Workplace Investigations

Contributing Editors

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

24. What next steps are available to the employer?



Author: Anu Waaralinna, Mari Mohsen at Roschier

The employer decides whether misconduct has taken place or not. Depending on the case, the employer may recommend a workplace conciliation in which the parties try to find a solution that can be accepted by both sides. The employer may choose to give an oral reprimand or a written warning. If the legal conditions are met, the employer may also terminate the employment agreement.

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Author: *Giovanni Muzina*, *Arianna Colombo* at BonelliErede

Upon completion of the investigation, the employer – if misconduct by the employee emerges – may bring disciplinary action against him or her (which may be either dismissal or a "conservative" measure such as an oral or written warning, a fine, or a suspension, within the limits provided under the law and possibly the applicable NCBA).

If a criminal offence by the employee emerges, the employer may also decide to report the crime to the public authorities (see question 25).

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Contributors



Mari Mohsen *Roschier*



Giovanni Muzina Arianna Colombo *BonelliErede*

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