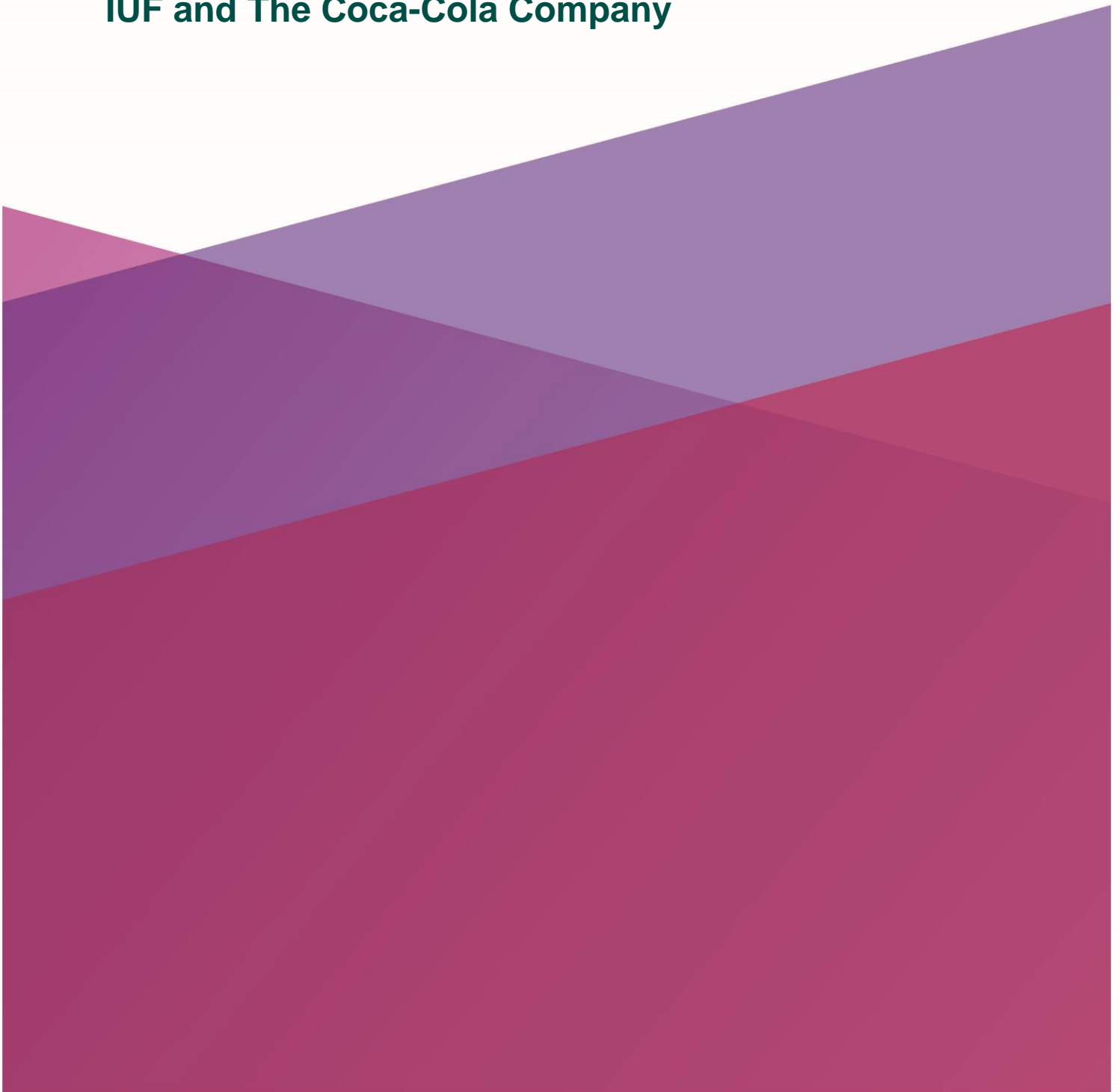




An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

Follow Up Statement - Ireland National Contact Point for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

IUF and The Coca-Cola Company



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The OECD Guidelines for Multinational Enterprises are recommendations on responsible business conduct (RBC), addressed by Governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for RBC in a global context consistent with applicable laws and internationally recognised standards. As an adhering country, Ireland is required to maintain a National Contact Point (NCP) to promote and raise awareness of the Guidelines and to consider complaints of alleged non-observance of the Guidelines.

The Ireland NCP is a standalone unit in the Department for Enterprise, Trade and Employment.

Summary

1. On 27th June 2023 the Ireland National Contact Point (NCP) concluded the Specific Instance regarding an alleged violation of the OECD Guidelines for Multinational Enterprises by The Cola Company (TCCC), specifically its wholly owned concentrate manufacturing operation in Ballina, Co. Mayo - Ballina Beverages, (“the Company”). The Specific Instance was submitted by IUF, a global Union Federation for trade unions representing workers in the food, agricultural, hotel, restaurant, catering, tobacco, and allied sectors (“the Complainant”). The Irish trade Union, SIPTU, is affiliated with the Complainant and is associated with the complaint against the Company.
2. The complaint concerned issues related to collective bargaining and protection for whistleblowers. The Complainants alleged non-observance of the chapters of the Guidelines on Employment and Industrial Relations (Chapter V), Human Rights (Chapter IV), and General Policies (Chapter II).
3. The Ireland NCP examined the complaint and decided that one aspect of the complaint (collective bargaining) merited further consideration. Both parties accepted the NCP’s offer of mediation on this aspect of the complaint¹.
4. In-person mediation took place on 26-27 May 2022 with the services of an external and professional mediator. The mediation proved to be successful in terms of generating a dialogue between the parties and helped achieve a common understanding of their respective positions. They agreed to adjourn and re-engage either following the publication of a report on the industrial relations landscape in Ireland or by June 2023 at the latest. The report was published in Q4 2022, and the Ireland NCP reengaged with the parties to invite them to continue the mediation process.
5. A further day of mediation took place on 5 April 2023 the same external mediator. It resulted in the parties reaching a confidential agreement. The NCP published the [Final Report](#) on 27th June 2023, and, with this, the Specific Instance was concluded.

Outcome of the Good Offices Process

6. At the end of the final mediation session, the parties concluded a confidential agreement. While the OECD procedural guidance favours transparency, it also recognises the countervailing principle that confidentiality may promote the purposes of the Guidelines in certain situations, specifically recognising that NCPs should disclose information on the content of an agreement “only . . . insofar as the parties involved agree thereto”². As noted above, the parties’ agreement in this case is confidential.

¹ Offering mediation in this specific instance was not a determination on the merits of the claims presented. It was an offer to provide a platform for dialogue in a voluntary, confidential, and good faith manner to help parties find a resolution to the issues meriting further examination.

² Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, para. 9, available in OECD Guidelines, supra note 1, at p.79; Procedural Guidance, I.C.3(b), available in OECD Guidelines, supra note 1, at p.73; see also OECD, Guide for National Contact Points on Confidentiality and Campaigning when handling Specific Instances (2019), <https://mneguidelines.oecd.org/Guide-for-NCPs-on-Confidentiality-and-campaigning-when-handling-specific-instances.pdf>

7. As part of the NCP's Final Report, it was recommended that the parties follow through on the actions identified in the confidential agreement which they both agreed to. The Ireland NCP indicated that it would follow up with the parties to ascertain if they have fulfilled their commitments per the confidential agreement and may issue a follow up statement on the matter.

Conclusions of the NCP

8. The Ireland NCP received correspondence from the Complainant on 6 September 2023 and subsequently contacted the Company on 19 September 2023 to ascertain whether the parties followed through on the actions outlined in the confidential agreement.
9. The NCP notes that whilst both parties engaged actively and constructively with the NCP process at every stage, aspects of the complaint remain unresolved.
10. The Ireland NCP encourages and recommends that the parties continue to work together outside the NCP process, via the existing frameworks in place between the organisations to further maintain and build on their long-standing relationship to engage on unresolved matters.

ENDS

**Ireland National Contact Point
OECD Guidelines for Multinational Enterprises on Responsible Business Conduct
Department of Enterprise, Trade and Employment**