

# Workplace Investigations

## Contributing Editors

*Phil Linnard at Slaughter and May*  
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### **15. Does the employee under investigation have a right to be accompanied or have legal representation during the investigation?**

#### Finland

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at Roschier

The employee under investigation has a right to have a support person present (eg, a lawyer or an employee representative) during the hearings and a right to assistance in preparing written statements.

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#### Italy

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In principle no, because the investigations' interviews should only deal with the collection of data/or information and not have any disciplinary or accusatory purpose.

However, if the investigation leads to a disciplinary procedure, the employee – under article 7 of the Workers' Statute – has the right to ask for a meeting to present his or her justification and, on that occasion, to be assisted by a trade union representative. Employees sometimes ask to be assisted by a lawyer and companies usually accept, as a standard practice.

In defensive criminal law investigations, if the employee is suspected of having committed a crime, he or she must be interviewed with the assistance of a criminal lawyer.

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