

Employee discharge and arbitration

Business



Northwest Electronics Corporation's plant security guard, Ralph Von Strasser, had no right to search the female guard without explicitly explaining to her what the search was for. If she decides to have a court case, she will have a chance of securing a hearing because of the behavior of her employer's security guard.

Employers do not have the right to conduct searches on their workers even if they suspect that the workers might be carrying weapons unless there is a statute allowing it. If they are unsure, it is better to request the services of the police (Repa, 2010). A worker can assert that body searches(s) conducted on personal property infringe on their individual rights to private life. It is a basic code of the law that every individual's body and personal property is inviolate. Any type of physical contact, even plain touching, or searching personal effects, if it upsets the person in question, is prohibited when there is no consent. To carry out a search of a worker's personal effects without their permission could hence comprise of a type of assault.

There may also be civil avenues for help that are accessible by the female worker for the civil transgression of infringement on her rights. On the other hand, if there was a definite provision in the employee's contract, which she had signed on being hired, and it was stipulated that searches for weapons were part of the company's policy, the employer might have a right to conduct searches. Still, an employer should observe caution. If the worker refused to have her purse searched, then it is likely to be interpreted in court that she had reserved her previous consent. The fact that she was fired makes it possible for her to sue the corporation for constructive unfair

discharge. The court will then investigate to establish if there are grounds for such a claim with consideration of all of the circumstances (Joel, 2001).

If there is a contractual stipulation permitting the employer to carry out random searches on the staff, then such a rebuff from the female employee could be viewed as a breach of contract and the dismissal is viewed as disciplinary action. Still, the guard would be chastised because he did not explain to the employee why he wished to check her purse, but crudely sought to search it.