

# 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?**



#### Australia

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

Non-disclosure agreements, also known as confidentiality agreements, can be used to maintain the confidentiality of the investigation. In this agreement, the employee will be directed to maintain confidentiality concerning the investigation and matters that are the subject of the investigation, and not speak to anyone outside the investigation team about the investigation without authorisation.

Confidentiality agreements are legal documents. Employees should be informed that a breach of the confidentiality agreement could result in disciplinary action being taken against them, up to and including termination of their employment.

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#### Portugal

Author: *André Pestana Nascimento*  
at Uría Menéndez - Proença de Carvalho

Please see question 12 above. NDAs are not admissible.

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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.

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## Contributors



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Joydeep Hor  
Kirryn West James  
Chris Oliver  
*People + Culture Strategies*



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André Pestana Nascimento  
*Uría Menéndez - Proença de Carvalho*



### Switzerland

Laura Widmer  
Sandra Schaffner  
*Bär & Karrer*

[www.internationalemploymentlawyer.com](http://www.internationalemploymentlawyer.com)