

SPECIFIC INSTANCE COMPLAINT: Mr and Mrs B and MNE I

FINAL STATEMENT BY THE NEW ZEALAND NATIONAL CONTACT POINT

Summary of the Outcome of the Specific Instance

This Final Statement concludes consideration by the New Zealand National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises (the Guidelines) of a Specific Instance submitted by Mr and Mrs B in regard to alleged conduct towards them by MNE I in managing an insurance claim.

After reviewing the Specific Instance application and consulting the parties, the NCP offered its good offices to facilitate discussion between them.

The NCP has not received communications from Mr and Mrs B or the NGO involved in the specific instance for some time. The NCP has concluded this specific instance is closed as the submitter has been unresponsive.

In accordance with the Guidelines, this Final Statement briefly describes the issues raised, the procedures the NCP initiated in assisting the parties, and the outcome.

Substance of the Specific Instance/Guidelines provisions cited

In 2015 an application by Mr and Mrs B was submitted to NCP under the Guidelines. The application cited Part IV (2) of the Guidelines relating to human rights, that Enterprises should “Avoid causing or contributing to adverse impacts on matters covered by the Guidelines, through their own activities, and address such impacts when they occur.”

Their complaint against MNE I was that its actions or inactions over the period when they were in dispute with a domestic insurance provider (and afterward) over accommodation adversely affected their access to housing and health.

Initial assessment/good offices

The NCP concluded that most of the issues raised against MNE I had not been substantiated and did not merit further action under the Guidelines. In particular, these concern alleged delays by MNE I in conducting inspections and the ability of it to influence the domestic insurer decision-making over coverage of the claim. However, the NCP has found that issues raised over the adequacy of the temporary accommodation in the context of a policy entitlement to an accommodation allowance merited further involvement. The NCP considered that facilitating dialogue on this issue between the parties would further the purposes of the Guidelines.

The NCP consulted with MNE I and Mr and Mrs B over both initial investigations and considered their responses. The NCP sent a final assessment forwarded to both parties, offering good offices for part of claim. In the interim, we understand these issues were the subject of ongoing litigation. There has been no response from either party since September 2017.

Conclusion

This Specific Instance is concluded as, although there was an offer of good offices, we have not received any communications since then. In the view of the NCP, both parties engaged in the Guidelines process in good faith despite this outcome. In the circumstances, no purpose would be served by identifying the parties concerned, so their identities have been anonymised.

New Zealand National Contact Point for the OECD Guidelines for Multinational Enterprises

August 2021