

# Workplace Investigations

## Contributing Editors

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

### **16. If there is a works council or trade union, does it have any right to be informed or involved in the investigation?**

#### Philippines

Author: *Rashel Ann C. Pomoy*  
at Villaraza & Angangco

Except if provided expressly under a collective bargaining agreement, the union does not have the right to be involved in the investigation. Given that the investigation is between the employee and the company, it follows that the union does not have any right to participate in the investigation proceedings.

Last updated on 26/01/2023

#### Switzerland

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

In general, works councils and trade unions are not very common in Switzerland and there are no statutory rules that would provide a works council or trade union a right to be informed or involved in an ongoing internal investigation. However, respective obligations might be foreseen in an applicable collective bargaining agreement, internal regulations or similar.

Last updated on 15/09/2022

#### United States

Author: *Rachel G. Skaistis, Eric W. Hilfers, Jenny X. Zhang*  
at Cravath, Swaine & Moore

Employers generally have no obligation to inform employees of their right to union representation or to ask if they would like a union representative present during the interview. Union employees may insist, however, that a union representative attend any investigatory interview that could lead to the employee's

punishment, although the union representative may not interfere with the interview.

Last updated on 15/09/2022

## Contributors



### Philippines

Rashel Ann C. Pomoy  
*Villaraza & Angangco*



### Switzerland

Laura Widmer  
Sandra Schaffner  
*Bär & Karrer*



### United States

Rachel G. Skaistis  
Eric W. Hilfers  
Jenny X. Zhang  
*Cravath, Swaine & Moore*