

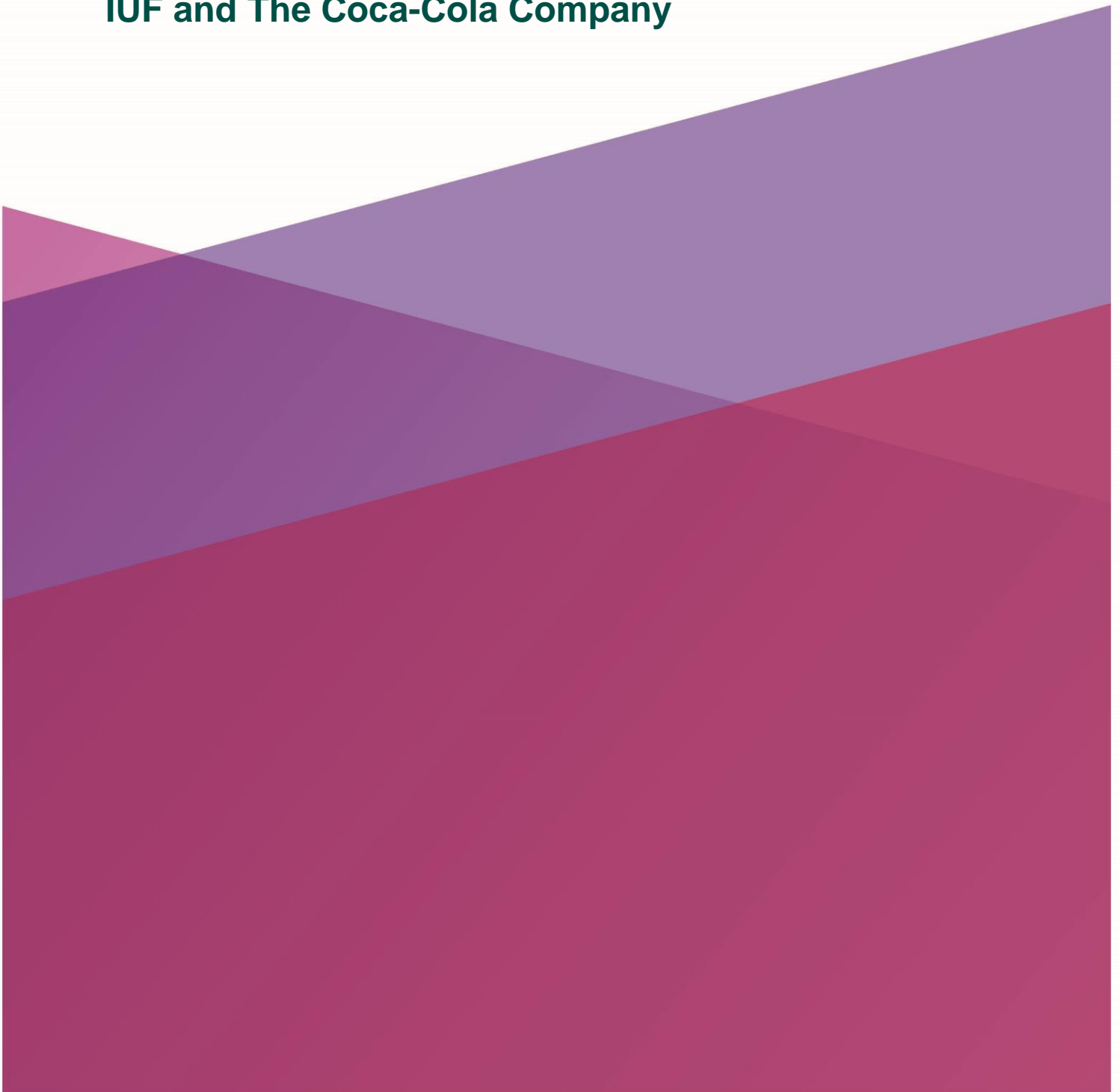


An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

Intermediary Statement

Ireland National Contact Point for the OECD Guidelines for Multinational Enterprises

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.

Executive Summary

- The Ireland NCP received a complaint under the Guidelines from the IUF against The Coca-Cola Company in August 2018.
- Following the publication of the Initial Assessment on 13 August 2021, the Ireland NCP proceeded to the ‘good offices’ stage. Two days of mediation took place in Dublin 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, who 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 Ireland NCP decided to continue to offer its good offices should both parties formally request it by June 2023.

A. Main steps taken by Ireland NCP since the Initial Assessment publication

1. On 21 August 2018, the Ireland NCP for the implementation of the OECD Guidelines for Multinational Enterprises received a specific instance from the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Worker’s Association (IUF) against The Coca-Cola Company.
2. On 13 August 2021, the Ireland NCP published its initial assessment offering its good offices to assist the parties develop a mutually agreed upon resolution in connection with the standards expected under Chapter V, Article 1(b) of the Guidelines (right to collective bargaining) at The Coca-Cola Company’s wholly owned franchised operation located in Ireland (Ballina Beverages).
3. The Ireland NCP procured the services of an external, professional mediator that was agreed by both parties to conduct the mediation sessions.
4. Terms of reference drafted by the Ireland NCP were agreed by the parties and the mediator.

B. The mediation

5. Offering mediation in this specific instance is not a determination on the merits of the claims presented. It is 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.
6. Terms of reference had been agreed in advance of the two days of mediation which took place on 26-27 May 2022, allowing the external mediator to guide the sessions.
7. The Ireland NCP was not present during the confidential mediation sessions but was available to provide logistical support or information on the NCP process handling specific instances.
8. At the end of the second day of mediation, the external mediator informed the Ireland NCP that *“the parties engaged in good faith in the mediation process, and have further agreed to re-engage in the process at a later date.”*

9. The parties note the ongoing work of the Labour Employer Economic Forum (LEEF) review of Collective Bargaining and Industrial Relations Landscape in Ireland which is at the public consultation phase. They have agreed to adjourn the mediation pending the report of the High-Level Working Group. They will resume mediation following the publication of the report or in the event the report is not published by 1 June 2023, they have also agreed to re-engage.

C. Conclusion at this stage and decision from the Ireland NCP

10. The Ireland NCP notes both parties engaged in the process in good faith and agreed to adjourn and re-engage in mediation by June 2023.
11. The Ireland NCP encourages the parties to continue their dialogue on the issues raised and confirms that it will continue to facilitate the mediation per their agreement.

ENDS

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