The scope of an employer's liability for negligence caused by 'locum' medical practitioners

Authors:
- Pahali, N. M., K., Noor, H., H., A., M., R.

Affiliations:
- Department of Civil Law, Ahmad Ibrahim Khalidiah of Law, International Islamic University Malaysia, Kuala Lumpur, Malaysia
- Department of Business Administration, Kulliyyah of Economics and Management Sciences, International Islamic University Malaysia, Kuala Lumpur, Malaysia

Abstract

Locum medical practitioners are usually employed to relieve the regular and permanent medical practitioners on leave or due to shortage of staff. Many GP (General Practitioner) clinics opening for long hours have to rely on 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 arise. 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 categorize locums as independent contractors as they would then be liable for any legal consequences that may arise from any negligent acts broad back to the GP. This is considered not to be fair and just as the GP clinic have economically benefited 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 dear policies and guidelines on the legal position of locums working in GP clinics.

Author keywords
- Employer
- General practitioner
- Locum
-Negligence
- Vicarious liability

Funding details
- Funding number
- Funding sponsor
- Ministry of Higher Education
- MOHE
- Anonym

Funding text:
This study was funded through a research grant provided by the Ministry of Higher Education under the Exploratory Research Grant Scheme.

ISSN: 01287702
Source Type: Journal
Original language: English
Document Type: Conference Paper
Publisher: Universiti Putra Malaysia

Related documents

Recent Developments
- River counting and ocean crossing: Case examples illuminating the fluidity of the theory-practice cycle and the importance of horizon expansion
- The Neurosurgical Curmudgeon—Of Pygmalion, Quasimodo, and Aurochs
- Arteriovenous Malformation Associated Intracranial Hemorrhage Scans
- AUGOC Analysis, Representations, and Reality

View all related documents based on...