

Workplace Investigations

Contributing Editors

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18. What if unrelated matters are revealed as a result of the investigation?

Greece

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If any unrelated matters are revealed as a result of an investigation and are of legal importance, the applicable legal provisions must be implemented and any relevant policies or agreements between the involved parties should be taken into account. For example, if the reporting procedure sheds light on other criminal acts, criminal law procedure may be followed if the matter is reported to the competent authorities.

If these unrelated matters fall under the ambit of another company's policies, the relevant procedures may also be followed separately. However, the employee under investigation must be allowed to defend him or herself, otherwise he or she may raise complaints relating to the procedural guarantees of the investigation.

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Netherlands

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If the investigation yields unrelated matters, the employer will need to decide whether such matters should be followed up in the same or a separate investigation. If such matters include new allegations against an employee that are already involved in the investigation, the employer should, before interviewing (or at the start of such an interview) inform the implicated employees of the relevant new allegations that are the subject of the investigation.

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Switzerland

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There are no regulations in this regard in the Swiss employment law framework. However, in criminal proceedings, the rules regarding accidental findings apply (eg, article 243, Swiss Criminal Procedure Code for searches and examinations or article 278, Swiss Criminal Procedure Code for surveillance of post and telecommunications). In principle, accidental findings are usable, with the caveat of general prohibitions on the use of evidence.

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