

Respondeat Superior (Vicarious Liability)

Respondeat superior, or vicarious liability, is a form of liability that holds the employer or principal responsible for an agent's tortious conduct committed during the course of employment. The theory behind respondeat superior is that the principal controls the agent's behavior and must take responsibility for the agent's actions.

CREATIVE AUDIO

Wrist band superior man supports his own noble cause by wearing a wrist band to raise awareness. But he can never find the time to further his own personal interests, like Viking helmets and fur coats. That is why he started his own agency, where he employs his agents to find time for him while on the clock. His employees are authorized to find time in space using a provided telescope. His relationship with this matching agent has just become slightly strained though, as superior man never intended for him to take his eyes off the road while gazing into the sky. Now superior man finds himself liable for the damages done to this telephone pole.



PLAY PICMONIC

Principal-Agent Relationship

Matching employer employee uniform

The legal relationship between an employer and an employee is called agency. The employer is called the principal when engaging someone to act for him. The person who does the work for the employer is called the agent. The person acting in this case must be an employee of the employer. The employer can tell the defendant when and where, what to work on and for how long.

Scope of Employment

Telescope

Employee conduct that bears some relationship to the work is generally considered within the scope of employment. For an act to be considered within the course of employment it must either be authorized or be so connected with an authorized act that it can be considered a mode, though an improper mode, of performing it.

In Furtherance of Employer's Interests

Fur coat

It is immaterial whether the wrong committed by the employee was specifically authorized or not. Was the offense incidental to, or of the same general nature as, the responsibilities the agent is authorized to perform?

Time

Hour glass in space

The act must occur substantially within authorized time and space restrictions. This means that the employee must be on the clock and at the work site or another authorized location.