

Workplace Investigations

Contributing Editors

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

19. What if the employee under investigation raises a grievance during the investigation?

Poland

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

It depends on the internal policies in force in the organisation. Most often, it constitutes the basis for separate proceedings.

Last updated on 20/04/2023

Switzerland

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

In the context of private internal investigations, grievances initially raised by the employee do not usually have an impact on the investigation.

However, if the employer terminates the employment contract due to a justified legal complaint raised by an employee, a court might consider the termination to be abusive and award the employee compensation in an amount to be determined by the court but not exceeding six months' pay for the employee (article 336 paragraph 1 (lit. b) and article 337c paragraph 3, Swiss Code of Obligations). Furthermore, a termination by the employer may be challenged if it takes place without good cause following a complaint of discrimination by the employee to a superior or the initiation of proceedings before a conciliation board or a court by the employee (article 10, Federal Act on Gender Equality).

Last updated on 15/09/2022

Contributors

 Poland

Poland

Wioleta Polak
Aleksandra Stępniewska
Julia Jewgraf
WKB Lawyers

Switzerland

Laura Widmer
Sandra Schaffner
Bär & Karrer

www.internationalemploymentlawyer.com