



An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

Statement by the Ireland National Contact Point for the OECD Guidelines for Multinational Enterprises

**Specific Instance Complaint from a Number of
Complainants against Schweppes Holdings Limited**

Summary of the Ireland NCP Decision

1. A Specific Instance was submitted to the Ireland NCP on October 17, 2022, by John Bugabo Namegabe, on behalf of Maurice Matadi Kajangu, Romain Bazira Bankulikire, Chrispain Belebele Ntumba, Telesphore Kazunguzibwa Masumbuko, (hereinafter “the Complainants”). The complaint was against Schweppes Holdings Limited (SHL) (hereinafter “the Company”).
2. The complaint related to with Chapters I (Concepts and Principles), II (General Principles), IV (Human Rights), V (Employment and Industrial Relations), and XI (Taxation) of the Guidelines.
3. The Complainants are former workers of a manufacturing company, Bralima in the Democratic Republic of the Congo. The complaint was submitted to the Ireland NCP as it was alleged that Bralima has a “business relationship” with the Company, a subsidiary of The Coca Cola Company headquartered in Ireland, which authorises the manufacture, packaging, merchandising and distribution of the "Schweppes" branded beverages.
4. The Complainants alleged that the Company had not met their obligations under the Guidelines by failing to execute due diligence and remediation in its ongoing business relationship with Bralima, and that it failed to prevent or mitigate adverse impacts linked to the terminations of the Complainants’ employment, while benefitting from Bralima’s involvement in the manufacturing of Schweppes products.
5. In its response, the Company stated its commitment to responsible business conduct in a manner consistent with the Guidelines, highlighting its implementation of the Supplier Guiding Principles (SGP), Human Rights Policy (HRP), Supplier Code of Business Conduct and KO Operation Requirements (KORE) set down by The Coca Cola Company, the parent company, along with additional training and guidance provided to actors in the value chain. The Company also referenced several independent audits regarding Bralima, along with previous engagement with Heineken regarding the issues raised in the complaint.
6. The Ireland NCP noted that similar complaints were submitted to the Dutch NCP in 2015, 2018 and 2019 against Heineken N.V. based in Amsterdam, and to the US NCP in 2020 against The Coca Cola Company based in Atlanta, and that these cases have been addressed and concluded.

7. In relation to the complaint submitted to the US NCP in August 2020 by the same four Complainants, it appeared to be the same complaint submitted to the Dutch NCP in November 2019, except the allegations were against The Coca Cola Company. The US NCP declined to offer mediation to the submitters, as *“the same submitters previously submitted the same set of underlying facts in claims to the Dutch NCP, multiple times in some cases, the Dutch NCP has addressed them, and the situation offers no evident reason that would favour reassessment by the US NCP. Second, the US NCP agrees with the Dutch NCP that the Guidelines do not normally cover “an individual lab[o]r dispute” such as those raised here. These reasons led the US NCP to conclude that the issues raised by the submitters do not merit further examination under the Guidelines.”*
8. The US NCP’s statement refers to the [OECD’s Guide for National Contact Points on the Initial Assessment of Specific Instances](#), stating that *“Procedural Guidance does not preclude NCPs from considering submissions previously handled by other NCPs, but the guide also states that NCPs should consider whether an offer of good offices could make a positive contribution to the resolution of the issues raised. Furthermore, NCPs coordinate to avoid duplicative handling of the same case concurrently, which would waste resources, and NCPs are not meant to serve as an appellate body to review each other’s decisions.”*
9. The Ireland NCP asked the Complainants to clarify if their submission contained any new or additional information that was not included in the submissions to the other NCPs referenced above. The Complainants confirmed that the content of the complaint had not changed, except that it was addressed to a different NCP and a different company, which is a subsidiary of The Coca Cola Company.
10. On this basis, the Ireland NCP agreed with the positions of the other two NCPs and saw no reason for revisiting their decisions given that no new issues had been presented in the current complaint. As such, the Ireland NCP deemed that this complaint does not merit further consideration in this instance.
11. This statement is now published in lieu of an Initial Assessment since issues raised in the complaint have already been assessed and addressed by the NCP process.

ENDS

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OECD Guidelines for Multinational Enterprises
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