

THE TORT LAW REVIEW

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ARTICLES

A frolic in the law of tort: Expanding the scope of employers' vicarious liability – Rick Glofcheski

The traditional approach to the imposition of employers' vicarious liability has recently been reconsidered and revised by the Supreme Court of Canada and the House of Lords, in the context of employees' sexual assaults committed against young persons in their charge. Under the new, more flexible approach, vicarious liability can be imposed on the basis of a close connection between the employment and the tort. This change is more than cosmetic. It is no longer necessary to show that the employee's wrongful act was a mode of carrying out the employment duties. This article reviews the case law in which this development has taken place, and considers the appropriateness of the close connection principle to cases of negligence-based torts. 18

Tort actions by victims of sexual abuse – Stephen Todd

In recent years leading cases in the United Kingdom, Canada and Australia have considered some contentious legal problems arising in tort actions involving allegations of sexual abuse. The contemporaneous decisions of the New Zealand Court of Appeal in *S v Attorney-General* and *W v Attorney-General*, examining in this context causes of action, limitation, vicarious liability and exemplary damages, have now made a significant contribution to the debate.40

BOOK REVIEW

S Deakin, A Johnston and B Markesinis: <i>Tort Law</i> (5th ed)	51
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5. Austin, n 4, p 56.

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6. Sheehy EA, Stubbs J and Tolmie J, "Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations" (1992) 16 Crim LJ 220.

7. Sheehy et al, n 6 at 221.

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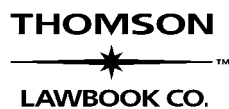
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