Liability is a troublesome responsibility.

•It is a legal, binding or an obligation.

•Liability: is legal responsibility, accountability, responsibility, and burden

•Engineers/ professionals are active actors in the society

•attention towards all likely to be affected parties are not paid, liability are likely to occur.

•Liabilities occur because of negligence in performance.

•The liability that most engineers face is Tort liability and

•organizational liability is called vicarious liability.

Two types of liabilities that must engineers face

•Tort liability ; tort is something wrong but not criminal

•Organizational liability or vicarious liability

Vicariousliability:

Apersonwhocommitsatortisaliableforthedamagethathecauses.Whataboutapersonwhodidnotcommitatort?

Whenanemployeecommitsatortinthecourseofhis/heremployment,his/heremployerwillbeliableforthetortofhis/heremployee,whichiscalledavicarious(explicit)liability.

Forexample,duringthecourseactionifaservantcommitsatorthismasterwillbeliableforthetortofhisemployee.

Tortliabilityisprivatewrongorcivilwrongforwhichapersonmayhavetopaycompensation.Tortsisanyactornotact(omission)thatinfringes(break)anresponsibilityimposedbylawswhichgivesinjuredpartytherighttobringanactionforthedamagesorloss.

negligence and liabilities Negligence:

Careful,carefree

Careless

Types

Subjective(stateofmind)andobjective(conductabsenceofskillandcare)

Heedlessness(withoutwillingness)andrecklessness(ignoresconsequence)

Advertent(intentionally)andinadvertent

Contributory(conductofdoingjob)

Reasonableperson

Professionalstandard

Employerliability

Occupiersliability

Trespass(infringe)

ElementsofTORT:

**Duty:**aplaintiffinatortcasemustestablishthatthedefendant(apersonaccusedinalegalcase)hadaduty(moralorlegalobligation)totheplaintiff.(Thequestionsisnotwhetherthedefendanttriedingoodfaith,tobecareful,butwhetherhisconductwasuptothestandardofareasonablepersonsconductunderthecircumstances)

**Breach:**aplaintiffmustprovethatthedefendanthadbreachedtheduty.(Thedefendantactfellbelowthestandardofcareofreasonablepersons

**Proximate/legalcase:**theplaintiffmustprovethattheactsofdefendantactuallycausedthephysicalharmorinjurytotheplaintiff.

**Damages:**Aplaintiffmustprovedamage.

Damagewithoutinjury

Injurywithoutdamage

Principlesoftortlaw:

•Inordertosucceedinactioninatort,aplaintiffmustprove:

•Thedefendantowedtotheplaintiff

•Thedefendantwasinbreachofthatdutybyhis/herconductand

•Theplaintiffhassuffereddamageorinjuryasaresultofthatbreach.

•Objectiveoftortlaw:Appease(settle),Deter(prevent),justice(fairdealing)

•Compensationtovictims

•Transferringthecostofinjuryfromvictimstothepersonresponsibleforthat

•Preventionofrepetitionofharmfulaction

•Defendingthelawandrightsofvictims