

# 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?

### Ireland

Author: *Bláthnaid Evans, Mary Gavin*  
at Ogier

Arguably yes, but it is the exception rather than the rule and it will depend upon the circumstances of the case. Generally, courts would be slow to intervene in ongoing workplace investigations. However, an employee may seek injunctive relief to prevent an investigation if they can show that the investigation is being conducted in breach of a policy or breach of fair procedures to such an extent that there is no reasonable prospect that the investigation's outcome(s) could be sustainable.

Last updated on 11/10/2023

### Poland

Author: *Wioleta Polak, Aleksandra Stępniewska, Julia Jewgraf*  
at WKB Lawyers

This is unlikely. Theoretically, an employee can file a claim against an employer concerning the infringement of personal rights in the course of an investigation and a motion to secure his or her claims, which would consist of an employer being forced to suspend the proceedings, but in practice we have not encountered such a situation.

Last updated on 20/04/2023

### 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.

Last updated on 15/09/2022

## Contributors



### Ireland

Bláthnaid Evans  
Mary Gavin  
*Ogier*



### Poland

Wioleta Polak  
Aleksandra Stępniewska  
Julia Jewgraf  
*WKB Lawyers*



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Laura Widmer  
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*Bär & Karrer*

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