Workplace Investigations

Contributing Editors

Phil Linnard at Slaughter and May Clare Fletcher at Slaughter and May

20. What if the employee under investigation goes off sick during the investigation?



Brazil

Author: *Patricia Barboza, Maury Lobo* at CGM

Sick leave suspends the employment agreement, and as a rule the employee should not be contacted during such a suspension. The investigation may continue without the participation of the investigated employee while that employee is absent, have its conclusion suspended while he or she is on leave, and resume once the employee returns to work.

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Author: Anu Waaralinna, Mari Mohsen at Roschier

As a general rule, sick leave does not prevent an investigation from progressing. Depending on the nature of the sickness, the employee can attend hearings and take part in the procedure. If the sickness prevents the employee from participating, the employer can put the process on hold temporarily.

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Contributors



Brazil

Patricia Barboza Maury Lobo *CGM*



Anu Waaralinna Mari Mohsen *Roschier*

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