

## **9.18 Compensation for Loss or Damage to Personal Property**

This policy is about the circumstances in which you may have lost personal possessions at work or if they have been damaged.

Main points of policy:

- If you suffer a loss under these headings you must report it as soon as you are aware – Section 1.1
- While the department is not obliged to make a payment to you, it may make an ex-gratia payment subject to a number of conditions - Section 1.2
- If you have cash stolen at work you will not normally receive compensation except in particular circumstances – Section 1.3

**The following terms within this policy are defined in the glossary:**

Compensation, ex gratia payment

**You may also be interested in the following policies:**

3.09 Injury and assault leave

This policy is version 1.0

For a printable version please click the icon. Please make sure that your printed version is current with the one on this portal.

This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

## **9.18 Compensation for loss of, or damage to, officers' personal property**

### **1 General rules**

**1.1** In some instances, employing Departments may have a legal liability to compensate you for personal property lost or damaged during the course of your employment. However, the Crown Proceedings Act of 1947 puts Departments in the same position as private-sector employers. As a rule, there is no liability on employers to:

- a.** prevent theft of your property; and
- b.** compensate for loss of, or damage to, personal property caused by defective furniture or locks when you are aware of the defect and have been expected to take reasonable care and attention.

However, each case should be decided on its merits and, if there is any doubt, your Department will take legal advice on the question of liability. As soon as it becomes known, any loss of, or damage to, your personal property incurred in the course your employment must be reported to the Personnel Divisions/Branches of your employing Department.

**1.2** Ex-gratia payments may be made to you if your personal property (that is, items of personal property that you might reasonably bring with you to your workplace on a daily basis) is lost or damaged in the course of your employment. Compensation can be paid irrespective of any legal liability to do so, providing that:

- a.** the loss or damage is not covered by insurance or any provision for free replacement; and
- b.** you have not been negligent.

The amount of the payment should be calculated as the current cost of replacing the articles less an amount representing depreciation or, if less, the full cost of repair. Compensation may similarly be paid for articles lost or damaged through the negligence of a colleague.

**1.3** You should not normally be compensated for cash lost or stolen on official duty. However, Departments may, exceptionally, provide compensation where:

- a.** the amount or part of the amount is verifiable;
- b.** there was an official need for cash to be carried on duty; and
- c.** there had been no negligence on your part.

**1.4** You are reminded that, in most circumstances, Departments cannot accept responsibility for your personal property lost or damaged during the course of your

employment and that it is your responsibility to safeguard your personal belongings. You should not leave money or valuables in your office overnight or unattended during office hours.