

Australian National Contact Point for the OECD Guidelines for Multinational Enterprises

Canberra, September 2010

The Australian National Contact Point (ANCP) for the OECD Guidelines for Multinational Enterprises (Guidelines) promotes the principles of the Guidelines and provides a forum for the parties concerned to discuss all relevant issues to any specific issues which may arise.

1. On 3 September 2009 the New Zealand National Contact Point (NZNCP) received a complaint raising a number of concerns regarding the activities of an Australian company (AusCorp) in New Zealand from a New Zealand Trade Union. On 10 September, ANCP received a complaint from an Australian Trade Union referring to the same issue as AusCorp is an Australian registered and operated company. AusCorp is ultimately owned 55 per cent by a German corporation and a similar complaint was also lodged with the German National Contact Point by a German Trade Union.
2. The complaint related to AusCorp's use of subcontractors rather than employees to provide services.
3. As the complaint involved a range of New Zealand domestic issues, the NZNCP took the lead in seeking the facts and sought submissions on the issues as they related to the Guidelines. Following receipt of these submissions the NZNCP consulted with the ANCP whilst it considered the submissions from the parties concerned against the provisions of the Guidelines.
4. In formulating its response to the complainant, the NZNCP considered submissions from the parties and found that:
 - For the purposes of the Guidelines, AusCorp is a Multinational Enterprise (MNE) and accordingly, the Guidelines do apply to its activities.
 - The issues raised in the trade union submission do not merit further examination and therefore the NZNCP decided not to proceed further with the specific instance.
5. The NZNCP finalised its assessment of the matter on 25 June 2010.
6. ANCP wrote to the Australian Trade Union advising of the NZNCP's assessment of the complaint seeking any comment which it may wish to make. No response was received to this invitation.
7. The ANCP does not consider that any further action is required.