

Negligent hiring

Sociology



In order for the tort to exist, four elements must exist namely: 1) the existence of a legal duty owed by a person to others; 2) the breach of the duty by one person (negligence); 3) the breach of the duty is the proximate cause of damages suffered by a person; and, 4) damages incurred by a person. Each of the four elements of a tort typically must be present to be compensated ("What is tort").

An example of compensable negligence is negligent hiring. ... parties to actions that can create legal liability ('Negligent hiring practices'). In the United States of America, an employer is obliged to take several measures before hiring an applicant ("Negligent hiring"). The most important of these measures is to conduct a background check and references to determine whether the applicant has a criminal record or has a dangerous or untrustworthy character. If an employee performs a violent or criminal activity while working, such as rape, murder, or robbery, the employer can be held liable for torts for negligent hiring if it will be found out that he/she did not exert effort to perform the required obligation to conduct a background check before the employee who caused the unlawful act (Employer Liability for Employee's Bad Acts).

In this case, it is very evident that the employer was negligent in hiring Rob as an employee and holding a key position in the company. First, the employer did not perform a background check that is required for him to do under the US laws before hiring Rob. Should he have conducted a background check, he should have found out about the criminal record of Rob and probably, could not have accepted him in the company. And should Rob was not accepted in the company, he will not have any access to entering the room of Mary, thus, the crime committed against her could not

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have been possible done.

The four elements of tort were all consummated, therefore, Mary has a cause of action for negligence against ABC Properties Inc.