

# Workplace Investigations

## Contributing Editors

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

## 24. What next steps are available to the employer?

### Japan

Author: *Chisako Takaya*  
at Mori Hamada & Matsumoto

In an investigation into an employee's misconduct, based on the results of the investigation, disciplinary action will be considered if there are grounds for disciplinary action, and dismissal will also be considered. Personnel actions (eg, dismissal, reassignment) may also be taken.

Last updated on 15/09/2022

### Spain

Author: *Sergio Ponce, Daniel Cerrutti*  
at Uría Menéndez

After the conclusion of the enquiry, a company may choose to:

- close the investigation without taking any additional action; or
- adopt disciplinary measures against the employee.

These could range from a verbal or written warning to the suspension of work and pay for a set period. Disciplinary dismissals are also possible, but they are reserved for very serious offences.

Note that any disciplinary measure will have to follow the procedures that might be established in the applicable collective bargaining agreement, such as informing employee representatives or following a grievance procedure before adopting the measure.

Last updated on 15/09/2022

### Switzerland

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

If the investigation uncovers misconduct, the question arises as to what steps should be taken. Of course, the severity of the misconduct and the damage caused play a significant role. Furthermore, it must be noted that the cooperation of the employee concerned may be of decisive importance for the outcome of the investigation. The possibilities are numerous, ranging, for example, from preventive measures to criminal complaints.<sup>[1]</sup>

If individual disciplinary actions are necessary, these may range from warnings to ordinary or immediate termination of employment.

---

<sup>[1]</sup> David Rosenthal et al., *Praxishandbuch für interne Untersuchungen und eDiscovery*, Release 1.01, Zürich/Bern 2021, p. 180 et seq.

Last updated on 15/09/2022

## Contributors

### Japan

Chisako Takaya  
*Mori Hamada & Matsumoto*

### Spain

Sergio Ponce  
Daniel Cerrutti  
*Uría Menéndez*

### Switzerland

Laura Widmer  
Sandra Schaffner  
*Bär & Karrer*