



National Contact Point

for the OECD Guidelines for Multinational Enterprises

Initial Assessment

Kajangu, Bankulikire, Ntumba and Masumboko vs.
Bralima (Bukavu, DRC) and Heineken N.V.

30 maart 2020

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Notification to the Netherlands National Contact Point by Mr Kajangu, Mr Bankulikire, Mr Ntumba and Mr Masumboko concerning an alleged violation of the OECD Guidelines for Multinational Enterprises by Bralima and Heineken N.V. (4 November 2019).

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1. Summary of the notification

On 4 November 2019 Mr Kajangu, Mr Bankulikire, Mr Ntumba and Mr Masumboko submitted a specific instance with the Netherlands National Contact Point with regard to an alleged violation of the OECD Guidelines for Multinational Enterprises (hereafter: the Guidelines) by Bralima, based in Bukavu, Democratic Republic of Congo and its parent company Heineken N.V. based in Amsterdam, the Netherlands.

The complainants are former employees of Bralima. According to the complainants the circumstances under which their employment contracts with Bralima were terminated were unlawful and compensation was withheld or wrongly calculated. Also, they state that the company failed to comply with its Code of Conduct and has engaged in unfair competition and corruption.

The complainants state that the companies did not observe the following chapters of the Guidelines: Concepts and Principles (Chapter I), General Policies (chapter II), Employment and Industrial Relations (chapter V) and Combating Bribery (Chapter VII).

2. Conclusion

The Netherlands NCP concludes that the notification does not merit further consideration based on the following:

Mr Kajangu's underlying complaint is similar to his previous complaint filed on 17 October 2018. The NCP concluded in this case on 7 August 2019¹ that it did not merit further consideration since it is an individual labour dispute and these issues are in principle not covered by the Guidelines, unless there are wider aspects or implications to the case that are relevant to the Guidelines. The NCP had not found such wider aspects or implications in this case. Since the underlying complaint does not present new relevant information the NCP will not take Mr Kajangu's case into further consideration.

Mr Bankulikire's and Mr Ntumba's complaints raise issues which are similar to Mr Kajangu's complaint of 17 October 2018. Since the nature of the cases of these two complainants are similar and the NCP had concluded that Mr Kajangu's complaint of 17 October 2018 did not merit further consideration, the NCP decided not to handle these cases according to the regular specific instance procedure² which would include holding meetings with parties involved and publishing a full Initial Assessment. Instead it herewith declares that neither of these cases merit further consideration as they concern individual labour disputes and these issues are in principle not covered by the Guidelines, unless there are wider aspects or implications to the case that are relevant to the Guidelines. The NCP had not found such wider aspects or implications in these cases.

Mr Masumboko's complaint has already been handled in the specific instance 'Former employees of Bralima vs. Bralima and Heineken', which was filed on 14 December 2015 and concluded on 18 August 2017³. Since the underlying complaint has presented no new relevant information the NCP will not take Mr Masumboko's case into further consideration.

¹ <https://www.oesorichtlijnen.nl/meldingen/documenten/publicatie/2019/08/07/kajangu-vs-bralima-en-heineken>

² <https://www.oecdguidelines.nl/notifications/specific-instance-procedure>

³ <https://www.oesorichtlijnen.nl/meldingen/documenten/publicatie/2017/08/18/eindverklaring-melding-voormalige-werknemers-bralima-%E2%80%93-bralima-en-heineken>

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