



Enterprise Liability and the Common Law

Douglas Brodie

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Theories of enterprise liability have, historically, had a significant influence on the development of various aspects of the law of torts. Enterprise liability has impacted upon both statutory and common law rules. Prime examples would include laws on workmen's compensation and products liability. Of late, in a number of jurisdictions, enterprise liability has been a powerful catalyst for change in the employer's responsibilities towards third parties by prompting changes to the law on vicarious liability. The results have been seen most dramatically where the employer's responsibility for the intentional torts of employees is concerned. Recent common law reforms have not been without controversy and have raised difficult and challenging questions about the appropriate scope of an employer's responsibility. In response to this, Douglas Brodie offers a critique of the employer's common law obligations, both in tort and under the law of contract of employment.

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