

## BLOGS

Archives;Discrimination;Harassment;Workplace Policies

# You Can't Make This Stuff Up: The Unintended Legal Issues with Spanking Employees

A Chinese employer [made news](#) last week for an unusual workplace discipline episode after a cellphone video revealed employees receiving public spankings for poor performance. The cellphone video shows a man with a wooden stick spanking eight employees four times each. The employer, a bank, claimed the spankings occurred during a team-building exercise facilitated by a corporate coach.

Corporal punishment is illegal in China, and, not surprisingly, a spanking policy or team-building endeavor of this kind would raise serious legal issues for U.S. employers as well.

In addition to potential criminal or civil claims of assault and/or battery, workplace spankings could subject an employer to tort liability for intentional or negligent infliction of emotional distress. Historically, such claims are tough to prove absent extremely egregious behavior, but spanking might be deemed to fit the bill. Employee spanking could also raise workplace safety risks (e.g. OSHA) or a risk of workers compensation claims. In addition, workplace spanking could prompt claims of sexual harassment or other discrimination claims if applied to one group of employees (e.g. female employees) but not another.

Let this latest "stranger than fiction" news be a reminder that employers should avoid any company policy or practice that encourages intentional physical contact and possible employee humiliation!

## Related People

### Tana S. VanGoethem

Counsel

Minneapolis

612.632.3294

[tana.vangoethem@lathropgpm.com](mailto:tana.vangoethem@lathropgpm.com)