

Workplace Investigations

Contributing Editors

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

05. Can the employee under investigation bring legal action to stop the investigation?

Finland

Author: *Anu Waaralinna, Mari Mohsen*
at Roschier

The employee does not have a legal right to stop the investigation. The employer must fulfil its obligation to investigate the alleged misconduct.

Last updated on 15/09/2022

Philippines

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

There is generally no legal remedy for an employee to stop a workplace investigation as it is the prerogative of management to conduct it. Nevertheless, if the employee alleges violation of any specific law or contractual provision in the conduct of the investigation, the employee may be able to seek judicial relief for violation of the law or contract, and ask for interim relief.

Last updated on 26/01/2023

Switzerland

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

The accused could theoretically request a court to stop the investigation, for instance, by arguing that there is no reason for the investigation and that the investigation infringes the employee's personality rights. However, if the employer can prove that there were grounds for reasonable suspicion and is conducting the investigation properly, it is unlikely that such a request would be successful.

Contributors



Finland

Anu Waaralinna

Mari Mohsen

Roschier



Philippines

Rashel Ann C. Pomoy

Villaraza & Angangco



Switzerland

Laura Widmer

Sandra Schaffner

Bär & Karrer