Canadian Employee Required to Pay Back Former Employer for Time Theft

Labor & Employment Law Update

By Julie Proscia on February 7, 2023

A remote employee, Karlee Besse of Reach CPA, an accounting firm based in British Columbia, was terminated for theft of time, and then subsequently ordered to pay back approximately $2,750 to the firm for misrepresented wages discovered by time-tracking software . With the growing number of remote workers and the increased usage of productivity monitoring software, this case is an interesting study in the newest employment dynamics.

Reach CPA utilized TimeCamp, a time-tracking software that records what files employees access, and for how long. The software not only records when and how long employees are accessing work-related documents, but also differentiates between employee time spent on work-related sites and non-work-related sites, like Facebook or Netflix. Based on a review of the software, Reach CPA ascertained that Besse had misrepresented over 50 hours of work.

Besse brought a suit at the Civil Resolution Tribunal alleging that she had been fired without "just cause." The Tribunal not only upheld the termination, but required her to pay back the misrepresented time, along with associated costs. This definitely was not the outcome Besse was looking for, but it is certainly an outcome that employers everywhere would wish for when faced with similar circumstances.

While this case arose outside of the U.S., it is noteworthy as a bellwether of support for the use of productivity-tracking software—and reliance on the conclusions of such software—and the possible future repercussions of time theft. While U.S. employers cannot necessarily seek reimbursement for misrepresented wages, they can and should utilize the software's findings when determining discipline, disputing unemployment claims and assessing cause in union settings.