

# Workplace Investigations

## Contributing Editors

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

#### Australia

Author: *Joydeep Hor, Kirryn West James, Chris Oliver*  
at People + Culture Strategies

A trade union does not have any right to be informed of, or involved in, an investigation by an employer. However, an employee may request that their support person is a trade union member or trade union representative. This is appropriate and should be permitted.

Employers should review the terms of an employment contract, policy or industrial instrument as this may contain terms regarding trade union involvement. In particular, heavily-unionised workplaces may contain enterprise agreements which contain relevant clauses.

Last updated on 25/09/2023

#### Switzerland

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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.

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#### United Kingdom

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Aside from the statutory right to be accompanied (see question 15), any further involvement by the works council or trade union would depend on the terms of the relevant works council or trade union recognition agreement.

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