Relationships: Independent Contractors and Agents versus Employees

[Author Name(s), First M. Last, Omit Titles and Degrees]

[Institutional Affiliation(s)]

Relationships: Independent Contractors and Agents versus Employees

With respect to the law of self-defense, it is defined as the claim that the use of force or the act of killing someone was necessary in order to protect oneself. These laws are divided into “Stand your ground laws” and the “castle doctrine” (“Self-Defense Laws by State,” 2017). The difference can come in the type of force used to kill other person. Since Jack was outside Brutus’s house, it was not easy to avoid him. In addition, Jack was not in his senses. As the scenario describes, Brutus had to use force to defend himself, however, it was the moral and ethical duty of Brutus to stay there. His attempts to revive Jack may have saved him. Various legal theories declare an employer to be liable for an employee’s bad actions, for instance, according to “Respondent Superior”, if an employee harms someone while performing job duties under the scope of employment then employer is held liable.

The scope of employment is the legal range of activities that an employee has to perform as part of their job duties, within this scope an employer is liable for any harmful action of the employee. The matter began when Brutus was performing his job but when he killed Jack, he was not on job, which does not make Sharon liable for his act (“When Can an Employer be Found Liable for an Act of an Employee? - HG.org,” n.d.). In this case, Brutus is also liable for his actions, he could have used a little less force to protect himself. An employee and independent contractor are considered different in terms of law and employers hold different obligations in both cases. According to law, an employer is not generally vicariously liable for the bad acts of an independent contractor unless the work is an inherently dangerous activity. Since Brutus was not indulged in any inherently dangerous activity, if he would have been an independent contractor then his own employer Security Corp would be held liable. However, in this case, both the employer and employee seem to be held liable, because Brutus was performing his job which leads to the incident of killing Jack in the self-defense.

Implied authority is also referred to as usual authority of an agent performing on behalf of the other person. A person acting with this type of authority has to perform all the necessary actions to accomplish his or her job. Implied authority is not explicitly expressed. The apparent authority rises when some party rationally concludes that a person has to perform these duties on behalf of the organization or another person. Not all the acts performed under the apparent authority are binding by law. In this case, since Brutus was hired as a security guard and it is reasonable to say that when he saved a girl from drunken Jack, he was performing his implied duty (Team, 2014). It is a common assumption that Brutus has to take care of such matters. An employer is held accountable in case if the employee has been authorized explicit or implied to perform a task. If Brutus has not been employed three weeks earlier than the bar and its owner would not have been liable.

To sum up, the employer and employee relationship is governed by the law. Employers are held vicariously liable for several actions of employees if their actions are in the scope of employment. If the employee is an independent contractor then these regulations again change. The bar owner must not hold Brutus solely responsible for the issue and must assist him. At the same time bar owner must explicitly define the roles and responsibilities of an employee and train such workers to deal with similar issues in future.

# References

Self-Defense Laws by State. (2017, April 7). Retrieved June 1, 2019, from Scharff Law Firm website: https://www.scharfflawfirm.com/self-defense-laws-u-s/

Team, C. (2014, December 24). Implied Authority - Definition and Examples. Retrieved June 1, 2019, from //legaldictionary.net/implied-authority/

When Can an Employer be Found Liable for an Act of an Employee? - HG.org. (n.d.). Retrieved June 1, 2019, from https://www.hg.org/legal-articles/when-can-an-employer-be-found-liable-for-an-act-of-an-employee-34389