Responsabilidade vicária e fraude de funcionários

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

O empregador responde vicariamente pelos ilícitos de um empregado cometidos no exercício do emprego, inclusive fraude, quando o ato ilícito está tão estreitamente ligado ao emprego que é justo e equitativo responsabilizar o empregador.[1] *ByBit* foi um caso em que uma funcionária de uma prestadora de serviços de folha de pagamento fraudou a própria exchange, de modo que a responsabilidade vicária não se colocou. O caso inverso, em que um funcionário da plataforma desvia ativos de clientes, é o mais frequente. Uma plataforma cuja funcionária usou seu acesso autorizado ao sistema de saques para furtar clientes provavelmente responderá de forma vicária. O acesso foi conferido pelo emprego, e o furto foi um uso abusivo da própria função para a qual ela fora contratada. O direito de regresso da plataforma é contra a funcionária e contra eventual seguradora. As plataformas devem saber que a cobertura de fidelidade (fidelity cover) para furto de criptoativos é cara e tem alcance restrito.

© 2026 Dr Alexander Ressos. General information only, not legal, tax or investment advice. No client relationship is created. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. More information at SingaporeIQ.com and ressos.com.sg.

Notas

1. *Skandinaviska Enskilda Banken AB (Publ), Singapore Branch v Asia Pacific Breweries (Singapore) Pte Ltd* [2011] SGCA 22, parágrafos [75]–[93], que adota o teste da conexão estreita (close connection) para a responsabilidade vicária em Singapura. ↩

Disclaimer

This article is provided for general information only. It is based on publicly available sources as at its date of publication. These sources have not been independently verified against licences, regulatory registers or the records of the entities concerned. It is not legal, tax, financial or investment advice. Nor is it a recommendation to invest in, transact with or use the services of any entity mentioned. Law and regulation change frequently, so the content may be incomplete or outdated. To the fullest extent permitted by law, Dr Alexander Ressos and the publisher of SingaporeIQ exclude all liability for loss or damage arising from the use of or reliance on this article. Readers should obtain advice on their specific circumstances before acting or refraining from action.

Names and trademarks of the entities discussed belong to their owners and are used for identification only. Their mention implies no endorsement, affiliation or allegation of wrongdoing. All Singapore law advice is provided by a duly licensed and regulated firm of Singapore advocates and solicitors only on the basis of an express written letter of engagement. Corrections and updates: contact@ressos.com.

© 2026 Dr Alexander Ressos. This article may be quoted with attribution to SingaporeIQ (SingaporeIQ.com). Reproduction in full and any commercial use require prior written consent. The Legal Terms at https://singaporeiq.com/legal-terms apply.

Author contact: Dr Alexander Ressos, TEP · contact@ressos.com