

## How Well Do You Know the Contractors You Send into Customers' Homes?

Do you have employees or contractors who go into customers' homes for installations, sales and product demonstrations, or other forms of service work? If so, you should know that you are legally liable for anything they do while representing your company. Depending on whom you have working for you, that liability could be huge indeed – in fact, it could end up costing your company millions.

Before you move on and assume this doesn't apply to you, or isn't something worth worrying about, consider three recent incidents and the resulting court action:

**1. McLean vs. Kirby.** In this instance, a contractor working for a well-known company used a set of knives provided as a "free gift" to sexually assault someone who let him into her home for a sales demonstration. The company was found liable for losses to the victim as they had not taken reasonable precautions against sending dangerous individuals into people's homes using the company's name to gain entry. Because the contractor stood to gain in part from Kirby (and the use of their company name), they were deemed to be responsible for the crime.

**2. Read vs. Kirby.** In an instance that was sadly similar to the first, an individual used his position as a door-to-door contracted salesperson to gain entry into a home. After meeting the customer and performing a demonstration, the perpetrator left, but only to return later and sexually assault the victim. No background check system was in place, and courts ruled that the company was responsible for allowing dangerous people to work on its behalf, even though the salesperson was technically hired by a third-party contractor. You cannot delegate all of your legal responsibilities to another company working on your behalf.

**3. Ruschner vs. ADT.** In this incidence, the company in question subcontracted door-to-door sales work to another business, with the stipulation that they must perform "reasonable" background checks on contractors. Despite that, an individual with multiple prior felonies gained access to a home and sexually assaulted a minor. It was later revealed that the contracting company had ceased background checks (and hadn't run one on this individual) because turnover was high and they didn't want to absorb the costs of screening. The courts found that ADT was responsible for damages because they didn't have the proper procedures in place for ensuring that criminals were being kept away from customers.

Sadly, we could add even more events to this list. What should be clear, though, is that you have a legal and moral responsibility to keep customers and coworkers safe from dangerous people. Luckily, it doesn't have to be that difficult or expensive.

While so-called "instant" background checks are notoriously thin and easy for criminals to work around, CrimShield offers thorough investigative services done by live, trained investigators. In just a few short hours, you can feel confident that anyone working on your behalf – even if it's for a company you contract with – is who they claim to be, and doesn't have dangerous offenses in their past.

In the process, you can eliminate huge liability risks that might otherwise come back to haunt you. Even more importantly, you can know that you've taken the biggest step toward preventing crimes like these from happening in the future and being associated with your company.

**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.