19. Vicarious Liability and Non-Delegable Duties

Vicarious liability is liability imposed on an employer to a third party for the tort of his employee committed in the course of employment. Vicarious liability is another instance of stricter liability in the sense that the employer who is not at fault is made responsible for the employee’s default. It thereby gives the injured party compensation from the person who is better able to pay and spread the cost of the injury, namely the employer. Anyone who wishes to hold an employer vicariously liable must prove: that the wrongdoer was his employee, or that the relationship between them was ‘akin’ to employment; that he committed a tort; and that he committed it in the course of his employment. This chapter discusses each of this in turn. It also considers contribution between employer and employee; liability for the torts of independent contractors; the expanding categories of non-delegable duties; and the changing contours of employer’s liability.
19. Vicarious Liability and Non-Delegable Duties

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