



Final statement

NCP Specific Instance UNI Global Union vs IKEA

Date: 6 July 2023

In accordance with the Procedural Guidance to the OECD Guidelines for Multinational Enterprises, following conclusion of a specific instance and after consultation with the Parties involved, the NCP will make the results of the procedures publicly available.

This Final statement describes the issues raised and the procedures initiated by the NCP to assist the Parties. The outcomes of the good offices have been included upon agreement of both Parties.

As specific instances are not legal cases and NCPs are not judicial bodies, NCPs cannot directly order compensation nor compel Parties to participate in a conciliation or mediation process.

Table of Contents

Executive summary	2
Substance of the submission and the enterprise's initial response	3
Initial assessment by the NCP	5
The proceedings of the NCP	5
Outcome of the good offices	7
Conclusion and recommendations of the NCP	8
Follow up (Evaluation)	9
Annex: Agreement between Ingka Group and UNI Global Union based on the mediation at the NCP	10

Executive summary

On 27 September 2018 UNI Global Union (hereinafter: UNI), a global union federation based in Switzerland, together with its affiliates the UFCW operating in the United States; Mandate Trade Union operating in Ireland; SITESE operating in Portugal; and the Dutch FNV as a supporting voice, submitted a specific instance to the Dutch National Contact Point (NCP) regarding an alleged violation of the OECD Guidelines for Multinational Enterprises (hereinafter: the Guidelines) by IKEA Group (formally “Ingka Holdings B.V.”, hereinafter: Ingka Group), which has its headquarters in the Netherlands.

The notification concerned the alleged actions of IKEA in the USA (2016-2017), Ireland (2009-2011) and Portugal (2013-2014 and 2017-2018) with regard to anti-trade union activities. The issue that has arisen is the alleged failure of due diligence by Ingka Group global management in the Netherlands. The Dutch NCP, as a lead NCP, coordinated with the NCPs of Portugal, Ireland and the USA during the Initial Assessment phase and shared its draft Final Statement with the other NCPs.

In its [Initial Assessment](#) of 12 June 2019, the NCP determined that the issues raised against IKEA merited further consideration on the basis of the criteria laid out in the commentary to the Procedural Guidance for NCPs, para 25 and offered its good offices to the Parties. Both Parties accepted the good offices of the NCP.

The NCPs good offices started in June 2019 and ended with the last dialogue meeting of 14 December 2022.

Between 30 June 2019 and 27 November 2019 three dialogue meetings took place between representatives of UNI and of Ingka Group, facilitated by the NCP. During the last meeting, the Parties agreed to work on an Agreement on global principles that would include text on access to the workplace and neutrality. Access to the workplace means union access to IKEA premises for purposes of communicating with employees. Neutrality means that the Parties expect of leaders, management or any third-party representatives of the enterprise a neutral view towards joining a trade union/co-worker association and encourage social dialogue.

During the year 2020 the Parties, assisted by the NCP, worked further on the details of the Agreement on global principles. In January 2021, the Parties agreed on the final text of the Agreement based on the mediation at the NCP. The signed Agreement is an annex to this Statement. The Parties agreed that this agreement on principles would be used as a framework for meetings at the local level in the USA, Portugal and Ireland between representatives of the Parties at the global level as well as the local level without the NCP attending. It could also be used in other countries.

Between December 2021 and the end of October 2022, these local talks took place in the USA (8), Portugal (1) and Ireland (1). Due to Covid-19 travel restrictions, the local talks sometimes had to be postponed and therefore started later than expected. The Parties reported back to the NCP on progress at the local level on a regular basis.

In Portugal, the Parties agreed to focus on the future, continue the social dialogue and discuss some of the challenges that remain, including lack of a collective agreement and how the Parties can establish a Works Council, according to local laws, rules and regulations.

The meeting in Ireland has not led to an agreement on the concerns raised by the submitting party regarding the local situation in Ireland.

In November 2022, the Parties reported back to the NCP that they made progress on several issues in the USA but had not reached an overall agreement yet.

The NCP then offered to facilitate one joint meeting in order to assist the Parties in moving forward towards an agreement at the local level in the USA. On 14 December 2022 this dialogue meeting between the Parties' representatives at the global and the local level, which took place in The Hague did not result in an agreement between the Parties.

The good offices ended after the last dialogue meeting of 14 December, subsequently the NCP started to prepare its Final Statement.

Concluding, the NCP regrets that it hasn't been possible to reach agreement at the local level in the USA on the implementation in practice of access to the workplace, despite the fact that the principles laid down in the Agreement between the Parties based on the mediation at the NCP contained relevant elements for reaching agreements at the local level.

The NCP notes that it remains difficult, especially in the USA context, to reach agreement on some of the issues raised such as the implementation in practice of access to the workplace for the union that wants to reach out to potential members in order to organize them in sufficient numbers to arrive at registration and recognition. In the view of the NCP, this is a precondition to realize the fundamental right of freedom of association as well as the right to collective bargaining in practice. It is part of the due diligence expected of Ingka Group as the parent company under the OECD Guidelines to ensure that the conditions to realize these fundamental labour rights are fulfilled in the countries where IKEA is operating

Therefore, the NCP recommends that the Parties at the local level in the USA continue their dialogue and work towards finding a practical solution concerning union access to the workplace that is in line with the Agreement reached between the Parties.

The NCP encourages the Parties at the local level in Portugal to continue their constructive dialogue with a view to implementing the Agreement on global principles. The NCP also encourages the Parties in Ireland to further engage on establishing a constructive dialogue while focusing on the future with a view to implementing the Agreement on global principles.

In June 2024, one year after the publication of this Final statement, the NCP will follow-up with the Parties in writing and/or in person. The outcomes of the Evaluation will be published on the NCP's website.

Substance of the submission and the enterprise's initial response

On 27 September 2018 the Dutch NCP received a notification from UNI Global Union concerning IKEA. The backdrop of the notification concerned the alleged actions of IKEA in the United States (2016-17), Ireland (2009-11) and Portugal (2013-14 and 2017-18) with regard to anti-trade union activities. However the issue that has arisen is the alleged failure of due diligence by Ingka Group global management in the Netherlands.

The notifying Party summarized the allegations in the notification as follows:

"In violation of the Guidelines' human rights chapter, IKEA is failing to respect fundamental rights set out in the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work. In violation of the Guidelines' employment and industrial relations chapter, IKEA is failing to respect the right of workers to establish or join trade unions or representative organisations of their own choosing and have trade unions and representatives of their own choosing recognized for the purpose of collective bargaining. IKEA is furthermore failing to engage in constructive negotiations with such representatives with a view to reaching agreements on terms and conditions of employment.

Contrary to obligations set forth in the OECD Due Diligence Guidance for Responsible Business Conduct, IKEA is failing to use its leverage to prevent country management in the United States, Ireland and Portugal from engaging in wrongful practices that violate foregoing chapters of the OECD Guidelines.”

The reported behaviour allegedly conducted by IKEA in the three countries all related to preventing workers from joining a trade union. Examples of the alleged conduct included (not necessarily in all three countries): denying access of trade unions to the workplace and/or to the workers, discouraging workers from joining a trade union, putting unions in a bad light, discouraging workers from sharing posts on social media about the workplace, threatening workers with replacement if they go on strike, applying disadvantageous management decisions towards workers openly supportive of trade unions, and holding repetitive so-called ‘captive audience meetings’ (Definition by American Legal Encyclopedia: A union term for meetings of workers called by management and held on company time and property. Usually the purpose of these meetings is to try to persuade workers to vote against union representation.)

According to the complainants, Ingka Group was fully informed by trade union representatives of the incidences in Ireland and the U.S. and some meetings between the notifying Party and Ingka Group have taken place, but, according to the notifying Party, with unsatisfactory results.

Relevant provisions of the OECD Guidelines

The notification concerned the alleged non-observance of the OECD Guidelines relating to General Policies (Chapter II, paragraphs 10, 11 and 12), Human Rights (Chapter IV, paragraphs 1 and 2) and Employment and Industrial Relations (Chapter V, paragraphs 1(a), 1(b), 2(a) and 3).

The first reaction of IKEA

Ingka Group stated in its first reaction that this complaint belongs primarily with the United States’ NCP and that the U.S. NCP should take the lead, since the majority of the complaints have allegedly taken place in the U.S. and that it was clear to them that the primary focus of the submission involves IKEA North America in the United States. On the issues raised that have allegedly taken place in Portugal and Ireland, Ingka Group claimed these were old claims and had been resolved a long time ago.

Regarding the reference that IKEA’s headquarters, Ingka Group, has failed to undertake due diligence, it stated that Ingka Group was fully informed on the disputes raised in the notification as it exercised due diligence regarding workers’ issues.

“We note that in the submission the unions assert that the Dutch NCP is the proper jurisdiction for this matter under a theory that Ingka Group has failed to undertake due diligence as called for in the Guidelines. We note that through IKEA’s global co-worker relations function, Ingka Group is fully aware of the disputes raised by the unions in all of the countries mentioned in the submission. Such awareness is the result of the company’s global due diligence in connection with co-worker relations and the company’s commitment to comply with applicable national law, and Ingka Groups’ policies, which include the IKEA Global Co-worker Relations Principles.”

During the first meeting between Ingka Group and the NCP, Ingka’s representative stressed that IKEA upholds international standards including the ILO-standards, and that freedom of association is not a problem for IKEA. Ingka Group also stated that its Code of Conduct and principles are already sufficiently covering the same issues that would be covered by a possible framework agreement with the trade unions.

Ingka Group stated that it should be noted that over the years, IKEA representatives have engaged in discussions with UNI and the UFCW regarding issues of mutual concern, and that IKEA is not opposed to additional meetings with these trade unions as part of a process overseen by the Dutch NCP.

Initial assessment by the NCP

The NCP decided that the submission merited further consideration based on the following criteria:

- the notifying party was a concerned party with a legitimate interest in the issues raised in the notification;
- the issues raised by UNI Global Union were material and prima vista substantiated;
- there seemed to be a link between IKEA's activities and the issues raised in the specific instance;
- the consideration of this specific instance could contribute to the Guidelines' objectives and effectiveness.

The NCP offered its good offices to the Parties and asked both Parties whether they were willing to engage in a mediation/conciliation process, with the aim of agreeing how the issues can be successfully addressed. The Parties accepted the NCP's good offices. The IA was published on the NCP website on 12 June 2019.

The proceedings of the NCP

Below is a chronological overview of what the NCP has done since receiving the submission.

Date	Action that occurred
	Receipt and initial assessment of the specific instance
27 September 2018	Submission against IKEA received by the Dutch NCP
12 December 2018	First meeting NCP with UNI Global Union
16 January 2019	The NCP informed the NCPs of Portugal, Ireland and the USA of the receipt of the specific instance and asked for any information related to the Specific instance.
24 January 2019	First meeting NCP with Ingka Group
15 April 2019	The draft of the IA was shared with the NCPs of Portugal, Ireland and the USA for their comments, together with a proposal for further cooperation between the NCPs with the Dutch NCP in the lead. This proposal was accepted.
13 May 2019	Draft Initial Assessment (IA) was shared with the Parties for their comments within 14 days; good offices were offered and accepted
12 June 2019	Publication of the IA
	Phase of good offices and mediation action
30 July 2019	First dialogue meeting UNI Global Union and Ingka Group with the NCP (in person in The Hague)

11 October 2019	Second dialogue meeting (in person)
11 October – 15 November	Exchanges on Terms of Reference and topics for the next dialogue meeting
27 November 2019	Third dialogue meeting (in person); The Parties agreed on the main points of an Agreement on global principles, that includes language on neutrality and access to the workplace. The Parties agreed to further work on the details of this Agreement, assisted by the NCP.
11 December 2019- 11 January 2021	The NCP assisted the Parties in drafting the detailed text of the Agreement on global principles. Negotiations took place via e-mail and the NCP had separate calls with the Parties on different issues in the text.
12 January 2021	Agreement on the final text of the Agreement between Ingka Group and Uni Global Union based on the mediation at the NCP
8 March-21 June 2021	Period of signing the Agreement
1 July 2021	Publication by the NCP of a news item on its website on progress
December 2021 – January 2023	Period of meetings at the local level in the USA (13/12/2021, 10/3/2022, 14/4/2022, 6/6/2022, 8/7/2022, 5/8/2022, 1/9/2022, 27/10/2022) Ireland (10/10/2022 and 10/1/2023) and Portugal (8/9/2022). Representatives of the Parties at the global level as well as local unions and local representatives of IKEA management attended the dialogue meetings in the different countries. The Parties agreed to report back regularly to the NCP
	The Parties reported back to the NCP on 5/2/2022, 5/4/2022, 22/4/2022, 4/8/2022)
	Conclusion of the specific instance
4 November 2022	Call of the NCP with UNI; Call of the NCP with Ingka Group
14 December 2022	Dialogue meeting between the Parties at the global and the local USA level in the Hague, facilitated by the NCP (in-person)
10 February 2023	The NCP shared the draft Final statement and the annex, with the NCPs of the USA, Portugal and Ireland
20 March 2023	The draft Final statement was shared with the Parties for comments within 14 days.
6 July 2023	Publication of the Final statement and the Agreement on global Principles

The indicative timelines for the dialogue phase, 6 months after the publication of the IA in June 2019, were not met. While in principle the Parties agreed on an Agreement on global principles in November 2019, it took more than a year to reach agreement on the details of the text. After the Agreement on global principles was signed, which took another 3,5 months, the NCP decided not to close the NCP-procedure and publish a Final Statement while the local talks between the Parties were ongoing. There have also been delays in the planning of the local meetings because of the Covid-19 travel limitations.

Outcome of the good offices

After the IA of June 2019, the NCPs good offices started. The phase of the good offices ended with the last dialogue meeting of 14 December 2022. The good offices were carried out by two of the independent members of the NCP and a senior officer of the NCP secretariat.

Between 30 June 2019 and 27 November 2019 three dialogue meetings took place in the Hague, facilitated by the NCP. The Parties during the last meeting, agreed to work on an Agreement on global principles, that would include a number of principles (five) as well as provisions on access to the workplace and neutrality, on communication, on meetings between the Parties at the global level and on the process of handling issues. Parties agreed that this Agreement on global principles would be used as a framework for local meetings in the USA, Portugal and Ireland, without the NCP attending. During the year 2020 the Parties, assisted by the NCP, worked further on the details of the Agreement. Finally, on 21 June 2021, the Agreement was signed by the Parties and the NCP.

The NCP decided not to close the NCP-procedure while local talks were ongoing and not to publish a Final Statement until further notice by the Parties. Between December 2021 and the end of October 2022, local talks took place in the USA (8), Portugal (1) and Ireland (1).

Concerning the situation in Portugal, the Parties, during their meeting at the local level in Portugal on 8 September 2022, agreed to focus on the future with the aim to keep building on the continuous constructive and respectful dialogue built together by the local representatives of the Parties over the course of the latest four years. They acknowledged that the claims made in the Specific Instance to the Dutch NCP related to Portugal indeed occurred a number of years ago. The local team agreed to set a meeting date to continue the social dialogue and discuss some of the challenges that remain, including lack of a collective agreement and how they can establish a Works Council. The Parties agreed that meetings and next contacts will be managed locally.

Concerning the situation in Ireland, the Parties met at the local level on 10 October in Dublin and then followed on with another local meeting on 10 January 2023 between the local union and management of IKEA UK and Ireland.

To date, the Parties have not been able to reach an agreement on the concerns raised by the submitting Party at the local level in Ireland.

At the beginning of November 2022, the Parties informed the NCP that they had made progress on several issues in the USA, but had not been able to reach an overall agreement yet. The NCP then offered to facilitate the final stage of this dialogue process and assist in moving forward towards an agreement at the local level in the USA that would – as agreed – complement the Agreement on global Principles.

On 14 December 2022, this last dialogue meeting with USA representatives of both Parties and global representatives, facilitated by the NCP, took place in The Hague.

The agenda gave an overview of the main issues that have been discussed in the local USA context and were still outstanding between the Parties.

The good offices were concluded without an agreement after the meeting of 14 December and the NCP then started to prepare its Final Statement.

The draft of the Final statement was shared with the Parties on 20 March 2023 for comments within 14 days.

Conclusion and recommendations of the NCP

The NCP notes that the Agreement on global principles contains relevant elements for reaching agreements at the local level on different issues like neutrality and access to the workplace. The Agreement was intended to guide the Parties on the implementation in practice at the local level. The parties agreed on the text and principles as described and agreed that these would be used as a framework at local level in the countries mentioned in the specific instance. They could also be used in other countries.

An important issue in the Agreement is union access to IKEA premises for purposes of communicating with employees. The Agreement stipulates among others that these local agreements should include conditions for meaningful access and for some form of real contact and that, at the same time, these agreements should be equally facilitated/supported by the enterprise for any trade union without showing any preference.

(USA) The NCP regrets that it hasn't been possible to reach agreement at the local level in the USA on the implementation in practice of access to the workplace.

The NCP notes that on the one hand both Parties at the global level were willing to engage in a dialogue and in fact reached an agreement at the global level. On the other hand, the large number of meetings and lengthy negotiations at the local level show that apparently it remains difficult, especially in the USA context, to reach agreement on some of the local issues, such as the implementation in practice of access to the workplace for the union that wants to reach out to potential members in order to organize them in sufficient numbers to arrive at registration and recognition. In the view of the NCP, access of trade union representatives to the workplace, within reasonable limits, to communicate with workers is a precondition to realize the fundamental right of freedom of association as well as the right to collective bargaining in practice. It is part of the due diligence expected of Ingka Group as the parent company under the OECD Guidelines to ensure that the conditions to realize these fundamental labour rights are fulfilled in the countries where IKEA is operating. Therefore, the NCP recommends that the Parties at the local level in the USA continue their dialogue and work towards finding a practical solution concerning union access to the workplace that is in line with the Agreement reached between the Parties based on the mediation at the NCP.

Concerning the issue of neutrality, the NCP is of the opinion that the Parties made serious efforts to reach agreement on how the neutrality principles could be implemented at the local level in the USA but unfortunately could not find each other in a final agreement. The NCP recommends that they continue their efforts to agree on the practical implementation of these principles in the USA context.

The NCP concludes that the perspectives of the Parties on other issues under discussion at the local level in the USA following the Agreement on global principles, such as regarding procedures for determining union representation, differed too much to find a way forward that was acceptable for both Parties.

(Portugal) The NCP encourages the Parties at the local level in Portugal to continue their constructive dialogue with a view to implementing the Agreement on global principles.

(Ireland) Concerning the situation in Ireland, the NCP regrets that the Parties at the local level in Ireland haven't been able to reach an agreement on the issues that have arisen between 2009 and 2011. The NCP encourages them to further engage on establishing a constructive dialogue while focusing on the future with a view to implementing the Agreement on global principles. The NCP thanks the Parties for their willingness to engage with each other and the NCP, for their efforts to reach an agreement and for the constructive dialogue meetings. The NCP encourages the Parties to continue their cooperation at the local as well as at the global level in the future and beyond the NCP procedure.

Follow up (Evaluation)

The NCP recommends that an evaluation be conducted in July 2024, one year after the publication of this Final statement. The NCP will follow-up with the Parties in writing and/or in person. The outcomes of the Evaluation will be published on the NCP's website.

The role of National Contact Points (NCPs) is to further the effectiveness of the OECD Guidelines. The Dutch government has chosen to establish an independent NCP, which is responsible for its own procedures and decisions, in accordance with the Procedural Guidance section of the Guidelines. In line with this, the Dutch NCP consists of four independent members, supported by four advisory government officials from the most relevant ministries. The NCP Secretariat is hosted by the Ministry of Foreign Affairs. The Minister for Foreign Trade and Development Cooperation is politically responsible for the functioning of the Dutch NCP. More information on the OECD Guidelines and the NCP can be found on the [NCP Website](#)

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Annex: Agreement between Ingka Group and UNI Global Union based on the mediation at the NCP

The agreement was signed by the Parties and the NCP on 21 June 2021.

Agreement between Ingka Group and UNI Global Union based on the mediation at the NCP

Considering:

- that UNI has submitted a specific instance at the Dutch NCP about the alleged position and behavior of Ingka Group with respect to the Freedom of Association and Right to Collective Bargaining;
- that the Dutch NCP has offered its good offices to find a future oriented solution;
- that UNI and Ingka both have accepted these good offices;
- that the parties recognize and understand that the OECD Guidelines in many cases extend beyond the law but that enterprises are not supposed to act against domestic law; however according to the Guidelines, in countries where domestic laws and regulations conflict with the principles and standards of the Guidelines, enterprises should seek ways to honour such principles and standards to the fullest extent which does not place them in violation of domestic law;
- that four meetings between the parties have taken place;
- that the parties have come to this agreement in the context of the issues raised in the NCP Specific Instance on a framework that will be used at local level in the countries mentioned in the complaint; it can be used as a framework in other countries;
- that this Agreement on principles is part of the ongoing confidential procedure between the parties facilitated by the NCP and therefore is a confidential document;
- that the NCP procedure ends with the publication of the Final Statement;
- that the text of this Agreement on principles will be included in the Final Statement of the NCP;
- that the parties will decide if any other points of agreement reached during the local talks will be included in the Final Statement;
- that this agreement is based on the following principles:

Principle 1: The parties recognize the importance of high global standards and policies regarding business and human rights of Ingka Group

On Ingka Group policies:

The Ingka Group policies include the 'Group policy on Human Rights and Equality', the 'Ingka Principles on social relations' and the 'IKEA Employment standards at a glance', the latter describing employment conditions for every worker.

Ingka documents include also IWAY. IWAY embeds the eight core conventions as defined in the Fundamental Principles and Rights at Work, ILO declaration June 1998 and the Ten Principles of the UN Global Compact 2000.

Ingka recognizes the fundamental human rights, as defined in the “Universal Declaration of Human Rights” (United Nations 1948) and adheres to the United Nations sanction list and European Union restrictive measures list.

Ingka is committing to the UNGP’s and publicly states this in its sustainability report. The OECD Guidelines are aligned with the expectations of the UNGP’s.

Ingka Group takes its responsibility as a holding and uses its leverage towards the national IKEA enterprises in order to ensure that the IKEA principles are implemented in each IKEA enterprise worldwide.

As the issues raised in the specific instance are related to labour rights, social relations and social dialogue, the topic of Social Relations and Social Dialogue is the focus of this Global agreement.

Principle 2: the parties recognize that social relations also include social dialogue and that rights of workers concerning freedom of association and the right to collective bargaining must be fully respected and realized

According to the definition of the ILO, the term ‘social dialogue’ (<https://www.ilo.org/global/topics/workers-and-employers-organizations-tripartism-and-social-dialogue/lang--en/index.htm>) refers to negotiation, consultation and exchange of information between representatives of governments, employers and workers.

In this context the parties agree that:

- it is important to clarify that the Ingka principles on social relations cover social dialogue;
- it is important to clarify that Ingka recognizes the fundamental rights of workers concerning freedom of association and the right to collective bargaining, and is committed to fully respect them;

The position/commitments of Ingka Group on social relations and social dialogue is: According to Ingka, the main goal of the Ingka principles on social relations is to “promote consensus building and democratic involvement among the main stakeholders in the world of work.” Ingka Group recognizes the ILO fundamental labour standards as a foundation for their guiding principles on social relations. The dialogue with social partners is based on a spirit of collaboration.

Ingka group is committed to establish a constructive and cooperative dialogue with any relevant stakeholder including trade unions. This dialogue is based on a spirit of collaboration.

Ingka group states that it is committed ‘to establish a dialogue with any worker association or trade union which is representing their workers after a legally established process if one is required according to national law’.

As stated in the principles on Social Relations Ingka Group recognizes and respects the right of freedom of association as a fundamental human right.

This means every worker (Ingka always uses the word "co-worker"; for the purpose of this document "worker" is used) is free to decide to join or not join a union of their choice, without interference from the employer and without fear of retaliation.

Freedom of association is a fundamental human right and together with the right to collective bargaining these rights are at the core of healthy social relations. The right to organize and to bargain collectively are enabling rights that promote democracy and decent conditions at work. In countries where the right to freedom of association is regulated, restricted or prohibited by law, Ingka Group is committed to look for ways to maintain and promote the principles and the ideas of the ILO standards and will actively promote positive change in all markets and areas of their business.

Ingka Group confirms that the above mentioned points are integrated/incorporated in their global standards and policies.

Principle 3: the parties recognize that being open for dialogue with important stakeholders on labour issues and labour rights is essential

Ingka Group is open for dialogue with important stakeholders including trade unions about Ingka's principles on social relations and social dialogue. UNI will be considered as one of several important stakeholders for Ingka Group.

In the event that the above mentioned labour rights are (alleged to be) violated, Ingka is open for a dialogue with UNI as an important stakeholder. Ingka Group will be responsible for implementing decisions and agreements on any steps to be taken if remedial action is necessary. Whenever UNI is of the opinion there is a problem concerning these rights within an IKEA enterprise, Ingka agrees to take a proactive and timely approach in this by contacting important stakeholders, UNI being one of them.

Principle 4: the parties recognize the importance of risk mapping and that risk mapping will include the Freedom of Association (FoA) and the Right to collective bargaining

The mapping of risks (potential and actual adverse impacts), and the identification of proactive measures to be taken by Ingka to mitigate adverse impact is an important instrument. The parties agree that the mapping of risks will include the FoA and the Right to collective bargaining.

Principle 5: The parties agree on respectful behaviour and the provision of information based on facts.

Ingka Group enables conditions for free exchanges of ideas, opinions and information as they are essential for workers to exercise their rights. Ingka Group does not tolerate anti-union behavior in any of her enterprises/units and will always protect the right of freedom of association. Ingka representatives will respect UNI (and their affiliates) during meetings.

UNI (and their affiliates) on their side respects the free choice of workers of Ingka to join or not join a union and does not put undue pressure on any worker to push them to join a union. Information disseminated by UNI or its affiliates to workers about IKEA, joining a union and what that involves (including dues and fees), the election process, attendance at union sponsored meetings and workers free choice must be based on facts. UNI (and their affiliates) will respect Ingka representatives at all times.

The relation between the OECD guidelines and domestic law

The parties recognize that it is important to be productive and act in line with the OECD Guidelines' concepts and principles. They recognize and fully understand that the Guidelines ask companies to sometimes go beyond domestic law when acting in accordance with the Guidelines' principles, but never to act in violation of domestic law. The Guidelines Chapter I concepts and principles, article 2 states that the Guidelines' first obligation of enterprises is to obey domestic law. The Guidelines are not a substitute for domestic regulation nor ask enterprises to violate local (domestic) law. However, in many cases the Guidelines extend beyond the law. The Guidelines say that, in countries where domestic laws and regulations conflict with the principles and standards of the Guidelines, enterprises should use the space there is to comply with the Guidelines' principles to the fullest extent which does not place them in violation of domestic law.

Communication

UNI commits to not publish (in whatever media) any statement regarding an employment and/or industrial relations issue until Ingka Group has been informed of the issue and provided adequate time to address, respond and, if necessary, resolve it. The expectation is that UNI will influence their affiliates to do the same. This will be a subject of the talks between the parties at local level.

Meetings

- a. As part of this agreement on principles the parties agree in principle to conduct two meetings per year, in order to engage in constructive dialogue. In addition, the parties agree to initiate additional contact based upon exigent circumstances.
 - b. Participants in these meetings will be representatives of Ingka Group and UNI. Each party is free to propose changes to the representatives of their respective organization. Both parties will respect that such change is intended to support the process in a constructive manner. Subject matter experts may be considered if appropriate and mutually agreed by both parties in advance.
 - c. The agenda should be mutually agreed in advance of the meeting.
- Notes of the meeting shall be agreed within two weeks and kept on record with a copy being sent to the Dutch NCP during the first year following this agreement on global principles between the parties.

Process of handling issues

- a. If, local parties fail to resolve a matter involving the rights identified in this agreement, the issue at stake can be raised with a committee consisting of representatives from Ingka globally and nationally, UNI Global Union, and the relevant national trade unions.

- b. If one of the parties declares a matter as urgent, it may always ask the other party to set up a meeting.

“Neutrality” and “ Access to the workplace”

On Neutrality:

The parties recognize the fundamental human and labour right of all workers to decide to join or not to join, form a trade union /co-worker association of their choice (freedom of association).

The parties, in the light of this fundamental right, recognize the importance of Social Dialogue and creating and developing a spirit and a culture of cooperation and collaboration between Ingka Group/Ingka Group enterprises and global and local labour union partners/co-worker associations who represent Ingka workers.

The parties agree that leaders and management within the Ingka Group enterprises as well as the representatives of the relevant national trade unions play a key role and will take ownership in the development and cultivation of this spirit and culture.

The parties commit to creating the necessary conditions in which the IKEA workers can exercise the right to decide freely whether or not they wish to become a member of a trade union organization/co-worker association, without fear or coercion. This means that within Ingka Group-enterprises an environment that promotes a free exchange of ideas, opinions and information is respected and encouraged.

The parties expect of leaders and management of Ingka Group and of any third party representatives of Ingka Group enterprises, a neutral view towards joining a trade union/co-worker association and encourage social dialogue. This means in practice that (for example) during union membership education or recruitment drives they will not:

- Express negative opinions, disparaging remarks concerning trade unions; or attempt to dissuade workers from joining a union;
- Facilitate a preference for any specific trade union if Ingka Group employees have expressed interest in several trade unions;
- Ingka Group is respecting the free choice of the workers to join or not to join a co-worker association/union of their choice and therefore will not hold meetings (e.g. “Captive audience” meetings) in which Ingka Managers and Leaders express opinions about the co-worker association/union and unionization of the workers.
- Ingka Group will express a general and overall positive view towards trade unions;
- Ingka Group will endeavor to create a positive workplace atmosphere that encourages free choice.

The parties agree that the above commitments/agreed language do not prohibit Ingka Group from its rights or responsibilities as an employer. Ingka Group will continue to communicate factual information to its workers regarding its wages, benefits and working conditions. In addition, Ingka Group always maintains the right to correct any misinformation.

On Access to the workplace:

Ingka Group agrees that local (country) Ingka management cooperates and works with local trade unions to negotiate local agreements concerning union access to IKEA premises for purposes of communicating with employees.

These agreements should include conditions that enable trade union representatives to have meaningful access to Ingka Group employees at the worksite for announcing relevant information and/or recruitment activities.

This means that the parties to these local agreements should work towards enabling some form of real contact between the employees and trade union representatives. How this contact should look like and how it can be organized, is to be decided by the local management of IKEA and the local trade union(s).

These agreements should be equally facilitated/supported by the enterprise for any trade union without showing any preference.

A Framework for local talks

This agreement on principles between the parties has been made up in the context of the NCP Specific Instance; it will be used as a framework at local level in the countries mentioned in the complaint; it can also be used as a framework in other countries.

The parties agree to have a meeting with representatives at global level and involving the respective local union and country management in Ireland, Portugal and the US to discuss the issues raised in the Specific Instance.

The topics to be discussed during these meetings are:

- Ingka principles on Social Relations;
- Neutrality and access to the workplace;
- Concerns raised by UNI in the respective countries;
- Ingka is active in improving implementation in practice.

In the light of the above, parties agree to meet to further discuss the following issues, among others, with a view to find solutions and a possible joint way forward:

- a. Procedures on determining union representation
- b. Dispute resolution to address issues on both sides

Next steps in the procedure and the Final Statement of the NCP

The NCP allows the parties 6 months' time after the date of this agreement on principles for one or more meetings in the US with global and local representatives of the parties in order to resolve the issues raised in the Specific Instance, a meeting on the situation in Ireland and a meeting on the situation in Portugal. The NCP will not attend these meetings; the agenda and preparation of these meetings are the responsibility of the parties. If necessary, depending on the Covid-19 situation, the parties may ask the NCP for an extension of this period.

The parties will jointly and in writing report back to the NCP twice. On 1 June 2021 the parties will give the NCP an update on the planning of the meetings. On 1 September 2021 the parties will report on the results of the above meetings.

This report will contain the specific information on points of agreement, any points on which the parties could not agree, and will reflect the atmosphere of the meetings. The parties will indicate which information from this report can be part of the (public) Final Statement of the NCP. The NCP and the parties will then have a last joint meeting to round up the NCP-procedure.

After that the NCP will draw up a draft Final statement. The Final Statement of the NCP will reflect the whole process, all meetings and agreements regarding the subject matter of the Specific Instance, including possible local/national meetings taking place in the context of the Specific Instance which the NCP did not attend.

The NCP recommends that one year after the publication of the Final Statement of the NCP an evaluation be conducted of the agreement(s) reached and/or the recommendations of the NCP. Prior to drawing up its evaluation the NCP will receive reports from both parties on their assessment of progress during the year.