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The scope of an employer's liability for negligence caused by 'locum' medical practitioners (Conference Paper)

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Abstract

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Locum medical practitioners are usually employed to relieve the regular and permanent medical practitioner on leave or due to shortage of staff. Many GP (General Practitioner) clinics opening for long hours deputise services to locums, who usually have permanent employment elsewhere but are employed temporarily at these clinics. Locums tend to be appointed without thought to the legal consequences that may ensue. Hence, when things go wrong in the course of treatment, it is important to establish whether the 'locum' is an employee or an independent contractor. The patient's interests would be protected if the locum is classified as 'an employee' as the GP clinic would be liable for any actions made by their employees. However, GP clinics would prefer to categorise locums as independent contractors as they would then not be liable for any legal consequences that may arise from any negligent acts traced back to the locum. This is considered not to be fair and just as the GP clinics have economically benefitted from the locums, and therefore, they should undertake the consequences as well. Considering the host of legal repercussions that may ensue, there is a need for clear policies and guidelines on the legal position of locums working in GP clinics. © Universiti Putra Malaysia Press.

Author keywords

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