

How to act now?

If you or your company are confronted by investigating or supervising authorities, it is important to remember the following.

- Many supervisors also have investigative powers, making them special investigating officers. For instance: the Inspectorate SZW (Social Affairs & Employment), the Human Environment & Transport Inspectorate, regional environmental services, the Health Care Inspectorate, municipal and provincial supervisory bodies.
- Contrary to popular impression, you are not always under obligation to provide information.
- There is an important distinction between a request to provide information and a demand or order to provide information.
- There are important legal prerequisites for demands/orders. If these are not met, the demand/order is unlawful. If need be, we can swiftly assess whether this is the case and will advise you on your position.
- By definition, everything you volunteer (that is: upon request) can be used in evidence. For instance: documents and (witness) statements provided voluntarily.
- Investigating officers cannot order you to make a statement. However, if you make a voluntary statement, it can be used in evidence. Recanting or amending a previous statement can be difficult.
- It has been our experience, that it is prudent not to make a statement nor voluntarily cooperate with a request, without prior specialist legal advice.
- You should ask yourself whether, in the initial stage of an investigation, you have sufficient (factual and legal) information to assess the possible consequences of providing information, or not. We can help you gather the relevant information and assist you in your considerations.
- Understandably, one tends to act quickly. However, swiftness should not be at the cost of quality. No matter how much time pressure there appears to be, there is always time to get advice. We will then help you get things in motion fast.
- We can also render legal assistance during searches and interviews, advising you on what's wise in situ.
- If you need written instructions on how to act with an investigation or supervisory officer on your doorstep, call or e-mail us.

In case of emergency, we are available 24 hours a day.