

Theft or Damage of Employees Belongings at Work

Who can you claim against if you are unfortunate enough to suffer damage to or loss of your personal belongings at work?

Employers are not automatically responsible for these sort of losses. Neither do they have a duty to provide secure storage for your belongings. Follow the steps below to find out if you can be compensated, and by whom:

Step One

Have you been injured as a result of the incident?

If the answer is yes, please [make a claim on line](#).

Step Two

Check your contract of employment.

It may be that your contract of employment contains a specific clause by which your employer agrees to look after your belongings at work. This may be in the contract itself, or in other agreements which have been made between the staff and management. If you are not sure whether you have the protection of such a clause, you should contact your [union](#) who will be able to advise you further.

Step Three

Ask yourself whether your employers or your colleagues have been careless.

Everyone has a duty not to be negligent (careless) in ways which could lead to the loss or damage of other people's property.

Think about whether your employers or colleagues have been negligent in a way which has contributed to the loss or damage you have suffered. If you can show that they are to blame in some way, you may be entitled to compensation (but see step four below).

Examples

Management have their attention drawn to the fact that the roof needs mending but fail to organise basic repairs. This leads to a tile falling off the roof and landing on your car. You could argue that your employers are responsible for paying the repair bill.

A colleague, responsible for cleaning the building, accidentally leaves a tap running. Your belongings are damaged as a result of flooding. You could argue that your employers are liable for your colleague's actions whilst he was carrying out his work duties and are therefore responsible for compensating you.

A colleague driving a van, which belongs to your employer, crashes into your car in your work's car park, whilst on the way to a job. You could argue that your employers are liable for the actions of your colleague whilst he is carrying out his work duties and are therefore responsible for compensating you.

Step Four

If you blame a colleague for your losses, ask yourself whether they were carrying out work duties at the time of the incident?

It can be difficult to hold employers responsible for the actions employees, if they are acting outside of their work duties at the time (but see step 5 below)

Examples:

A colleague steals your purse from your desk.

Your employer may well argue that the thief was acting outside of their work duties and that they cannot be held responsible for the thief's actions. In this sort of situation, you should check to see if you are covered by your household insurance.

A colleague bumps your car in the works car park. Neither of you are on duty at the time. You are both driving your private vehicles. It is unlikely that your employer could be liable for this damage. You should exchange insurance details with the other driver.

Step Five

Where colleagues or members of the public have acted in a criminal manner, ask yourself if your employers carelessness has led to your losses.

It is unlikely that the a court would accept this argument unless the facts are extreme. If you think that this applies, in your case, you should take advice from your **union**.

Taking Further Action

If you think you have a possible claim against your employers, you should let them have the details of the claim, and ask them to pass them onto their insurers.

If this does not resolve the problem, you should contact your **trade union** for advice about how to proceed.

If you are not a member of a trade union, you could consider taking action against your employer in the small claims court. There is a six year time limit for claims of this kind. You should seek specific advice on your job security before embarking on legal action against your employer. **Community Legal Advice** may be able to help. If you decide to take legal action, you can follow the small claims procedure outlined on our **Small Claims Court Fact Sheet for a Consumer Problem**, from step 4 onwards.

You should consider **joining a union** to protect your rights in the future.

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