

Insights, News & Events

\$3.25M VERDICT SHOWS BEST INTENTIONS DON'T ELIMINATE LIABILITY

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The article, "\$3.25M Verdict Shows Best Intentions Don't Eliminate Liability," featured in *Kansas City Business Journal*, discussed the outcome of the Owner-Operator Independent Drivers Association case.

Melody Rayl wasn't a party to the Wieland case, but she said it's important for employers to pay attention to its outcome.

"I definitely think employers should evaluate whether or not they're in a position where they need to be taking some steps to protect their employees," she said. "If there has been some history of crime in the area, or if you have an employee who comes to you and says they have a domestic violence issue that could become volatile in the workplace, there may indeed be a good reason for an employer to implement some security measures."

At the very least, an employer needs to communicate clearly with employees about security measures so they understand the limitations. That includes something as simple as using the buddy system when heading to the parking lot at night. If you've made it a formal company policy, then you need to provide training, Melody said. There also should be clear communication that this isn't meant to protect employees from every possible threat.

"One of the things alleged in the Wieland case is that the employer assembled this ad hoc group of security people among the existing employees that she thought was going to protect employees, but it turns out they didn't really receive any kind of training or anything," Melody said. "If it really gets to the point where an employer believes there is a

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legitimate justification for concern, they may want to consider having a private security company come in as opposed to just having co-workers. It never hurts to use the buddy system, so I wouldn't want to discourage that. But to the extent that you're formally representing to your employees that you're adopting a security measure, it certainly would be better to have trained people providing those services."

To read the full article, please visit [Kansas City Business Journal](#).