

DECLARATION

**by the German National Contact Point for the
OECD Guidelines for Multinational Enterprises**

regarding a complaint filed by

- an Indonesian citizen

against

- a company based in Germany

SUMMARY

In his complaint dated 17 September 2012, the complainant alleged violations of Chapter IV (Human Rights) and Chapter V (Employment and Industrial Relations) of the OECD Guidelines. The complainant is an Indonesian citizen who, up to the end of 2008, was employed by one of the company's subsidiaries in Indonesia. When the company's subsidiaries were being restructured, the complainant was offered employment with a different subsidiary. For this purpose, the company had presented him with a severance agreement and a new employment agreement. In his complaint, the complainant targeted individual clauses of these agreements, which he regarded as breaches of the Declaration of Human Rights, ILO Convention No. 111 (Discrimination in respect of employment and occupation) of 1958, the Indonesian constitution, and Indonesian labour law, etc.

Following careful consideration involving other Federal Ministries, the NCP rejected the complaint in a letter dated 7 December 2012. It had found in an initial evaluation of the complaint, conducted as per the procedural guidance of the OECD Guidelines, that the questions raised in it did not merit in-depth examination. There was nothing in the severance agreement or the new employment agreement offered by the company to suggest a violation of human rights or the ban on discrimination. Nor was there

anything to suggest a breach of the Guidelines' recommendations on employment and relations between the social partners.

