iel International Employment Lawyer

## Workplace Investigations

### Contributing Editors

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

## 09. What additional considerations apply when the investigation involves whistleblowing?

### Finland

Author: *Anu Waaralinna , Mari Mohsen*
at Roschier

In respect of data protection, the processing of personal data in whistleblowing systems is considered by the Finnish Data Protection Ombudsman (DPO) as requiring a data protection impact assessment (DPIA).

Last updated on 15/09/2022

### Spain

Author: *Sergio Ponce , Daniel Cerrutti*
at Uría Menéndez

Directive (EU) 2019/1937 of the European Parliament and of the Council, of 23 October 2019, on the protection of persons who report breaches of Union law, has been implemented in Spain through Law 2/2023 (Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción). This law limits the capacity of companies to retaliate or to take any action against employees who report workplace violations or breaches of the law. Any action taken against an employee in such a position would be considered null and void if challenged in court.

Spanish law allows anonymous reports to protect whistleblowers from retaliation.

Last updated on 06/11/2023

### Switzerland

Author: *Laura Widmer , Sandra Schaffner*
at Bär & Karrer

If an employee complains to his or her superiors about grievances or misconduct in the workplace and is

subsequently dismissed, this may constitute an unlawful termination (article 336, Swiss Code of Obligations). However, the prerequisite for this is that the employee behaves in good faith, which is not the case if he or she is (partly) responsible for the grievance.

Last updated on 15/09/2022

## Contributors

### Finland

Anu Waaralinna
Mari Mohsen
*Roschier*

### Spain

Sergio Ponce
Daniel Cerrutti
*Uría Menéndez*

### Switzerland

Laura Widmer
Sandra Schaffner
*Bär & Karrer*