



A risky business?

Employers need to be aware of their risk

In a recent decision by the Court of Appeal an employer was held liable for an employee who stole from a client. The facts of the case were that only the employer and employee were authorised access to the client's property. The employee after undertaking their duties in the course of their employment returned at a later time and stole some of the client's goods. The Court of Appeal considered that the risk of theft by the employee was reasonably incidental to his duties. The employer was found to be liable for their employee's actions as there was a "sufficiently close connection" between the theft and his duties.

This is a concerning judgment from the courts and employers need to be aware that even though they may have put in place risk assessments against such thefts or other such circumstances they may be ultimately liable. This raises the issue of the need for appropriate insurance and even clauses in contracts of employment or amendments to contracts for specific work where an employee will provide an indemnity to the employer for any wrongdoing such as theft. How effective such clauses would be is open to speculation as an employee who has stolen in all likelihood will be unwilling to pay up should their actions be discovered.

Should you wish any further information concerning this article or any other employment matters please contact **Tim Carter** on **01279 638888** or or by email on **tim.carter@attwaters.co.uk**.

The information contained in this article is intended for guidance only and is not intended to provide specific legal advice to you or your business. Expert advice on any issue should always be obtained. Attwaters Solicitors do not accept liability for any loss that may arise from relying on or using the information contained in this article.

Profile

Tim Carter

**Solicitor
Business**

DD 01279 638869



Tim specialises in employment law. With a strong academic background, having first graduated with a business degree before re-training in law, Tim qualified with a Legal 500 city firm and moved to Attwaters to provide hands on legal advice to individuals, local SMEs and larger corporate clients. With a Masters degree in human rights in employment law and the experience of working in business, Tim is able to provide practical solutions to real problems.

Tim deals predominately with employment law for both Claimant and Respondent and advises on the multitude of issues arising from employer/employee relations. He also deals with company law, partnership law, and intellectual property and provides advice on commercial dispute resolution



attwaters solicitors

Harlow Office
Rothwell House - Harlow - Essex CM20 1LQ

tel: 01279 638888
fax: 01279 639970

Loughton Office
147 High Road - Loughton - Essex IG10 4LY

tel: 020 8508 2111
fax: 020 8508 8879

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