

**Note: Delete this page and following page (total 2 pages) once you complete tailoring the template for your own business**

### **General Information**

Providing such property carries inherent risks. For instance, an employee could damage or lose the property. This could lead to disputes about who is liable for the loss or damage, and the extent to which that person is liable.

This policy sets out the responsibilities of employees who have been given access to, or use of, property belonging to the employer. In summary, the policy requires employees to exercise care over the property and to return property on termination of employment or at any other time as directed by the employer.

### **Limitations**

In New South Wales, the Employees Liability Act 1991 ('the Act') limits the circumstances on which an employer may recoup losses from employees. The Act prohibits an employer from requiring an employee to indemnify the employer where the employee commits a tort (i.e. a civil wrong) for which the employer is also liable. However, circumstances involving serious and wilful misconduct, and/or circumstances which do not arise out of the employee's employment are not included in this protection.

For instance, where an employee causes a motor vehicle accident in the course of employment (and the accident was not caused due to the employee's serious and wilful misconduct), the employer cannot require the employee to indemnify the employer for the loss caused.

If you are unsure about whether you can require employees to indemnify the employer in certain circumstances, we recommend you seek advice from a workplace lawyer.

### **How to complete this template**

#### **Designed to be customised**

It is completely customisable based on your specific requirements.

#### **Include what you must and can comply with**

This document should be used in conjunction with your contract of employment, and any specific company procedures and processes. Only include the commitments you are confident you can comply with, make sure you update and review the document regularly.

**Important:** You may have legal obligations to your employees under an employment or industrial agreement such as an award, workplace agreement or employment contract. Make absolutely certain what's written in this document is consistent with these. If you're unsure what covers your employees, FIAA Members can contact FIAA's workplace advice team on 1300 FIAA 4U or on 02 4340 2000 for further advice/assistance.

### **To complete the template:**

1. Using Word's Replace function, search for (INSERT COMPANY NAME) and replace with your company name.
2. Replace (items in brackets) with your own wording.
3. Once you have finished work on the template, delete the first TWO pages of the document.

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SAMPLE

## Employer Property Policy

### 1. Purpose

- 1.1 The purpose of this Policy is to outline the conditions under which property owned by (insert company name) is provided to employees. The Policy outlines the responsibilities of employees in possession of employer property and the expectations of (insert company name) with respect to the use of (insert company name) property by employees.

### 2. Commencement of the policy

- 2.1 This Policy will commence from XX/XX/XXXX. It replaces all other policies dealing with employer property (whether written or not).

### 3. Application of the policy

- 3.1 This Policy applies to all employees who use employer property. It does not form part of any employee's contract of employment.

### 4. Definitions

- 4.1 'Employer property' includes all forms of property of (insert company name), including tangible property (such as tools and equipment) and intangible property (such as intellectual property).

### 5. Obligations of employees

- 5.1 To the extent that the obligation is relevant to the type of employer property being used, each employee must:

- a) use employer property only for the purpose for which it was designed;
- b) take good care of employer property and ensure it is properly maintained and serviced as directed;
- c) ensure that the employer property is used in accordance with any relevant operating instructions or procedures;
- d) refrain from modifying employer property without prior written approval from (insert manager's name)
- e) obtain prior written permission from (insert company name) if the employee wishes to use the employer property for non-work purposes (eg personal use);
- f) not remove employer property from (insert company name) premises or designated storage places without the permission of the relevant manager or supervisor;
- g) not deliberately damage employer property;
- h) not place employer property in circumstances where it could be stolen or damaged.

### 6. Breach of the policy

- 6.1 Any breach of the obligations expressed in this Policy may result in disciplinary action including, but not limited to, termination of employment.

**\* THIS IS ONLY A PREVIEW OF THE DOCUMENT, YOU WILL NEED TO PURCHASE THE DOCUMENT TO SEE ALL THE CONTENT.**

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