

## MARKS & SPENCER

Thursday 13 December 2001

### Communiqué of the French NCP for the OECD Guidelines for Multinational Enterprises

---

The National Contact Point (NCP) received a specific instance referral from several unions following the store closure announcement made by Marks & Spencer on 29 March 2001 on the grounds that employees had not been informed of these closures prior to the announcement being made which is contrary to the provisions outlined in the OECD's Guidelines for Multinational Enterprises

The Guidelines state that companies must act as follows: *"In considering changes in their operations which would have major effects upon the livelihood of their employees, in particular in the case of the closure of an entity involving collective lay-offs or dismissals, provide reasonable notice of such changes to representatives of their employees"*. The Guidelines also state: *"In light of the specific circumstances of each case, it would be appropriate if management were able to give such notice prior to the final decision being taken"*. (Chapter IV, Employment and Industrial Relations, paragraph 6).

In keeping with the Implementation Procedures of the OECD Guidelines, the NCP hold consultations with all the relevant parties. After these consultations, the NCP wrote to the Marks & Spencer management to inform them that the information given to employee representatives prior to the planned restructuring did not comply with the Guidelines' recommendations.

The NCP stresses that it is important to state that the information and consultation process between a company and its employees should address the changes that are likely to occur to the business and to employment opportunities within the company. The information given should therefore enable employee representatives to clearly examine the situation and prepare for the consultation phase of the process.

Although Marks & Spencer officially announced that it intended to consult with to employees working in stores affected by the group's proposed restructuring, the NCP finds it regrettable that this consultation phase was not better prepared and organised. It nevertheless welcomes the fact that a buyer was found for the stores in question.

\* \*

\*

The OECD Guidelines for Multinational Enterprises comprise recommendations on a very wide range of subject areas related to the activities of multinational enterprises, including disclosure of information, employment and industrial relations, the environment, science and technology, competition and taxation. Combating bribery, protecting consumer interests and a new recommendation on respecting human rights were all added to the Guidelines when they were last updated in June 2000.

The Implementation Procedures of the OECD Guidelines were bolstered during the latest update in June 2000. National Contact Points have been set up by countries adhering to the Guidelines to ensure compliance at national level. Interested parties can refer specific instances to the National Contact Point. In France, as well as government members, the NCP is also made up of business and union representatives (from several trade unions). For more detailed information on this subject, please refer to the web page on the OECD Guidelines and the French National Contact Point.

---

Website: <http://www.pcn-france.fr>

Email: [pointdecontactnational-France@dgtresor.gouv.fr](mailto:pointdecontactnational-France@dgtresor.gouv.fr)