

National Contact Point of Switzerland

Final Statement

Specific Instance regarding Pharmakina SA and Pharmeg SA submitted by former employees of Pharmakina SA

Berne, 22 January 2020

1. Context

The OECD Guidelines for Multinational Enterprises (henceforth referred to as “OECD Guidelines”) represent a set of principles and standards for responsible business conduct, addressed as recommendations by the governments of the 36 OECD member and 12 other adhering states to multinational enterprises operating in or from their territories. The National Contact Point of Switzerland (henceforth referred to as “Swiss NCP”) for the OECD Guidelines has the mandate to raise awareness and promote observance of the OECD Guidelines. The Swiss NCP also contributes to the resolution of issues that arise relating to the implementation of the OECD Guidelines in specific instances by offering a forum for mediation, assisting parties concerned to deal with these issues and providing recommendations regarding the implementation of the OECD Guidelines.

On 6 May 2019, one former employee and union representative of Pharmakina SA submitted a written submission to the NCP of Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg and Switzerland regarding Pharmakina SA, established in the Democratic Republic of Congo and Pharmeg SA, incorporated in Luxembourg. Three additional former employees and union representatives joint the submission on 25 July 2019 (henceforth referred to “submitting party”). The submission concerned alleged violation of the OECD Guidelines regarding employment and industrial relations in terms of payment of minimum wages and dismissal of union representatives. Furthermore, the submission alleged further breaches of the OECD Guidelines against Pharmakina SA over the past 20 years regarding human rights, employment and industrial relations, environment as well as bribery, bribe solicitation and extortion issues. For those further issues also a responsibility of the Deutsche Gesellschaft für International Zusammenarbeit (henceforth referred to as “GIZ”) as a development partner of Pharmakina SA in the 2000s was alleged.

2. Proceedings of the Swiss NCP

The four involved NCPs agreed that the Luxembourg NCP would handle the complaint against Pharmakina SA and Pharmeg SA. Furthermore, the German NCP would handle the submission against GIZ.

The only link between the issues raised in the submission and Switzerland consisted in an ownership of Pharmakina SA by the Swiss company Hoffmann-La Roche in the period of 1997 and 1998. Due to this remote connection, Switzerland has left the lead to Luxembourg and Germany. Consequently, Switzerland has not conducted its own procedure leading to an

Initial Assessment, but was informed by the Luxembourg and German NCP of all relevant steps.

3. Conclusions

On 21 November 2019, the Luxembourg NCP published its report on the [Initial Assessment](#). The Luxembourg NCP took the view that the submission is not admissible and consequently did not accept it for further examination.

On 16 December 2019 the German NCP published its report on the [Initial Assessment](#). It does not accept the complaint against GIZ for further examination, because the allegations against the company are not substantiated and there is no link between the company's activities and the issues raised.

As Switzerland left the lead to the Luxembourg and German NCP and has not conducted its own procedure, the Swiss NCP closes with this Final Statement the specific instance.