

# Workplace Investigations

## Contributing Editors

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

### **16. If there is a works council or trade union, does it have any right to be informed or involved in the investigation?**

#### Ireland

Author: *Bláthnaid Evans, Mary Gavin*  
at Ogier

This will depend on the agreement with the works council or trade union. The employee who is the respondent to the investigation may have views on their trade union being informed, aside from any agreement, which should be taken into account under GDPR provisions.

Last updated on 11/10/2023

#### Poland

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

There is no such obligation, unless it is provided for in an internal procedure or, for example, in the applicable collective bargaining agreement. It is neither a recognised practice nor recommended that such persons participate in the investigation.

However, in the event of violations that justify the termination of an employment contract with the employee, the employer should consult with that employee's union about their intention to immediately terminate any employment contract concluded with that person or to terminate, with notice, the employment contract agreed with him or her for an indefinite term, or apply for consent to terminate the employment contract with an employee who is protected by a union.

Last updated on 20/04/2023

#### Switzerland

Author: *Laura Widmer, Sandra Schaffner*

at Bär & Karrer

In general, works councils and trade unions are not very common in Switzerland and there are no statutory rules that would provide a works council or trade union a right to be informed or involved in an ongoing internal investigation. However, respective obligations might be foreseen in an applicable collective bargaining agreement, internal regulations or similar.

Last updated on 15/09/2022

## Contributors



### Ireland

Bláthnaid Evans  
Mary Gavin  
*Ogier*



### Poland

Wioleta Polak  
Aleksandra Stępniewska  
Julia Jewgraf  
*WKB Lawyers*



### Switzerland

Laura Widmer  
Sandra Schaffner  
*Bär & Karrer*