

## **Chart of U.S. NCP Specific Instance Cases Since 2000**

**Total Specific Instances: 45**

**Since 2012<sup>1</sup>: 18**

Globally, between 2000 and 2016, the 47 NCPs have received 400 Specific Instance cases<sup>2</sup>. The U.S. has received 45 of those cases, making it the second most utilized NCP in the world and recipient of 11 percent of global cases. Since 2012, after the 2011 revision of the Guidelines, the U.S. NCP has handled 18 Specific Instances. Statistics on the U.S. NCP's cases since 2012 include:

- The U.S. NCP has completed a total of 18 Specific Instances.<sup>3</sup>
- As a result of improvements made to the NCP process, three Specific Instances have gone to mediation
- The first Specific Instance that went to mediation was in 2015
- The most cited Guidelines Chapters for U.S. NCP Specific Instances are Chapter V: Employment and Industrial Relations, Chapter IV: Human Rights, and Chapter II: General Policies
- Mediation was offered in 67 percent of Specific Instances (which includes 11 percent of Specific Instances that were offered deferred mediation)
- Of the Specific Instances where mediation was offered, 25 percent accepted mediation
- Of the Specific Instances where mediation was offered and accepted, 67 percent led to a mediated agreement, which is higher than the NCP global average of 47 percent according to the OECD [NCP Highlights-June 2017](#) document
- Sector Represented in Specific Instances:
  - ✓ Agriculture: 2
  - ✓ Aerospace and Defense: 1
  - ✓ Consumer Products: 8
  - ✓ Hospitality and Tourism: 1
  - ✓ Manufacturing: 5
  - ✓ Telecommunications: 1

Note: The Peer Review will be reviewing the three Final Statement cases that went to mediation. The other Final Statements are provided here as a reference. Per the U.S. NCP procedures, only Final Statement are made public and are the only Specific Instance documents provided to the Peer Review.

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<sup>1</sup> The U.S. NCP updated its procedures after the 2011 revision of the Guidelines and they in effect starting in 2012.

<sup>2</sup> [Annual Report on the OECD Guidelines for Multinational Enterprises 2016](#)

<sup>3</sup> Completed refers to any case where a Final Statement has been published at [www.state.gov/usncp](http://www.state.gov/usncp)

Number	Date of Submission	Date Final Statement Posted	Countries Where Issues Raised	Party(ies) Involved	Submitter (s)	OECD Guidelines Chapters Cited	Outcome
<a href="#">1</a>	6/23/16	11/18/16	Yemen	1. The Boeing Company 2. Lockheed Martin Corporation	1. European Centre for Democracy and Human Rights 2. Defenders for Medical Impartiality 3. Arabian Rights Watch Association	1, 2,3,4,5	<a href="#">Final Statement</a> : Mediation was not offered.
<a href="#">2</a>	2/18/16	08/08/16	United States	1. Grupo Mexico 2. ASARCO LLC.	1. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW) 2. Sindicato Nacional de Trabajadores Mineros, Metalurgicos, Siderurgicos y Similares de la Republica Mexicana (Mineros)	2, 4, 5, 11	<a href="#">Final Statement</a> : Mediation was offered but the companies declined to participate.
<a href="#">3</a>	11/12/15	07/14/16	United States	1. Bodega Latina (El Super) 2. Grupo Comercial Chedraui	1. United Food & Commercial Workers Local 770 (UFCW) 2. Los Angeles Alliance for a New Economy (LAANE), 3. Frente Auténtico del Trabajo (FAT) 4. Project on	5	<a href="#">Final Statement</a> : Deferred Mediation was offered.

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					Organizing, Development, Education and Research (PODER)		
<a href="#">4</a>	2/9/15	05/12/16	Maldives and Ethiopia	1. Starwood Hotels & Resorts Worldwide	1. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)	2, 4, 5	<a href="#">Final Statement:</a> Mediation was offered and accepted. An agreement was reached.
<a href="#">5</a>	11/18/13	04/15/16	India	1. PepsiCo.	1. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)	4, 5	<a href="#">Final Statement:</a> Mediation was offered and accepted. No agreement was reached.
<a href="#">6</a>	11/6/2014	12/24/15	Canada and Turkey	1. Crown Holdings, Inc.	1. The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW) 2. Birlesik Metal-Iscileri Sendikasi (Birlesik Metal-IS)	2, 5	<a href="#">Final Statement:</a> Mediation was offered but the company declined to participate.
<a href="#">7</a>	6/13/13	07/28/15	Cameroon	1. Herakles Farms ' affiliate SG Sustainable Oils Cameroon	1. Center for Environment and Development (CED) 2. Network to Fight	6	<a href="#">Final Statement:</a> Mediation was offered and accepted. An agreement was reached.

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				(SGSOC)	against Hunger (RELUFA)		
<a href="#">8</a>	4/28/14	1/30/15	United States	1. Nissan Motor Co, Ltd.	1. United Auto Workers of America 2. IndustriALL Global Union	4,5	<a href="#">Final Statement</a> : Mediation was offered but the company declined to participate.
<a href="#">9</a>	12/18/13	06/06/14	Pakistan	1. Mondelez Pakistan Ltd.	1. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Association (IUF)	1,2,3,4,5	<a href="#">Final Statement</a> : Mediation was not offered.
<a href="#">10</a>	3/11/14	05/19/14	Cameroon	1. Herakles Farms 2. Herakles Capital	1. Greenpeace	3	<a href="#">Final Statement</a> : Mediation was not offered.
<a href="#">11</a>	5/14/13	11/08/13	Philippines	1. Johnson & Johnson, Inc.	2. Federation of Free Workers (FFW)	5	<a href="#">Final Statement</a> : Mediation was not offered.
<a href="#">12</a>	3/14/13	10/29/13	Egypt and Tunisia	1. Mondelez Ltd.	2. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF)	4,5	<a href="#">Final Statement</a> : Mediation was offered but the company declined to participate.
<a href="#">13</a>	7/12/11	07/09/13	United States and Montenegro	1. Deutsche Telekom AG (T-Mobile USA and Crnogorski Telekom A.D. Podgorica)	2. Communications Workers of America (CW) 3. UNI Global Union	1, 5	<a href="#">Final Statement</a> : Offer of mediation was withdrawn.
<a href="#">14</a>	10/31/12	06/20/13	Cambodi	1. American Sugar	1. The Community	2,4	<a href="#">Final Statement</a> : Mediation

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			a	Refiners Inc. (ASR)	Legal Education Center for Cambodia (CLEC) 2. EarthRights International (ERI)		was offered but the company declined to participate.
<a href="#">15</a>	8/27/11	09/13/12	Cameroon	1. AES Corporation (parent company of AES Sonel)	1. Mr. Teumagnie, an AES Sonel employee	2,3, 5	<a href="#">Final Statement</a> : Mediation was not offered.
<a href="#">16</a>	8/23/11	08/28/12	Hungary	1. MNE # 1 (anonymized)	1. Hungarian resident and Company X	2, 3, 4, 6,	<a href="#">Final Statement</a> : Mediation was not offered.  The U.S. NCP released four final statements ( <a href="#">1</a> , <a href="#">2</a> , <a href="#">3</a> , <a href="#">4</a> ) related to this Specific Instance corresponding to the four companies the submitter alleged violations of the Guidelines against.
<a href="#">17</a>	9/26/11	03/01/12	United States	1. LSG Sky Chefs 2. Deutsche Lufthansa AG	1. UNITE HERE 2. AFL-CIO 3. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF)	2,5, 8	<a href="#">Final Statement</a> : Specific Instance was withdrawn.
<a href="#">18</a>	8/27/11	02/01/12	United States	1. Innospec	2. LEAD Group	6	<a href="#">Final Statement</a> : Mediation was not offered.

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<b>Specific Instances 19-45 do not have public Final Statements available</b>							
19	01/8/2011	N/A	United States	1. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Association (IUF)	1. Roquette America, Inc.	2, 5	Mediation was not offered.
20	06/08/11	N/A	United States	1. United Workers Union of America (UWUA) 2. Food & Water Watch	1. United Water	5,6	Submitters decided not to continue the Specific Instance process but they did not formally withdraw Specific Instance.
21	5/2011	N/A	United States	1. Chicaloon Native Village Traditional Council	1. Usibelli Coal Mine, Inc., Alaska, USA and Electric Power Development Co., Ltd., Japan	2, 3, 6	Mediation was not offered.
22	5/2011	N/A	India	1. Gujarat Kamdar Mandal (GKM)	1. Motors, Ltd.	3, 5	Mediation was not offered.
23	10/2010	N/A	Philippin	1. International	1. Dole Food Company	2, 5	Mediation was not offered.

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			es	Labor Rights Forum			
24	4/2010	N/A	Papa New Guinea	1. Cargill, Incorporated	1. Papua New Guinea, CTP Holdings (CTP PNG)	3,5	Mediation was not offered.
25	11/2009	N/A	Korea	1. Korean Federation of Trade Unions	1. Abbott Laboratories	3, 5	Mediation was not offered.
26	10/2009	N/A	Korea	1. Korean Federation of Trade Unions	1. General Mills Korea and Haagen Dazs Korea	5	Specific Instance was withdrawn.
27	3/2009	N/A	Philippines	1. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Association (IUF)	1. Hyatt Regency Manilla	5	Mediation was not offered.
28	9/2008	N/A	United States	1. Association of Flight Attendants CWA (AFA)	1. Delta Airlines	5	Mediation was not offered.
29	11/2006	N/A	United States	1. Brotherhood of Maintenance of Way Employees Division	1. Voestapline AG (VAE) in Birmingham, Alabama	5	In 2007, the U.S. NCP's office monitored the dispute during its Initial Assessment through periodic inquires with FMCS

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				(DMWED)			and the National Labor Relations Board. However, as of December 2007, no additional information has been received from either VAE or BMWED about the status of the dispute.
30	8/2006	N/A	United States	1. United Steelworkers Union	1. Tire North America, subsidiary of German Continental	5	Mediation was not offered.
31	5/2006	N/A	United States	1. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Association (IUF) 2. Bakery, Confectionery, Tobacco Workers and Grain Millers Union 3. (BCTGM) and the Machinists and Aerospace	Reynolds American's two tobacco manufacturing plants in Winston-Salem in the US state of North Carolina	5	The U.S. NCP concluded the Specific Instance as the parties resolved their issues through other procedures under U.S. law.

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				Workers (IAM),			
32	3/2006	N/A	United States	1. Steelworkers of America	1. Party: National Wire Fabric (NWF)	5	Specific Instance was withdrawn.
33	5/2005	N/A	United States	1. United Farm Workers of America	1. Party: Three mile Canyon Farms in Oregon	5	The U.S. NCP concluded the Specific Instance as the parties resolved their issues through other procedures under US law.
34	9/2004	N/A	United States	1. PACE	1. IMERYS	5	Company declined the U.S. NCP's offer of assistance.
35	8/2004	N/A	United States	1. UNI Global Union	1. The Wackenhut Corporation	5	Mediation was not offered.
36	8/2004	N/A	Democratic Republic of Congo	1. Friends of the Earth-United States and Rights and Accountability in Development (RAID)	1. Cabot Corporation, Trinitech Holdings, and OM Group	Numerous	Mediation was not offered.
37	8/2004	N/A	United States	1. UNITE HERE	1. Angelica Textile Services	2, 5, 8	Mediation was not offered.
38	6/2003	N/A	United States	1. United Automobile, Aerospace and Agricultural Implement	1. French company Saint-Gobain's facility in Worchester, Massachusetts	5	Specific Instance was withdrawn.

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				Workers of America International Union (UAW), International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), and the American Federation of Labor (AFL-CIO)			
39	6/2003	N/A	United States	1. United Auto Workers	1. Chef Solution, subsidiary of Lufthansa	5	Mediation was offered but the company declined to participate.
40	11/2002	N/A	Vietnam and Indonesia	1. Clean Clothes Campaign	1. Adidas and Nike	5	Mediation was not offered.
41	10/2002	N/A	Democratic Republic of Congo	1. Numerous NGOs	1. N/A	Numerous	Mediation was not offered.
42	11/2002	N/A	United	1. Union of	1. Brylane		Specific Instance was

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			States	Needletrades, Industrial and Textile Employees, AFL-CIO, CLC (UNITE)			withdrawn.
43	11/2001	N/A	Liberia	1. International Transport Workers Federation	2. Liberian International Ship and Corporate Registry (LISCR)	2,3,7	Mediation was not offered.
44	2/2001	N/A	United States	1. Seafarers International Union	1. Trico Marine Services, Inc.	5	Mediation was not offered.
45	6/2000	N/A	United States	1. PACE	1. IMERYYS	5	Specific Instance was withdrawn.