



## Federatie Nederlandse Vakbeweging (FNV) vs VodafoneZiggo Group B.V.

Date: 28 May 2025

### Initial Assessment

The objective of the initial assessment process under the Implementation Procedures is to determine whether the issues raised in the specific instance warrant further examination. If so, the NCP will offer or facilitate access to consensual and non-adversarial procedures, such as dialogue, mediation or conciliation (e.g. 'good offices') to the relevant parties. As specific instances are not legal cases and NCPs are not judicial bodies, NCPs cannot impose sanctions, directly provide compensation nor compel parties to participate in a conciliation or mediation process.

### Contents

Executive summary .....	2
Substance of the submission (facts presented) and the enterprise's response .....	3
Proceedings of the NCP to date .....	4
Initial assessment by the NCP .....	4
Conclusion.....	6
Next steps.....	6

## Executive summary

On 30 October 2024, the Dutch National Contact Point (NCP) for Responsible Business Conduct received a notification of a specific instance from Federatie Nederlandse Vakbeweging (hereinafter FNV or the notifying party) with regard to an alleged violation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (hereinafter the Guidelines) by VodafoneZiggo Group B.V. (hereinafter VodafoneZiggo).

FNV is the largest trade union in The Netherlands, engaging, among other activities, in collective bargaining negotiations on wages and secondary benefits with employers. VodafoneZiggo is a Dutch telecommunications company.

The complaint relates to VodafoneZiggo's use of the tool DigiC in the collective bargaining process, developed by trade union De Unie and implemented by market research agency InnerVoice. According to FNV, the organization of the collective bargaining process around the use of DigiC undermines the right to collective bargaining, the independence of trade unions, and constructive and free negotiations. FNV further argues that VodafoneZiggo exercises undue influence over the collective bargaining process through DigiC's design and execution, including the formulation of questions, gathering of data and interpretations of results.

The issues raised in the submission concern an alleged violation of the Guidelines by VodafoneZiggo. The issues raised relate to OECD Guidelines' Chapter V (employment and industrial relations).

### Brief overview of the timeline

On 15 January 2025 the NCP held a first in-person meeting with FNV. On 20 January 2025 the NCP held a first in-person meeting with VodafoneZiggo.

On 3 February 2025, the NCP received the initial written response from VodafoneZiggo. The NCP shared the draft initial assessment with the parties on 16 April 2025 for comments within two weeks. The Initial Assessment was published on the NCP website on 28 May 2025.

### Conclusion

The Dutch NCP concludes that the notification concerning VodafoneZiggo **warrants further examination** based on the following criteria:

- the identity of the concerned party and its interest in the matter;
- whether the issue is material, i.e. relevant to the implementation of the Guidelines; and substantiated, i.e. supported by sufficient and credible information;
- whether the enterprise is covered by the Guidelines;
- whether there seems to be a link between enterprise's activities and the issue raised in the specific instance;
- the extent to which applicable law and/or parallel proceedings limit the NCP's ability to contribute to the resolution of the issue and/or the implementation of the Guidelines;
- whether the examination of the issue would contribute to the purposes and effectiveness of the Guidelines.

Below it is explained why, in the NCP's opinion, these criteria have been met.

This decision does not mean that the issues raised have been given final consideration and does not imply any finding as to whether or not VodafoneZiggo has acted in accordance with the Guidelines.

## Substance of the submission and the enterprise's response

### Summary of the submission

The Dutch trade union FNV has filed a complaint with the NCP, explaining its concerns about VodafoneZiggo's use of the DigiC platform in collective labour agreement (CLA) negotiations. FNV argues that this practice undermines workers' rights to independent representation and collective bargaining, violating the OECD Guidelines and ILO conventions (87 and 98).

DigiC, developed by the trade union De Unie, is used as a tool to allow all employees to directly participate in CLA negotiations through surveys and consultations managed by the employer. FNV argues that the tool creates a flawed negotiation process, as the employer retains significant control over how employee input is collected, interpreted, and used. This approach is allegedly sidelining representative unions like FNV and compromises the independence and legitimacy of negotiations.

VodafoneZiggo has used DigiC three times at the time of publicising this IA: twice for CLA negotiations and once for a social plan. Each time, the process relied on DigiC, with FNV claiming that input from FNV representatives was disregarded and FNV was prevented from properly representing its 429 members at VodafoneZiggo. According to FNV, the resulting agreements do not reflect the interests of all employees and are disproportionately influenced by the employer and trade union De Unie, which benefits financially from the arrangement.

FNV claims that the use of DigiC undermines international labour standards by failing to ensure free and fair collective bargaining. Article V of the OECD Guidelines, which includes the right to form trade unions and the right to collective bargaining, is particularly relevant. FNV further states that VodafoneZiggo's method undermines the ILO's call for strong, independent trade unions as the cornerstone of equitable labour relations.

The submission highlights broader implications for labour rights, with FNV arguing that similar practices are increasingly common both in the Netherlands and internationally. FNV contends that these practices erode collective bargaining structures, favor less representative unions, and weaken workers' negotiating power. The submission also references the Global Rights Index of the International Trade Union Confederation, which, according to FNV, underscores a decline in labour rights in the Netherlands, partly as a result of these trends.

FNV requests that the NCP investigate and mediate the issue. They urge VodafoneZiggo to abandon DigiC and engage in meaningful negotiations with independent unions like FNV, in line with OECD Guidelines and ILO standards.

### Enterprise's response

VodafoneZiggo has observed a decline in union membership and, in response, introduced an employee participation model in 2021, initiated by trade union De Unie. According to VodafoneZiggo, this model gives all employees a voice through surveys, panel discussions, and voting rounds, aiming to create a broadly supported CLA.

Before the merger between Vodafone and Ziggo, Ziggo conducted CLA negotiations with FNV and CNV, while Vodafone consulted with the Works Council. After the companies merged in 2017, a CLA model was adopted, but according to VodafoneZiggo, negotiations became increasingly difficult due to low union membership. In 2021, a CLA was reached with FNV, due to the simultaneous extension of the Social Plan.

With the introduction of the participation model based on DigiC, trade union De Unie became a new negotiating partner. In the first voting round, the proposed agreement was rejected by a majority of employees, leading to an improved proposal that was eventually accepted. However, FNV demanded

that the participation model be abandoned and withdrew from negotiations when VodafoneZiggo refused.

Since then, both a new Social Plan and a new CLA have been established using the DigiC model, with high employee engagement. VodafoneZiggo points to the fact that FNV accepts this model at other companies which raises questions with VodafoneZiggo about the reasons for FNV's opposition to the model in this particular case.

Additionally, the company asserts that trade union De Unie is a legitimate union and that employees are not restricted in their union rights. With regards to the initial assessment criteria, VodafoneZiggo also considers itself a Dutch company rather than a multinational enterprise, as it operates solely in the Netherlands with independent decision-making.

## Proceedings of the NCP to date

Since the receipt of the submission on 30 October 2024, the following steps were taken:

- On 5 November 2024, the NCP sent a confirmation of receipt to the notifying party and informed the enterprise of the notification. Both parties also received a description of the NCP procedure.
- On 15 January 2025, the NCP held its first meeting with the notifying party.
- On 20 January 2025, the NCP held its first meeting with the company.
- On 3 February 2025, the NCP received the initial written response to the notification from VodafoneZiggo.
- On 16 April 2025, the NCP sent the draft initial assessment to both parties for comments within 2 weeks.
- On 28 May, the NCP published the initial assessment.

## Initial assessment by the NCP

The NCP has decided to accept the submission. This decision has been taken following an assessment by the NCP as to whether the issues raised warrant further examination. To achieve this, the NCP took into account the following six criteria:

### **The identity of the party concerned and its interest in the matter**

The specific instance is submitted by Federatie Nederlandse Vakbeweging (FNV), which is a Dutch trade union involved in negotiating CLA agreements on behalf of their members. FNV has been a party to CLA negotiations with VodafoneZiggo on several occasions.

It is standing practice that NCPs will accept submissions filed by trade unions, NGOs or other organisations that seek to address causes they defend. As the notifying party is a trade union involved in CLA negotiations, and has among its members VodafoneZiggo employees, the NCP is of the opinion that the notifying party has a legitimate interest in the issues raised in this submission.

### **Whether the issues raised are material and substantiated**

In line with the Commentary to the Procedural Guidance for NCPs, paragraph 33, the NCP interprets 'material and substantiated' to mean that, based on the information submitted, the issues raised are relevant to the implementation of the Guidelines and supported by sufficient and credible information.

The submission is material in the sense that it refers to the alleged non-observance of provisions of Chapters II (general policies) and V (industrial and labour relations) of the Guidelines.

The issues raised by the notifying party are sufficiently substantiated by background information about the CLA negotiation process and the use of the DigiC model.

It should be noted that in this stage of the procedure the NCP does not make an assessment of all the issues raised on their merits as further examination is envisioned in the next stage of the process. Therefore, a decision to accept a submission for further examination does not imply that the Guidelines were not observed by the enterprise.

### **Whether the enterprise is covered by the Guidelines**

VodafoneZiggo Group B.V. is a private limited company and subsidiary of VodafoneZiggo Group Holding B.V., which is a 50:50 joint venture between Vodafone Group Plc and Liberty Global Ltd. VodafoneZiggo Group B.V. has its headquarters in The Netherlands, which is an OECD Member State. The company has a commercial purpose and is controlled by the joint venture of two companies based in the United Kingdom, which is also an OECD Member State.

According to Chapter 1, para. 4 of the Guidelines, “[a] precise definition of multinational enterprises is not required for the purposes of the Guidelines. While the Guidelines allow for a broad approach in identifying which entities may be considered multinational enterprises for the purposes of the Guidelines, the international nature of an enterprise’s structure or activities and its commercial form, purpose, or activities are main factors to consider in this regard.” Para. 5 continues: “The Guidelines are not aimed at introducing differences of treatment between multinational and domestic enterprises; they reflect good practice for all. Accordingly, multinational and domestic enterprises are subject to the same expectations in respect of their conduct wherever the Guidelines are relevant to both.”

The multinational dimension of VodafoneZiggo’s activities and (ownership) structure leads to the conclusion that VodafoneZiggo is a multinational enterprise in the sense of the Guidelines and thus covered by the Guidelines. Activities employed in a domestic context do not fall outside the scope of the Guidelines.

### **Whether there seems to be a link between the enterprise’s activities and the issues raised in the specific instance**

The complaint raises questions about whether VodafoneZiggo’s use of DigiC affects workers’ ability to freely choose their trade union representatives and have them recognized for collective bargaining, as outlined in the relevant articles. It also questions whether the design and execution of DigiC, including VodafoneZiggo’s role in the process, may influence collective negotiations in a way that impacts the independence of trade unions.

### **The extent to which applicable law and/or parallel proceedings limit the NCP’s ability to contribute to the resolution of the issue and/or the implementation of the Guidelines**

As noted in the Commentary to the Procedural Guidance for NCPs, paragraph 35, already concluded or ongoing domestic or international parallel proceedings do not necessarily prevent an NCP from handling the specific instance by offering its good offices to the parties. NCPs are expected to assess in each individual case whether or not the offer of good offices would make a positive contribution to the resolution of the issues raised, or would prejudice either of the parties involved in other proceedings.

No existence of parallel proceedings was brought to the attention of the NCP that would limit the NCP's ability to contribute to the resolution of the issue and/or the implementation of the Guidelines in this specific instance.

### **Whether the examination of the issue would contribute to the purposes and effectiveness of the Guidelines**

The NCP believes that in accepting this notification it can contribute to the Guidelines' purposes and effectiveness. The Guidelines aim to promote positive contributions by multinational enterprises to economic, environmental and social progress worldwide. VodafoneZiggo meets the criteria to be considered a multinational enterprise under the Guidelines. As further stated above, the issues raised in the specific instance are covered by the chapters of the Guidelines and therefore examination of the issues raised has the potential to contribute to the purpose of the Guidelines.

With respect to effectiveness, the NCP believes that through its facilitation, it can help resolve issues related to the implementation of the Guidelines by clarifying VodafoneZiggo's responsibilities as an employer and trade unions' expectations. Addressing this case could also provide insights into applying the OECD Guidelines on employee consultation and negotiation practices.

## Conclusion

The NCP is of the opinion that this submission **warrants further examination** on the basis of the criteria laid out in the commentary to the Procedural Guidance, paragraph 33. The conclusion reached by the NCP in this initial assessment is based on the information received from both parties. The NCP does not express an opinion on the correctness of the statements of the parties or the validity of the documentation provided by them, nor on their possible impact on the alleged issues raised in the specific instance.

## Next steps

In accordance with the Dutch NCP Specific Instance Procedure, the NCP **accepts** this case for further examination and offers its good offices to the parties. The NCP will ask both parties whether they are willing to engage in a mediation/conciliation process, with the aim of agreeing how the issues raised can be successfully addressed.

Both the notifying party and the enterprise have **accepted** the NCP's good offices. In accordance with the NCP procedure, further activities relating to the specific instance procedure will be confidential while good offices are ongoing. The NCP will, together with the parties, take the necessary steps to guarantee a careful and confidential process.

If the parties cannot reach an agreement as a result of the good offices, the NCP will, in principle, examine the issues and provide recommendations concerning the observance of the Guidelines. In any case, it will complete the procedure by issuing a Final Statement, which it will publish on its 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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