

Workplace Investigations

Contributing Editors

Phil Linnard at Slaughter and May
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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

Switzerland

Author: *Laura Widmer, Sandra Schaffner*
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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.

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09. What additional considerations apply when the investigation involves whistleblowing?

Finland

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In respect of data protection, the processing of personal data in whistleblowing systems is considered by the Finnish Data Protection Ombudsman (DPO) as requiring a data protection impact assessment (DPIA).

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Switzerland

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If an employee complains to his or her superiors about grievances or misconduct in the workplace and is subsequently dismissed, this may constitute an unlawful termination (article 336, Swiss Code of Obligations). However, the prerequisite for this is that the employee behaves in good faith, which is not the case if he or she is (partly) responsible for the grievance.

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