



National Contact Point

for the OECD Guidelines for Multinational Enterprises

Initial Assessment

Dewan Pengurus Pusat (Konfederasi)
Serikat Buruh Sejahtera Indonesia vs CNV

28 September 2020

ArgentinaAustraliaAustriaBelgiumBrazilCanadaChileColombiaCzechRepublicDenmarkEgyptEstoniaFinlandFranceGermanyGreeceHungaryIcelandIrelandIsraelItalyJapan

Notification to the Netherlands National Contact Point by the Dewan Pengurus Pusat (Konfederasi) Serikat Buruh Sejahtera Indonesia concerning an alleged violation of the OECD Guidelines for Multinational Enterprises by CNV (5 May 2020).

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1. Summary of the notification

On 5 May 2020, Muchtar B. Pakpahan, in his capacity of chairman of the Dewan Pengurus Pusat (Konfederasi) Serikat Buruh Sejahtera Indonesia, (K)SBSI (English: National Board of (Confederation) Indonesia Prosperity Trade Union) 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 CNV, a Dutch trade union.

The notifying party is a trade union based in Indonesia. According to the notifying party, CNV is illegally (i.e. against decisions of Indonesian courts) cooperating with and funding another trade union based in Indonesia, which is using an almost identical name (DEN Konfederasi Serikat Buruh Seluruh Indonesia) with the same acronym (KSBSI) as the notifying party.

According to the notifying party, the purpose of the specific instance is, to either stop CNV from cooperating with and funding of DEN KSBSI, or - alternatively - if CNV wants to continue to cooperate and fund that organization, to ensure that it uses a different acronym.

2. Conclusion

In accordance with the OECD Guidelines and the Dutch NCP Specific Instance Procedure, the NCP concludes that, in light of the following considerations, the notification does not merit further consideration. This means the NCP will not offer its good offices and herewith the procedure has ended.

As the notification does not refer to any provisions of the Guidelines nor does the notifying party raise issues which are covered by the Guidelines, the issues raised cannot be considered neither material nor substantiated under the Guidelines.

Furthermore, CNV, a Dutch trade union organisation, is not a multinational enterprise as is understood by the Guidelines, nor does the specific instance refer to any commercial activity of CNV that could be understood as being possibly covered by the Guidelines.

Finally, the NCP considered that the handling of the notification would not contribute to achieving the Guidelines' objectives nor enhance their effectiveness.

Based on the above the NCP decided to not handle the notification according to its regular specific instance procedure which would include holding meetings with the parties involved and publishing a full Initial Assessment.

Additional information: A notification of a similar nature (by the same notifying party, against two trade union organisations based in Belgium) was filed with the Belgian NCP. The Dutch and the Belgian NCP had an exchange of views to discuss possible differences and similarities between the cases, and to coordinate their responses.

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