

# Vicarious liability

Law



Vicarious Liability Identify and discuss the concept of vicarious liability.

Vicarious liability entails holding a person accountable for the actions of another person especially in a situation where the parties involved have a special relationship. This means that a company may be held liable for the actions of its employees if employee acts were within the scope of employment. The plaintiff may substantiate/prove the aspects of vicarious liability in three ways namely: if employee was acting within the scope of his/her employment, the employer was in full capacity to control the acts of its employees. Lastly, there was an agreement that indicated that an employee was working under the instructions/control of his/her employer (Lamance, 2013).

Based upon your research and assessment of the case, is there sufficient evidence to suggest that this concept can be substantiated in this case? Explain why or why not?

The concept of vicarious liability can be substantiated in this case in numerous ways. The first evidence can be observed on the agreement signed between Robert Courtney and Eli Lilly and Company. Whereby, Eli Lilly and company were supposed to supply Courtney with Chemotherapy drugs. However, Robert Courtney started participating in pharmaceutical fraud by buying drugs from a grey market and at the same time diluting Taxol and Gemzal drugs supplied by Eli Lilly and company. This means that Eli Lilly and company had a vicarious liability due to the tortuous acts committed by Robert Courtney of whom they had a special relationship based on the agreement they had signed (Giliker, 2011).

The second evidence of vicarious liability can be observed between Doctor Hunter and Robert Courtney. Doctor Hunter was supplied cancer drugs by <https://assignbuster.com/vicarious-liability/>

Robert Courtney pharmacy whereby, he used those drugs to diagnose his patient without the knowledge that Courtney had diluted the drugs. This resulted to substantial harm to the patients diagnosed by Doctor Hunter. Therefore, based on this relationship Robert Courtney had vicarious liability towards Doctor Hunter's patients. This is because Courtney was responsible for the harm that doctor hunter had caused towards his patients (Moses & Jones, 2011).

In this case, what organizational parties could be held liable and why?

The organizational parties that could be held liable in this case include: Eli Lilly and company, Bristol-Myers Squibb Company, Kansas City General Hospital where Doctor Hunter was working and finally Research Medical Towers Pharmacy Owned by Robert Courtney. Eli Lilly and company were liable because the organisation had a special relationship with Courtney. This relationship was established via an agreement whereby, Eli Lilly pharmaceutical company agreed to be supplying Robert Courtney Pharmacy with chemotherapy drugs. This means that Eli Lilly and Company had a corporate liability towards criminal acts executed by Courtney (Medili, 2011).

On the other hand, Bristol-Myers Squibb Company was liable because despite being aware that Robert Courtney was executing pharmaceutical fraud of diluting Gemzal and Taxol drugs, they never reported the crime to the relevant authorities instead they just remain silent. Therefore, this evidence forms a fundamental basis that Bristol Company was liable. In addition, Kansa City General hospital was liable for the criminal acts executed by Courtney because they failed to exercise the duty care by ensuring that the drugs administered to the patients meet high quality

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standards. Finally, Courtney pharmacy was liable because it contributed directly to the harm sustained by the Plaintiff (Draper, 2003).

Are there any grounds to find the patients liable?

There are no clear grounds to find the patients liable but Ms Mary Rhodes may be held partly liable for being ignorant and for failure to report Courtney's Criminal acts. For example, despite being given a syringe was half full medication, she did not suspect any pharmaceutical fraud but rather she consoled herself by asserting that, it was just a human error which was actually not the case (Draper, 2003).

#### Reference

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