



Guiding form for submitting complaints.

In accordance with the OECD Guidelines for Multinational Enterprises, the National Contact Points (NCPs) are to deal with “specific instances”. This means to assess complaints and contribute to resolving cases that arise regarding breaches of the Guidelines through dialogue or mediation. Where such dialogue or mediation is not feasible, the NCP is to publish a final statement regarding the specific instance/complaint.

Anyone can submit a complaint to the NCP if they believe that a company violates the OECD Guidelines. The Norwegian NCP may deal with complaints where Norwegian companies are involved and relevant issues arise related to foreign companies with operations in Norway. We need written and as specific and precise documentation as possible in order to deal with the complaint. You can assist in this by filling in the guiding complaint form below.

About the complainant	
Name of the organisations¹ filing the complaint	United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW or United Steelworkers), Canada Birlesik Metal Iscileri Sendikasi (Birlesik Metal IS), Turkey
Registration number	
Postal address	USW 800 – 234 Eglinton Avenue East Toronto, ON M4P 1K7 CANADA Birlesik Metal IS Tünel Yolu Cd. No.2 34744 Bostancı-İSTANBUL
Street address	USW 800 – 234 Eglinton Avenue East Toronto, ON M4P 1K7 CANADA Birlesik Metal IS

	Tünel Yolu Cd. No.2 34744 Bostancı-İSTANBUL
Website	USW: www.usw.ca Birlesik Metal IS: www.birlesikmetal.org
Email address	info@usw.ca international@birlesikmetal.org
Telephone number	USW: +1 416-487-1571 Birlesik Metal IS: 0216 380 8590
Contact person I	
Name	Dr. Joseph Drexler
Position	Head of Strategic Campaigns, USW Canada
Telephone number	+1 416-434-7907
Email address	jdrexler@usw.ca
Contact person II	
Name	Ken Neumann
Position	USW National Director for Canada
Telephone number	+1 416-544-6009
Email address	kneumann@usw.ca
Contact person III	
Name	Eyup Ozer Birlesik Metal IS, Turkey
Position	International Secretary
Telephone number	00905362059121
Email address	eyupozer@gmail.com
Are you complaining on behalf of your own members/or on behalf of others?	We are filing this complaint on behalf of our own members, specifically union members of USW Local 9176 in Canada and union members of Birlesik Metal IS in Turkey.
If your organisation is filing a complaint on behalf of others: How would you describe your organisational mandate to represent the allegedly aggrieved party in this case?	N/A
What does your organisation hope to achieve by filing this complaint?	In filing this complaint, our goal is for Norges Bank Investment Management as a shareholder of Crown Holdings, having been informed of labour and human rights abuses and serious breaches of the Guidelines by Crown, to act in accordance with the Guidelines, to investigate the abuses, to use its leverage in mitigating the effects of the breaches, and to mediate a possible

	resolution.
Co-complainant (if relevant)	See information above which includes Birlesik Metal IS, Turkey
Contact person I	
Name	
Position	
Telephone number	
Email address	
About the company	
Name and Address of the main office of the company against which the complaint is being filed	Norges Bank Investment Management (NBIM or Norges Bank) of the Government Pension Fund-Global Bankplassen 2, 0151, Oslo
If the complaint concerns a subsidiary or similar entity: Name and address of the entity and its affiliation with the parent company (if this information is available)	N/A
About the complaint	
In your opinion, which provision or provisions in the OECD Guidelines have been breached by the company concerned?	<p>We believe the following provisions of the OECD Guidelines have been breached by NBIM:</p> <p>Chapter II General Policies, paragraph A.12 which states that Enterprises should:</p> <p><i>Seek to prevent or mitigate an adverse impact where they have not contributed to that impact when the impact is nevertheless directly linked to their operations products or services by a business relationship.</i></p> <p>Note that the commentary 20 to Chapter II General Policies, states:</p> <p><i>Meeting the expectation in paragraph A.12 would entail an enterprise acting alone or in cooperation with other entities, as appropriate, to use its leverage to influence the entity causing the adverse impact to prevent or mitigate that impact.</i></p> <p>Chapter IV, Human Rights, paragraphs 1-6 which states that enterprises should</p>

	<p><i>within the framework of internationally recognised human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations:</i></p> <ol style="list-style-type: none"> <i>1. Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.</i> <i>2. Within the context of their own activities, avoid causing or contributing to adverse human rights impacts and address such impacts when they occur.</i> <i>3. Seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts.</i> <i>4. Have a policy commitment to respect human rights.</i> <i>5. Carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.</i> <i>6. Provide for or co-operate through legitimate processes in the mediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.</i> <p>Note that paragraphs 41 to 46 in the commentary to Chapter IV are also relevant.</p>
<p>Give a specific, detailed account of the controversial practice, including information about where the activity or activities have taken place.</p>	<p>The USW contacted NBIM on July 4, 2014 to alert the bank of breaches of the Guidelines by Crown Holdings, Inc. in Canada and Turkey and of the adverse impact those breaches were having on workers in both countries. Specifically, we indicated that Crown workers in Canada and Turkey were being subjected to violations of labour and human rights as a result of Crown's violations of the Guidelines. (Please note that the specific instances of Crown Holdings, Inc.'s breaches of the Guidelines are set out in detail in a separate complaint to the U.S. NCP, attached as Exhibit A.)</p>

The USW stated that NBIM, as a shareholder of Crown Holdings, had a responsibility under the Guidelines to intervene. NBIM's responsibility arose under the Guidelines because the adverse impact caused by Crown Holdings' violations of the Guidelines was directly linked to NBIM's operations through NBIM's minority holding in Crown Holdings.

The USW wrote the following in the letter to NBIM on July 4, 2014:

Specific to Norges Bank and before we file a complaint, we are asking Norges Bank to detail what steps you will consider to prevent, through investments in CCK (Crown Holdings), continued violations of the Guidelines. Most importantly and in accordance with the Guidelines, we are requesting that Norges Bank develop, in consultation with complainants, a clear and credible mitigation strategy that includes: steps to exercise or increase your leverage, and public disclosure of minimum criteria for the continuation of your investment in CCK.

On August 27, 2014, William Ambrose, Global Head of Business Risk at NBIM, wrote in an email communication:

NBIM does not see ourselves as a party to the alleged situation. We would therefore like to understand your reasoning for potentially directing a complaint at selected minority shareholders, your rationale with respect to the guidelines, and if you directly or through others intend to bring this to the Norwegian NCP.

On September 15, 2014, the USW wrote in a letter sent by email to William Ambrose :

It is unfortunate that Norges Bank does not agree that minority shareholders are covered by the Guidelines in the face of contrary views by the OECD, United Nations, Norwegian government and Norwegian NCP. We find this difficult to understand in light of the criticism and controversy created by a similar case in which Norges Bank was named as a

respondent. We also do not understand why Norges Bank continues to ignore key opinions expressed by eminent Norwegian and international commentators and bodies.

On September 15, 2014, following a telephone conversation with William Ambrose and John Tore Vatnar, Senior Analyst at Norges Bank who stated that Norges Bank is not subject to the Guidelines, the USW in an email communication wrote to William Ambrose:

We are still hopeful that Norges Bank will reverse its position stated during our phone conversation that you do not believe the OECD MNE Guidelines apply to Norges Bank. We are also hopeful that you will undertake steps consistent with the Guidelines to engage Crown Holdings on the problems in Canada and Turkey before we file our formal OECD complaint.

On September 15, 2014, immediately after the USW responded above, William Ambrose wrote in a email:

Please note we have not considered if the OECD Guidelines apply to Norges Bank as a shareholder, we however do not understand why you consider directing a complaint at the bank. Apologies if we said something which could have given you another impression.

On September 17, 2014, the USW wrote in an email communication:

Adding Norges Bank to the complaint is due to the obligations of shareholders under the Guidelines.

What is confusing to us is your statement that "we have not considered if the OECD Guidelines apply to Norges Bank as a shareholder."

Clearly this issue should not be in question given the conclusions put forth by the Norwegian NCP, OECD and United

	<p><i>Nations. Also, I am sure that Norges Bank has considered this in great detail given everything that has been written about it and appeared in newspapers.</i></p> <p><i>I also clearly outlined in my two letters what Norges Bank could do to help rectify the situation. This would make inclusion of Norges Bank in a complaint unnecessary since you would have addressed all of your obligations.</i></p> <p>The USW and Birlesik Metal IS assert that NBIM violated the OECD Guidelines by:</p> <ul style="list-style-type: none"> • refusing to comply with its obligation to prevent or mitigate an adverse impact linked to its operations; • not adhering to due diligence requirements as outlined in the Guidelines and, • failing to articulate a strategy on how NBIM should deal with the procedural violations of labour and human rights related to Norges Bank’s investment in Crown Holdings.
<p>Please provide/list documentation, reports, testimonies or other types of evidence that support the allegations of practices that are in breach of the Guidelines.</p>	<p>Please see the attached exhibits as follows: Exhibit A: Submission by USW and Birlesik Metal IS to the U.S. NCP on Specific Instances of Breaches of OECD MNE Guidelines by Crown Holdings, Inc. Exhibit B: Email Communications and Letters between the USW and NBIM. Exhibit C: General Emails Sent to Shareholders and Press Releases Announcing Outreach by the USW to Crown Shareholders. Exhibit D: a Press Releases by Birlesik Metal IS and Legal Declarations on Different Dates. Exhibit E: Complaint by USW to Ontario Labour Relations Board against Subsidiary of Crown Holdings, Inc., Crown Metal Packaging Canada LP</p>
<p>Is the complaint relevant for other countries’ National Contact Points, and if so, which countries? And why?</p>	<p>The complaint is relevant for the NCPs in Canada and Turkey where breaches of the Guidelines by Crown Holdings took place and in the U.S. where Crown Holdings is registered and headquartered. As noted above, the USW and Birlesik Metal IS have</p>

	<p>filed a separate complaint regarding breaches of the Guidelines by Crown Holdings to the U.S. NCP which is attached as Exhibit E.</p>
<p>What in your organisations' view should the company do to remedy the situation described in the complaint?</p>	<p>NBIM should:</p> <ol style="list-style-type: none"> (1) carry out due diligence by investigating if breaches of the Guidelines by Crown Holdings are likely to have occurred; (2) if the alleged breaches of the Guidelines are found to be credible, insist that Crown Holdings address the breaches; (3) detail what steps to prevent, through investments in Crown Holdings, continued violations of the Guidelines; (4) develop, a clear and credible mitigation strategy that includes: steps to exercise or increase its leverage, and public disclosure of minimum criteria for the continuation of its investment in Crown Holdings; (5) exercise leverage by utilizing the Government Pension Fund –Global's reputation as the world's largest sovereign wealth and pension fund that purports to engage in socially responsible investments, and by contacting and organizing other shareholders to remedy any abuses; (6) In accordance with the recommendations from the Norwegian NCP in its statement on NBIM dated 27 May 2013, NBIM should act upon the prescribed options to exercise leverage to solve the tragic situation of the workers in Turkey and Canada.
<p>Other information of relevance for the Contact Point's consideration of the complaint.</p>	
<p>Contact with the company</p>	
<p>Has your organisation been in contact with, or taken the initiative to establish contact with, the company named in the complaint as regards this matter? If so, give an account of how this was done and the outcome of the contact. Provide any documentation such as minutes of meetings, etc.</p>	<p>Yes, we have established contact with NBIM as regards this matter. Please see the information outlining the detailed account of the controversial practices cited above, including an outline of the direct contact we have had with NBIM. Please see Exhibit B which contains the correspondence exchanged by the USW and NBIM as regards this matter.</p> <p>Furthermore, on October 14, 2014, the USW participated in a conference on responsible</p>

	<p>investment sponsored by the Norwegian Forum for Development and Environment and announced the intention to jointly file a complaint with the Norwegian NCP against NBIM.</p>
<p>Have you taken up the situation described in the complaint, or taken the initiative for taking it up in other forums? If so, give an account of any measures that have been taken on the basis of this. Provide any documentation such as minutes of meetings, etc.</p>	<p>Yes, we have pursued this matter in other forums. As previously mentioned, the USW and Birlesik Metal IS have filed a complaint against Crown with the U.S. NCP (see Exhibit A). The USW has filed a complaint against Crown Holding's Canadian subsidiary, Crown Metal Packaging Canada LP with the Ontario Labour Relations Board as (see Exhibit E). Birlesik Metal IS has filed numerous complaints against Crown in courts in Turkey. These are listed in Exhibit D.</p>

By submitting this complaint form, you confirm that you:

- Are aware that the information provided in this complaint and any accompanying documentation and other enclosures will be submitted to the company named in the complaint,
- Are aware that the National Contact Point has a policy of openness in its complaint procedures and that any information you supply on this form may be subject to public disclosure,
- Have you marked any documents and other enclosures that may not be subject to public disclosure as confidential, and have stated grounds as to why such confidentiality is necessary and
- Are aware that the National Contact Point's consideration of the matter will involve your active participation and that you will, to the best of your ability, meet the deadlines set by the National Contact Point for dealing with the matter.

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Please send the completed form/your complaint to:

OECD NCP Norway
PO. Box 8114 Dep
0032 OSLO
Norway

Or by email to oecdncp@mfa.no with a copy to khk@mfa.no and mari.bangstad@mfa.no

Please mark the envelope or e-mail with “Complaint to the Norwegian OECD NCP”