

Workplace Investigations

Contributing Editors

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

13. Can non-disclosure agreements (NDAs) be used to keep the fact and substance of an investigation confidential?

Finland

Author: *Anu Waaralinna, Mari Mohsen*
at Roschier

Yes, however, the need for an NDA is assessed always on a case-by-case basis.

Last updated on 15/09/2022

Germany

Author: *Hendrik Bockenheimer, Susanne Walzer, Musa Müjdecı*
at Hengeler Mueller

In principle, it is possible to conclude non-disclosure agreements with external consultants of the investigation or with employees involved in the investigation. However, regarding external lawyers, a non-disclosure agreement is not necessary since lawyers are already subject to professional confidentiality. Concerning employees, it is rare in Germany to conclude confidentiality agreements in connection with a workplace investigation.

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Switzerland

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

In addition to the above-mentioned statutory confidentiality obligations, separate non-disclosure agreements can be signed. In an internal investigation, the employee should be expressly instructed to maintain confidentiality.

Contributors



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Anu Waaralinna

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Switzerland

Laura Widmer

Sandra Schaffner

Bär & Karrer