



Vicarious Liability: Your Essential Guide

Understand employer liability for employee actions. Swipe to learn more.



What Is Vicarious Liability?

Definition

Employer held legally responsible for employee's actions during employment.

Third Party

Damages caused by employee; third party seeks restoration from employer.

Indemnity

Employer may seek reimbursement from negligent employee.



Common Law Principles

1

Historical Test

Wrongful act authorised by employer or unauthorised mode of authorised act.

2

Modern Approach

Inextricably connected to employment duties, even for wilful acts.

3

Key Case

Lister v Hesley Hall: School liable for warden's abuse of pupils.



Employment Relations Act 2000

1

Sexual & Racial Harassment

Employer liable if complaint received but no action taken to prevent repetition.

2

Employee Indemnity

Implied term: employer indemnifies employee for losses during employment.

3

Employer Indemnity

Employer may seek reimbursement for employee negligence or deliberate actions.



Human Rights Act 1993



Broader Protection

Covers harassment by employees, agents, clients, or customers.



Defence Available

Prove reasonably practical steps taken to prevent harassment.



Written Complaints

Liability for client/customer harassment requires written complaint first.



Copyright Act 1994



Illegal File Sharing

Employer liable for employee infringements via organisation's internet.



Penalties

Up to £15,000 penalty; internet suspension up to six months.



Prevention

Implement policies and monitoring to reduce infringement risks.



Protect Your Organisation

Express indemnification obligations in employment agreements. Consider requiring employees underwrite damage to entrusted property.

Contact [**HR Unlocked**](#) to discuss vicarious liability in your workplace.

Share this guide with fellow employers to spread awareness.