**Ethical and Criminal Responsibility**

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Ethical and Criminal Responsibility

An employer has both an ethical and legal responsibility to ensure that their workers are not a danger. If they fail to live up to this responsibility the business can be liable for damages caused on behalf of the employee (Mallor, Barnes, Langvardt, & Prenkert, 2014). This will lead to fines, bad publicity, and ultimately a loss of revenue.

# Ethical Obligation of Employer

Employees are representatives of the business, and any bad behavior on their part reflects also on the business. If Sue Smith, a cashier on the night shift at ABC Groceries, assaulted a customer; then the head line would read ABC Groceries employee assaults customer. Later when the customer is looking for payment of the legal bills, they will be coming after ABC Groceries first. In addition to paying the legal fees, the business will also lose customers as their store is no longer safe.

To prevent these scenarios an employer needs to take corrective and preventative action toward employees who pose a danger to others. For example Peter works on an oil rig, and has is suspected of drug use. The employer needs to apply corrective measures such as getting him into a rehabilitation treatment facility. Preventative actions might include random drug testing of all employees to discourage the behavior.

A sound business needs to manage risk, and remove these potential train wrecks before they happen (MediaLibrary, 2014). If the business did not implement these policies, then Peter is a higher risk to an already high risk work environment. This behavior is unethical as it jeopardizes the safety of Peter’s team mates.

# Employer with Irrefutable Evidence of Danger

When the employer has irrefutable evidence that a person is a danger to themselves or the other crew members; then they need to be removed from the situation. Leaving the employee in that position may lead to a tort lawsuit. Also having advance knowledge of the issue and not preventing it can be grounds for a tort of recklessness instead of negligence (Mallor, Barnes, Langvardt, & Prenkert, 2014). A suit for recklessness instead of negligence tends to carry stricter penalties.

For example Mark works at a clothing retailer and has been caught videotaping customers as they try on garments in the fitting room. The manager caught the person red handed with the camera in hand. If a customer had discovered the issue the businesses reputation would be ruined. In addition the customer could sue for violating their privacy and seek damages.

If the employee was not fired on the spot it would send a message that similar behavior was acceptable. This in turn would result in more employees showing the bad behavior, which lowers the standards of the company. There is also a higher risk of being charged large punitive damages when the scam is eventually caught (Mallor, Barnes, Langvardt, & Prenkert, 2014). These are a byproduct of the crime being seen as intentional.

# Ethical Obligation Entailment

Employers need to take corrective and preventative actions to ensure the safety of their employees, customers, and servicemen. Because a duty is required there is also an obligation to all members of these classes of people (Mallor, Barnes, Langvardt, & Prenkert, 2014). If the business fails to deliver on their duty they are can be liable for negligent behavior.

Consider the lobby of a business during the rainy season, which has lots of people coming and going. Those patrons will track in water and eventually the floor will become slippery. At this point the business would have a liability to anyone who entered and fell on their floor. It will not matter if that person is a customer or employee, they are still injured equally so.

To mitigate this scenario corrective measures are needed, such as mopping the floor. In parallel preventative measures such as putting a rug down and reducing the amount of slippery surfaces exposed. Many other scenarios can solved with common sense.

# Employer owed Obligation to Employee

Continuing with the slippery floor example, irrespective of the failing individual being a customer or employee they will still be injured. Intuitively in both situations both the customer and employee will fall the same length and sustain the same injury. It is also logical that the customer would expect payment for damages, which means that ethically we should expect the employee to have the same rights.

Next consider if the floor was wet because another employee flooded it to play a game, or in an effort to intentionally hurt another employee. In both the reckless and intentional examples the employee is owed more obligation and therefore more compensation for damages. The fact that they still fell the same length and sustained the same injury, is only part of the equation. The remainder asks how we make it even for society (Hershovitz, 2012). As these scenarios are more criminal in nature we expect to the responsible pay more dearly.

# Analyze Criminal Liability and Torts

Across the different examples various torts and liabilities have been enumerated. Such as loss of privacy, negligence, and assault to name a few. The overlapping theme to these civil wrongs, is that society will not accept injury or damages from another party. In the event this occurs the inflicting party needs to pay for the repairs. Having these rules forces people within that society to act rationally and with due diligence for the safety of those around them.

The model goes further to suggest that anyone who introduces risk needs to be willing to pay for the damages caused by that risk. For example a blasting company that causes damage to neighboring houses, should be the one that pays for those repairs (Mallor, Barnes, Langvardt, & Prenkert, 2014). Similar to those adding risk, those who do not remove can be punished for negligence.

# References

Hershovitz, S. (2012). What does tort law do? What can it do? *Valparaiso University Review*, 47(1), 99-118.

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