

Hollis v Vabu Pty Ltd (2001) 207 CLR 21

<http://lawcasesummaries.com/knowledge-base/hollis-v-vabu-pty-ltd-2001-207-clr-21/>

Facts

- Hollis was hit by a bicycle courier wearing the uniform of Vabu, tried to sue with vicarious liability

Issue

- Was the courier an employee?

Held

- You must look at the whole situation, not just the control test
- Consider factors such as the following;
 - "The job allocated to the worker involves a low level of skill.
 - The worker has little control over how he may do his job, the hours of his job or the conditions.
 - The worker is presented to the general public as a part of the defendant's organisation (for example, uniform).
 - It seems as though the Defendant should be deterred from carelessness through the imposition vicarious liability.
 - The worker's payment scheme or holiday schemes are managed by the Defendant.
 - The worker's equipment is provided and maintained by the Defendant.
 - The job performed by the worker is a main job of the Defendant and not some supplementary side task."

Law case summary from www.lawcasesummaries.com