

What Case Law History Should Tell Employers, Recruiters, and Property Managers

Once upon a time, attestation – the idea that you could essentially vouch for the character and reliability of another person in written or verbal form – was generally accepted as good business practice. These were often referred to as "good ole boy letters," and they were meant to convey just what they sound like. You knew that your employees, vendors, and contractors were "good guys" and "good girls," and so there was little to worry about.

However, those days are *long gone*... and if you're still holding on to them, the liability risk to your business organization could be enormous.

That's because the courts have been exceptionally clear on the matter of responsibility. Specifically, they have shown time and time again, and with heavy awards for damages, that you aren't just responsible for the people who work for you, but also those you allow to interact with customers and coworkers in your name. In other words, if someone does something hurtful or illegal while being associated with your business, there's going to be the potential for fines, damages, and a massive amount of bad publicity unless you can show you took reasonable precautionary steps to stop dangerous individuals from being hired.

Luckily, avoiding that kind of liability isn't as difficult or expensive as you might think. In fact, all you need is a simple set of policies and procedures. Here are a few of the most important:

- ✓ Make a commitment to carefully screening employees, contractors and vendors, with the recognition that your reputation and liability are on the line with each new hire.
- ✓ Use a thorough background screening system (with the consent of each applicant), and one that conforms to national standards that exceed the so-called "instant" background checks that simply compare exact names and Social Security numbers to known databases.
- ✓ Establish firm hiring criteria that make it easy for you to make standardized decisions based on things like criminal records. Know who you will and won't allow on your property, and into your company, before you start recruiting.
- ✓ Only work with background screening companies that hire live investigators. These trained men and women know how to spot gaps in things like employment and residences, which criminals use to evade instant background checks.
- ✓ Use photo identification and continuously updated QR-code computerized systems to ensure that unauthorized individuals can't interact with employees or customers in your name, and that you can control access to your company at all times.

Does this sound like the kind of system that would be "too much," or at least "too expensive," for your business to implement? It might seem that way if you have very relaxed standards now, but the reality is that these steps aren't just simple, straightforward and affordable, but easy to put into place. By working with a company like ISC, you can take advantage of existing automated processes that protect you from most liabilities you can think of, and more than a few that you probably never imagined.

More importantly, though, it minimizes the risk that you'll eventually find out one of your employees, vendors, or contractors did something that's going to put your business and credibility on the line in an instant. An ounce of good prevention is always cheaper and more effective than a pound of cure after the fact, especially when it comes to keeping the wrong people outside of your company.

There may have been a time when your word, in the form of an attestation letter, was enough to vouch for someone else. Today, however, smart companies aren't taking chances. Good ole boy letters just aren't going to cut it anymore.

About The Author: J. Denton (Denny) Dobbins is Nationally and Internationally recognized as the world's leader in Premises Liability Protection and has been featured across North America sharing the stage with Political Leaders, Police Celebrities, Administrators and Business Leaders. Since 1978, Denny has been involved with the detection and deterrence of Criminal Activity in properties and employment of all types.