



The State did not fail to protect the physical and mental well-being of a bank branch manager who complained of the deterioration of his mental health at work

In its decision in the case of [Dolopoulos v. Greece](#) (application no. 36656/14) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The application concerned the circumstances in which a bank branch manager developed a psychiatric illness and severe depression which, in his view, were caused in part by harassing tactics on the part of his managers.

The Court held in particular that, despite the fact that psychiatric illnesses had not been included by the Greek legislature in the list of occupational diseases, Mr Dolopoulos had had avenues available to him by which to complain of the deterioration of his mental health at work and, if appropriate, to obtain compensation for non-pecuniary damage. It noted that the applicant had made use of those avenues, as appeal proceedings were currently pending. It therefore concluded that the Greek authorities had not failed to protect Mr Dolopoulos's physical and mental well-being or to secure his right to respect for his private life. Accordingly, the Court rejected the application as being manifestly ill-founded.

Principal facts

The applicant, Sotirios Dolopoulos, is a Greek national who was born in 1962 and lives in Thessaloniki (Greece).

Mr Dolopoulos, a bank branch manager, had been in confrontation with his line manager and was also accused of providing a customer with illegal financing. He was transferred to different branches and was twice summoned before the bank's disciplinary board. The day after his second summons, Mr Dolopoulos collapsed outside his place of work and was taken to the emergency department of Thessaloniki psychiatric hospital. He was diagnosed with serious work-related depression and anxiety and was on sick leave for 311 days. Mr Dolopoulos complained to the Labour Inspectorate that the bank had omitted to declare his illness which, in his view, had been caused by his working environment. He also lodged a complaint for harassment against five managers and the company doctor, claiming in particular that they were responsible for his illness because of their behaviour, which had infringed his honour and reputation and made his working environment intolerable. In its observations the bank disputed Mr Dolopoulos's claims and stated that neither the doctor nor the bank had been responsible for any omission. It added that since psychiatric illnesses, including those linked to stress at work, were not regarded as occupational diseases, it had not been required to declare the illness.

The Labour Inspectorate sent its report to the public prosecutor's office, which dismissed Mr Dolopoulos's complaint, emphasising that psychiatric illnesses were not included in the list of occupational diseases and that the applicant had not brought proceedings against the bank in the civil courts in order to complain of a deterioration in his working conditions. Mr Dolopoulos appealed but the public prosecutor at the Court of Appeal held that his appeal was unfounded, finding that there was no evidence in the file establishing a causal link between his illness and the conduct of the bank's management. Mr Dolopoulos, who had returned to work in the meantime, was dismissed without compensation. He lodged an unsuccessful application with the Court of First Instance, seeking to have the termination of his employment contract set aside and claiming

compensation in respect of non-pecuniary damage on account of injuries resulting from a work-related accident. The appeal proceedings are currently pending.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 9 May 2014.

Relying on Article 2 (right to life) and Article 3 (prohibition of torture and inhuman or degrading treatment) of the Convention, Mr Dolopoulos alleged a breach of the State's duty to protect employees in his situation against the risk of work-related illness. He referred in particular to the fact that his illness had not been declared to the Labour Inspectorate and to the rejection of his complaint by the public prosecutor at the Court of Appeal on the ground that psychiatric illnesses were not included in the list of occupational diseases.

The decision was given by a Chamber of seven judges, composed as follows:

Mirjana **Lazarova Trajkovska** ("the former Yugoslav Republic of Macedonia"), *President*,
Guido **Raimondi** (Italy),
Linos-Alexandre **Sicilianos** (Greece),
Paul **Mahoney** (the United Kingdom),
Aleš **Pejchal** (the Czech Republic),
Robert **Spano** (Iceland),
Armen **Harutyunyan** (Armenia), *Judges*,

and also André **Wampach**, *Deputy Section Registrar*.

Decision of the Court

Article 8

The Court considered it appropriate to examine Mr Dolopoulos's complaint from the standpoint of Article 8 (right to respect for private and family life) of the Convention.

The Court noted that Mr Dolopoulos complained of the State's failure to act because it had not taken the necessary steps to include psychiatric illnesses that developed at work in the list of occupational diseases. The Court accepted that a failure on the part of the legislature to take action could in some circumstances engage the responsibility of the State. It noted that Law no. 3850/2010 codified the entire body of Greek legislation regarding health in the workplace.

The Court observed that on 16 July 2011, the day after he had been taken from his workplace to the hospital, the hospital doctors had examined Mr Dolopoulos and diagnosed severe depression caused by work-related factors. It noted Mr Dolopoulos's complaint that the bank, which had known about his illness from the outset, had not made the declaration provided for by Law no. 3850/2010. The Court observed that such a declaration would have produced no result given that psychiatric illnesses were not recognised as occupational diseases in the Greek legal system.

The Court observed, however, that Mr Dolopoulos had made use of a remedy available to him in the Greek legal system. He had lodged a complaint for harassment with the Regional Centre for the Prevention of Occupational Hazards, claiming that five managers and the company doctor had been responsible for his serious psychiatric illness because of the pressure they had placed him under at work and their behaviour towards him. In connection with that complaint the Labour Inspectorate had issued a report stating that it was difficult to establish a link between a psychiatric illness and the working conditions in a particular place. Furthermore, the two prosecutors who had examined Mr Dolopoulos's complaint had found that the bank had not been negligent or violent towards him. In the present case, the public prosecutor at the Criminal Court had taken the view that the bank

had acted in accordance with the employment legislation and its own internal rules, and in the interests of the service. The prosecutor at the Court of Appeal, meanwhile, had found that the evidence in the file was not sufficient to establish that Mr Dolopoulos's illness had been caused by unlawful conduct on the part of his managers. The prosecutor had noted that the applicant had been summoned before the disciplinary board to account for serious breaches of the bank's rules and circulars and that the bank had allowed him to remain on sick leave for six months although he had been entitled to a maximum of three months. The Court observed that Mr Dolopoulos had brought proceedings seeking to have the termination of his employment contract set aside and claiming compensation for non-pecuniary damage, and that those proceedings were still pending before the Court of Appeal.

Accordingly, the Court considered that, despite the fact that psychiatric illnesses had not been included by the Greek legislature in the list of occupational diseases, Mr Dolopoulos had had avenues available to him by which to complain of the deterioration of his mental health at work and, if appropriate, to obtain compensation for non-pecuniary damage; moreover, he had made use of those avenues. It therefore concluded that the authorities had not failed to protect Mr Dolopoulos's physical and mental well-being or to ensure respect for his private life. The Court therefore held that the application was manifestly ill-founded.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.