



EMPLOYEE THEFT IS JUST THEFT – OR IS IT?

You might think that one kind of theft is the same as any other. But defrauding or stealing from your boss or at your workplace is treated very differently from other kinds of theft by Crown prosecutors and the courts. It's much more serious than, say, shoplifting, even if the value of the property involved is similar. Jail sentences are often handed down. So if you're faced with a potential charge like this, take steps immediately to talk to your criminal defence lawyer to minimize the fallout.

Theft and fraud are criminal offences and fall into two categories:

- theft or fraud under \$5,000
- theft or fraud over \$5,000

A more serious charge, like embezzlement (i.e. theft from an employer of large sums of money over a long period of time), carries a potential jail sentence of up to 10 or more years, especially if there are aggravating circumstances.

But even for theft or fraud under \$5,000, the Crown can choose to proceed by way of indictment (which is more serious than a summary conviction procedure). You can still get a jail sentence of up to two years. And you face other consequences if convicted – a criminal record, travel restrictions, employment hassles with your current boss and trouble getting future work.

So why is defrauding or stealing from your employer or at work treated differently than other kinds of theft?

An employer is entitled to expect honesty from all employees. Your employer must be able to trust you, especially since you have far greater opportunities to take advantage of your boss than outsiders. Theft or fraud by an employee, no matter what form it takes, involves a serious breach of that trust and so it's viewed in quite a different light than casual one-off thefts by outsiders.

Employee theft or fraud takes many forms – from kids on their first job taking money from the till, cashiers ringing in false prices for friends or family, and giving unauthorized discounts and taking gift cards or coupons, to sophisticated schemes by bookkeepers or other employees involving phony invoices or forged cheques to divert employer funds. All this costs employers billions of dollars annually. Stores and retailers lose as much or more to internal employee thefts each year as to thefts by outsiders.

In these kinds of "breach of trust" theft or fraud cases, even if you've never been in trouble with the police before and/or the stolen property is returned, Crown prosecutors will lay charges.

If you are convicted or plead guilty to these offences, you may still benefit from a good defence lawyer. A good defence lawyer may be able to negotiate a conditional sentence for you. This would mean you may be able to serve your sentence under house arrest, rather than in jail, if you meet the conditions imposed.

Be aware that these cases are very serious, with potential long-lasting impact on your life. So get good legal advice right away. Your lawyer will assist you throughout the process to help net you the most beneficial possible outcome.



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