examinations had taken place. Accordingly, this amounted to labour accident and the master was held eligible to the relevant remuneration.

Supreme Court Judgment no 959/2014, Presiding: V. Lykoudis, Rapporteur Judge: A. Doulgerakis, Attorneys at law: V. Alivizatos, G. Leventis, Maritime Law Review vol. 42, p. 203.

NOTE: In general, deterioration or even the appearance of a sickness due to the nature of work, is not considered as a labour accident. However, in the case under examination, deterioration was not due to the nature of work offered by the master but to the wrong diagnoses. Such wrong diagnoses are not within the nature of the work, and are rather considered as an external event leading to deterioration. Accordingly, this case was considered as labour accident.

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