

False Imprisonment in the Workplace

YOUR LEGAL RIGHTS

1. What is False Imprisonment?

False imprisonment happens when an employee is intentionally and illegally held against his or her will. False imprisonment in the workplace usually occurs when an overzealous employer investigates allegations of employee wrongdoing and tries to question the employee or coerce a confession.

2. Do I have to be forcefully restrained?

No. False imprisonment can occur in a few different ways. The most common way is if an employer refuses to allow you to leave a room. The employer might do this by locking you in a room, or by placing someone at the door to the room to prevent you from leaving. However, your movement must be completely confined in order for the employer's action to qualify as false imprisonment. Blocking your freedom of movement in one or more directions is not enough. If you can reasonably exit the room, false imprisonment has not occurred.

False imprisonment, however, does not require *physical restraint*. For instance, false imprisonment also occurs when an employer threatens to harm you or your property if you leave. In addition, false imprisonment could also occur if an employer threatens to have you arrested if you leave.

3. Can my employer confine me if I am suspected of theft?

If your employer has a lawful purpose to confine you, such as during a theft investigation, then false imprisonment has not occurred. But even in that situation, your employer may lawfully confine you while the only while it conducts a *reasonable* investigation. What is "reasonable" is determined on a case-by-case basis depending on the facts of the particular situation. For instance, an employer who confines an employee for five hours because he or she believes the employee has stolen a pack of gum is probably not reasonable.

4. What if I was not confined for very long?

There is no exact length of time that an employee must be held before an employer's action becomes false imprisonment. In at least one case, a court decided that a false imprisonment occurred when the confinement was for a period as short as fifteen minutes. However, the longer you are held, the less reasonable the confinement becomes.

5. How do I file a claim of False Imprisonment?

False imprisonment claims must be filed in court. But remember that even if your situation sounds like a false imprisonment case described above, it normally makes sense to file a claim only if you have some "damages." Damages are things like medical bills or the wages you lost from missing work time because

of the false imprisonment. You might also have damages for emotional distress or psychological treatment you received as a result of the incident.

The amount of “damages” you are owed will usually determine which court you will want to file in. For smaller cases, Small Claims court might be your best bet. In Small Claims court, you do not need to find a lawyer (actually, lawyers aren’t even allowed in Small Claims court), but the maximum amount you can recover is \$7,500. If your claim is greater than \$7,500 you should file in Superior Court.

The turnaround on Small Claims court claims is usually faster than Superior Court. The Small Claims court hearing is normally held within 30 to 70 days after the claim is filed. See the California Courts Self-Help Center for more information: <http://www.courtinfo.ca.gov/selfhelp/smallclaims/>. Many counties also have a Small Claims Legal Advisor’s Office that can you help with your claim.

For larger cases filed in Superior Court, you will have a much easier time if you hire a lawyer to represent you. Unfortunately, it might be difficult to find a lawyer to represent you unless you have a particularly large case. If you are not sure where to find a lawyer, you should start by contacting your local Bar Association and asking for a referral. Many questions about filing in court can also be answered by the Superior Court Clerk.

6. Should I file a Workers’ Compensation claim if I suffered stress from my false imprisonment?

Probably not. False imprisonment claims are not covered by the workers’ compensation system, meaning that you must file a lawsuit in court. to recover for an injury from false imprisonment by your employer.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society - Employment Law Center cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

For further information about your employment rights, please call:

The Workers’ Rights Clinic

415-864-8208 (SF Bay Area) or 866-864-8208 (Toll Free in CA)

The Workers’ Rights Clinic is a project of The Legal Aid Society - Employment Law Center, a non-profit organization focusing on the employment-related legal rights of low-income workers and providing free legal information on a wide range of employment-related problems.