

Employment agencies must know about contract and negligence



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Introduction

Before a business launch its ideas (product/services) with in an environment both locally and or internationally, one must understand the legal environment that governs that place. This will eliminate conflicts of interest. With the understanding and knowledge of business law, opportunities, and potential benefits it will bridge the gap of the unknown. Furthermore, when purchasing a business, it is also important to understand the legal ramifications as it relates to the region in which that business will be operating and as it pertains to the nature of interaction and relationship with the local people. There are basically two types of business relationships: (i) Formal and (ii) Informal. This report will be focused on formal relationship between employer and employee relative to the legal aspects of Contract and Negligence in operating an employment agency. Business law though generally similar across the globe, will have subtle variations of interpretation and legal structure, which are usually dictated by regional norms. Since the business acquired is an employment agency, the report will addressing some of the relevant aspects of Contract and Negligence for this employment agency business as applicable by the local rule of law. More specifically, this Business Law Report aims to feature the essential elements of a valid and binding contract, types of contracts and terms, the tort of negligence and the principles of liability with respect to the operations of an employment agency. This qualitative research will combine research, analysis, solution integrated approaches to business problems from a legal perspective.

Hitler's employment agency is a small partnership business that deals with hiring of pupils. The research proposal includes a description of Hitler's employment agency background, the purpose, literature review, the objectives after acquisition, methodology of analysis, and the limitations of the study. The potential impact of the study could influence the perception of the investors.

Project background

The business acquired is an employment agency. The report will address some of the relevant aspects of Contract and Negligence for this employment agency business as applicable by the local rule of law. However this will help the business in making legal decision, nature of liabilities, different types of business decision and terms of contracts. The unknown of the legal system environment the business is operating in can result law suits if not operated in the law of the land.

Hitler's employment agency is a small partnership business that deals with hiring of pupils. The company is partnership, managed by four friend. The company was formed in 2001. As a results, the main goal of Hitler's employment agency has been focused on creating more demand for their services while expand operations in other parishes of the island. The group of investors purchasing Hitler's employment agency believes there is an opportunity.

K. C Deorgins is a consultant Firm. The firm analyzes existing and start-up businesses, create solutions to problems, and help small businesses to

develop efficient plans for meeting their goals. K. C Deorgins have been in <https://assignbuster.com/employment-agencies-must-know-about-contract-and-negligence/>

business since 2000, it was started by four college friends that recognize that small businesses in the Kingston area never survive more than a year and wanted to find the underline problem of the cause of this continuous occurrence. In 2006, K. C Deorgins branch out in St. Thomas, St. James, St. Elizabeth and St. Catherine. After the branches were open business that the K. C Deorgins help business strive to another level and survive even in the country bad economy downfall.

Purpose

To set out the relevant aspects of Contract and Negligence for an employment agency

Objective

- To identify the essential contents of a Contract
- To apply the elements of a Contract in a business situation
- To outline the elements of Negligence relative to Law of Tort
- To illustrate the principles of Liability in Negligence

Literature Review

Employment agencies have a contractual relationship with prospective employees, which compels the agency to act in the best interests of the applicants. So in the normal course of business, an employment agency's failure, to (i) foresee some danger to their applicants and (ii) in its ability to exercise some control over which employers it makes available to the applicants, will make the employment agency liable for damages. In other words, the employment agency will be liable for negligence if it fails to

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exercise the duty of care. As such, according to *UsLegal.com*, “ the basis of liability under the doctrine of negligent hiring is the master’s own negligence in hiring or retaining in his employ an incompetent servant whom the master knows, or by the exercise of reasonable care should have known, was incompetent or unfit, thereby creating an unreasonable risk of harm to others.”

Hence ultimately the employment agency owes a duty to its inventory of employees and to the general public to ascertain the qualifications and competence of the potential employee applicants it hires, especially where employees are engaged in occupations that require skill or experience and where there could be a hazard to the safety of others. It therefore goes without saying that due to the nature of the contractual agreements involve with operating an employment agency, it is imperative that operators of such an establishment be aware of the legal concepts of liability in order to ensure that negligent risk is minimized and contractual agreements are not in breach between employer and employee. The formal relationship between employer and employee relative to the legal aspects of Contract and Negligence, as noted by reviewed literature, is of paramount concern when conducting the of an employment agency.

Methodology

To set the relevant aspects of Contract and Negligence for an employment agency. The qualitative study will seek to find out the problems surrounding business law and also the opportunities and potential benefits of being knowledgeable about business law as it relates to the new business

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enterprise. Secondary source of information will be employed from websites and journals. Secondary source of information is gathered information from other individual who did an in-dept research about a particular topic. This type of information is usually factual but sometimes is tainted by the subjectivity of the researcher or author. The limitation of secondary source is that the information is not been updated. With the information collected twenty years back would not necessarily apply to the same issue of solving a problem as technologies has evolve over the years that even has forensic evidence. It is this researcher opinion that primary sources will not be of any benefit to this business law report.

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