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Turasóireachta agus Fostaíochta
Department of Enterprise,
Tourism and Employment



OECD **GUIDELINES**
FOR MULTINATIONAL
ENTERPRISES

Complaint Handling Procedures for the Ireland National Contact Point for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

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1. Introduction

- 1.1 The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, referred to as the 'Guidelines', are recommendations set out from governments to multinational enterprises on how to operate in a responsible and sustainable way. The Guidelines set standards for responsible business conduct (RBC) across a broad range of areas such as human rights, labour rights, the environment, consumer interests and science, technology and innovation.
- 1.2 The aim of the Guidelines is to encourage positive contributions enterprises can make to economic, environmental and social progress, and to minimise adverse impacts on matters covered by the Guidelines that may be associated with an enterprise's operations, products and services. They provide voluntary principles and standards for RBC consistent with applicable laws and internationally recognised standards. Adhering countries to the Guidelines, such as Ireland, are required to establish a National Contact Point (NCP) to facilitate, amongst other things, the handling of complaints under the Guidelines.
- 1.3 The Guidelines create a unique non-judicial grievance mechanism to help resolve disputes connected to the Guidelines where adherence is not considered to be achieved by an enterprise. Each adhering country has an NCP to handle complaints connected to the Guidelines and promote and raise awareness of them. Each adhering country establishes its own complaints handling procedures.
- 1.4 The NCP provides a platform for dialogue between parties using either mediation or conciliation services to help resolve disputes connected to the Guidelines. Parties are expected to engage in good faith throughout the process. This is not a traditional legal path but rather an alternative dispute resolution mechanism. As it is a non-judicial mechanism, the NCP does not have the power to compel parties to engage at each stage. The service is free, and parties do not have to have legal representation.
- 1.5 Enterprises are obliged to comply with the laws in place in the countries they operate. In some instances, the recommendations in the Guidelines can go beyond these laws. The recommendation from governments that enterprises observe the Guidelines is distinct from matters of legal liability and enforcement. The Ireland NCP focuses on the framework of the Guidelines and how an enterprise has implemented them when handling complaints.
- 1.6 The Guidelines recommend enterprises to undertake risk-based due diligence to identify, prevent, mitigate and account for how they address actual and potential adverse impacts on people, the planet and society. The OECD have prepared a range of due diligence guidance documents to help enterprises undertake risk-based due diligence related to the Guidelines, including human rights, the environment, workers, consumers, science, technology and innovation, corruption and corporate governance.

- 1.7 The Ireland NCP is located in the Department of Enterprise, Tourism and Employment. Being impartial and equitable are prerequisites for the continued confidence of stakeholders, parties to complaints and the general public. Accordingly, the Ireland NCP operates as a standalone unit within the Department and decisions regarding submissions made to the NCP are made within the unit by the Director and NCP staff. General oversight of the Ireland NCP has been delegated to the Secretariat, which has an Advisory Group that includes external members¹ to help fulfil the NCP duties.
- 1.8 This document outlines how the Ireland NCP handles complaints it receives connected to the Guidelines. Because each complaint is different on rare occasions the Ireland NCP may depart from these procedures when necessary to support promotion of the Guidelines and resolution of the complaint. It will inform the parties in such a case.
- 1.9 Enterprises operating in Ireland and Irish enterprises operating throughout the world are expected by the government to act in accordance with the recommendations and principles set out in the Guidelines.
- 1.10 The objective of the Ireland NCP complaints process is to help find a mutually agreeable and Guidelines-compatible solution to the issues raised in a complaint that alleges a breach of the Guidelines by an enterprise, typically through mediation. To support the effective implementation of these complaint procedures, the Ireland NCP will have regard to the Procedural Guidance set out in Part II of the Guidelines, including the principles of visibility, accessibility, transparency, accountability, impartiality, predictability, equitability and compatibility with the Guidelines.

¹ The Ireland NCP Advisory Group consists of representatives from five other Government Departments, a civil society organisation, a trade union and a business representative body.

2. Procedures for Considering Complaints

2.1 Stages handling complaints under the Ireland NCP process

- 2.1.1 There are four key stages in the complaint handling process. They are:
1. Receipt of complaint through to the publication of an initial assessment
 2. Good offices, i.e. provide mediation/conciliation to resolve issues once a complaint has been accepted, or if mediation fails or is refused, examination of the complaint
 3. Publication of a final statement
 4. Follow-up statement on agreement reached by parties or recommendations from the Ireland NCP
- 2.1.2 Each stage will be outlined further below.

2.2 Timetable

- 2.2.1 The Ireland NCP strives to conclude the procedure within 12 months (14 months if coordination to determine a lead NCP is needed) from receipt of the complaint to its conclusion. It aims to complete Stage 1 within 3 months (or 5 months if coordination of a lead NCP is needed), Stage 2 within 6 months and Stage 3 within a further 3 months.
- 2.2.2 However, this timeframe may need to be extended if circumstances warrant. Such situations include, but are not limited to, when the complaint involves multiple enterprises, multiple submitters, and multiple NCPs, or when translations are necessary. Whenever delays are expected or experienced in the handling of a complaint, the Ireland NCP will endeavour to keep the parties informed in a timely manner, so that the proceedings remain predictable.
- 2.2.3 The Ireland NCP requests that parties provide information promptly to assist adhering to the timeframes.
- 2.2.4 Where delays do occur or are anticipated, the Ireland NCP will discuss the reasons with the parties and consider options to suitably manage them.

2.3 Support for notifiers

- 2.3.1 The Ireland NCP aims to support the participation of vulnerable individuals or groups throughout the process.

- 2.3.2 The Ireland NCP has zero tolerance for reprisals against parties and against the NCP itself for its handling of complaints. Throughout the process, the Ireland NCP will take all appropriate steps within its capacity to address risks of reprisals against parties to a complaint. In these cases, the Ireland NCP will endeavour to ensure anonymity of the affected party is maintained by not naming the party in its assessment/statement. If the Ireland NCP becomes aware of an actual or potential instance of reprisal, it will, to the extent possible, support the party concerned in avoiding and mitigating any harm and contact relevant authorities, in consultation with the person(s) at risk where possible.
- 2.3.3 The Ireland NCP will take reasonable steps to ensure its complaints process is accessible to all parties, particularly overseas notifiers. This may include using technology, translation and interpretation services and engagement with Irish Embassies/Missions overseas. This applies all stages of the Ireland NCP complaint handling process.

2.4 Who can make a complaint to the Ireland NCP?

- 2.4.1 According to the Guidelines, any “interested party” can send a complaint to the Ireland NCP. The notifier may be, for example, a community adversely affected by a company’s activities, employees or their trade union, or a Non-Governmental Organisation (NGO). In instances where third party organisations are acting as representatives of individuals or communities, such representation must be requested and authorised by the relevant individuals or communities.
- 2.4.2 To consider a complaint, the Ireland NCP needs to receive relevant information. Therefore, notifiers should have a close interest to the matters raised in the complaint and be in a position to provide information. In accordance with the principles of the Guidelines, they should also have a clear view of the outcome they wish to achieve. Complaints falling outside the Guidelines will not be considered, nor will ineligible, frivolous, or vexatious complaints.
- 2.4.3 Participation by any party in the Ireland NCP complaint process is voluntary, and any party may withdraw its decision to participate at any time prior to conclusion of the proceedings or choose not to participate, which will be noted in the next applicable Ireland NCP statement. A sustained failure to respond will be considered a choice not to participate and will be considered a failure to reach agreement.

2.5 What enterprises are subject to complaints?

- 2.5.1 Irish multinational enterprises are subject to complaints received by the Ireland NCP. This means enterprises operating in Ireland or an Irish enterprise operating overseas, including in non-adherent countries are within scope.

2.6 What information are notifiers expected to include in their complaint?

2.6.1 The NCP will evaluate complaints according to the six admissibility criteria set out in Section 3.4.1 (in line with para 33 of the Implementation Procedures of the Guidelines). In order to assist the NCP in their evaluation, the Ireland NCP has a [submission form](#) that a notifier may wish to use to assist in the submission to file a complaint for consideration. The Ireland NCP typically requires information on the following:

- details of the notifier(s)
- details of the enterprise(s) which is responsible for the alleged breach of the Guidelines in the complaint
- the country/territory in which the alleged breaches of the OECD Guidelines occurred,
- whether the complaint is relevant to the NCPs of other OECD member states
- the underlying facts of the complaint
- the parts of the Guidelines to which the complaint relates
- sufficient evidence or information to support the allegations
- any contacts with the enterprise to date regarding the complaint
- when relevant, information on parallel proceedings
- desired objectives and outcomes through the NCP process

2.6.2 The submission form is there to assist a notifier. If the notifier is unable to use the form, the Ireland NCP will seek to provide alternative reasonable arrangements to ensure accessibility. For example, the notifier may submit the complaint and any accompanying documents by email.

2.7 Where to send a complaint

2.7.1 You can email your complaint to oecdncp@enterprise.gov.ie

2.8 How is information handled throughout the complaint process?

2.8.1 One of the objectives of the Ireland NCP is to ensure that its process is transparent. The Ireland NCP shares information provided to it about a complaint with all parties to the complaint, unless a strongly argued case is made to the Ireland NCP that specific information that is clearly identified should not be shared. The NCP will only allow for confidentiality over the personal identities of parties for security/privacy reasons or legitimately sensitive business information and will endeavour to minimise redaction of information.

- 2.8.2 Any personal data provided will be handled in accordance with the General Data Protection Regulation (GDPR), which lays down the main rules governing the treatment of personal data. Personal data provided to the NCP will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988-2018. The legislation confers rights on individuals in relation to the privacy of their personal data as well as responsibilities on those persons holding and processing such data.

3. Stage 1 – receipt of complaint to Initial Assessment

- 3.1 What are the key steps the Ireland NCP takes when it receives a complaint?
- 3.1.1 The purpose of the Initial Assessment is for the Ireland NCP to determine whether a complaint merits further consideration and should move to the next stage, will be transferred to another NCP or not accepted.
- 3.1.2 When a complaint is received, typically using the submission form, the Ireland NCP will confirm its receipt and offer a meeting to the notifier(s) to explain how it will be handled. At the same time, it will also write to the enterprise(s) referenced in the complaint with the information provided by the notifier, request a meeting to explain the Ireland NCP complaint handling process and simultaneously request a preliminary response within a specified timeframe.
- 3.1.3 The Ireland NCP maintains a list of complaints received on the Department [website](#). This list of complaints includes those at the initial assessment stage. The NCP also regularly updates the [OECD Specific Instance Database](#). This means that the submission of a complaint to the Ireland NCP will be notified on both websites. In instances where the notifier's identity should be kept confidential for security reasons, the Ireland NCP will not disclose their names on either website.
- 3.1.4 The Ireland NCP will also inform and coordinate with other concerned NCPs in certain instances, e.g. when there is a complaint involving different enterprises in other adhering countries. In line with the Implementation Procedures of the Guidelines (Paras 29-32), if the Ireland NCP is not the correct NCP to handle the complaint, it may seek to transfer it to another NCP early in the initial assessment stage to lead on handling the complaint. The Ireland NCP will transfer a complaint following engagement with all the concerned parties. Arrangements to identify the lead and supporting NCPs should be completed within two months of receipt of the complaint. This could impact the timeframe for handling the complaint.
- 3.1.5 In some instances, it may be beneficial for the Ireland NCP to work closely with another NCP throughout the process. In such cases, the NCPs will agree on who would be the lead NCP and, therefore, follow the lead NCP's procedures for handling a complaint.
- 3.1.6 If any member of the NCP team has a conflict of interest with the complaint, they will not participate in the complaint handling process.
- 3.1.7 It may be necessary for the Ireland NCP to request clarification or further information to move forward with the complaint process. In such instances the deadline may be extended.

- 3.1.8 In instances when a complaint is received that is being or has been dealt with by another NCP, the Ireland NCP may consider it. However, if the substance of the complaint is not markedly different, it will not be considered.
- 3.1.9 Complaints that are being considered in another forum, such as the courts may be considered by the Ireland NCP if it is determined that the process may contribute positively to the resolving the issues within the framework of the Guidelines and does not negatively infringe upon those proceedings.
- 3.1.10 The NCP will, only if full acceptance is not possible, consider partially accepting a complaint or temporarily suspending examination while the other proceedings are ongoing. The NCP will evaluate parallel proceedings in consultation with both parties and (if necessary) the parallel mechanism at issue.
- 3.1.11 Non-acceptance of a complaint means that the Ireland NCP does not believe there are grounds to continue, as the admissibility criteria (section 3.4.1) have not been met.
- 3.1.12 When the Ireland NCP does not accept a complaint, it concludes the process by producing and publishing a Final Statement after consulting the parties involved.
- 3.1.13 Once the Ireland NCP is satisfied it has sufficient information, it will draft its Initial Assessment, which outlines whether or not it accepts a complaint (in full or partially). It will be shared with parties for factual corrections before publishing on its website.
- 3.1.14 The Ireland NCP will inform with its Advisory Group whether it has accepted, transferred or rejected the complaint.

3.2 Are there any additional steps the Ireland NCP may take before making an initial assessment?

- 3.2.1 The Ireland NCP may request further information from either party before making an Initial Assessment.
- 3.2.2 The Ireland NCP may seek information or advice from members of the Advisory Group or other persons/organisations to clarify factual, or background information referred to in the complaint.

3.3 Can parties make additional representations before the Ireland NCP makes its Initial Assessment

- 3.3.1 Parties are expected to provide sufficient information that they wish the Ireland NCP to consider when making its Initial Assessment. The Ireland NCP allows parties to submit one response to comments made by the other party, i.e. the notifier may respond to the enterprise's response and the enterprise may reply to this counter-response.

3.3.2 Parties are given an opportunity to provide factual correction comments to the Ireland NCP when it issues its draft Initial Assessment.

3.4 On what grounds does the Ireland NCP decide to accept or not accept a complaint at the initial assessment stage?

3.4.1 The Initial Assessment outlines if the issues raised in the complaint merit further consideration. The Ireland NCP will consider the following grounds:

- The identity of the party concerned and its interest in the matter
- Whether the issue is material and substantiated
- Whether the enterprise is covered by the Guidelines
- Whether there seems to be a link between the enterprise's activities and the issue raised in the complaint
- The extent to which applicable law and/or procedures limit the NCP's ability to contribute to the resolution of the issue and/or the implementation of the Guidelines
- Whether the examination of the issue would contribute to the purpose and effectiveness of the Guidelines.

3.4.2 Sufficient evidence is considered to mean the issues raised in the complaint are material and substantiated, i.e. plausible and are related to the application of the Guidelines and that there is a plausible link between the enterprise and the issues raised. This means that there is a low threshold for accepting a complaint at the initial assessment stage and moving to the next stage. It does not mean that the Ireland NCP considers the enterprise has or has not adhered to the Guidelines.

3.5 What does acceptance of a complaint at the initial assessment stage mean?

3.5.1 When the Ireland NCP accepts a complaint, this means the Ireland NCP considers there are grounds for further consideration or examination of the issue(s) raised relevant to the Guidelines. The Ireland NCP will offer its 'good offices' to the parties.

3.5.2 Acceptance of a complaint does not mean that the Ireland NCP has determined that the enterprise has or has not breached the Guidelines.

4 Stage 2 – ‘Good Offices’: dispute resolution or examination

4.1 Mediation Process – the role of mediation or conciliation to help resolve the issues accepted at the initial assessment stage

- 4.1.1 The preferred outcome of any complaint is an agreement between the parties, compatible with the Guidelines. When the Ireland NCP accepts a complaint at the initial assessment stage, it will offer its ‘good offices’, i.e. dispute resolution. The objective of the ‘good offices’ is to provide a platform for dialogue (typically through mediation) to the parties involved to discuss the issues raised which have been accepted in the Initial Assessment and help them come to a mutually agreed resolution without undue delay.
- 4.1.2 Mediation is voluntary; therefore, a party may decide not to accept the offer of the Ireland NCP’s ‘good offices’ or withdraw at any point during the process. The published Final Statement will note if a party did or did not agree to partake in this stage of the process.
- 4.1.3 Once the parties inform the Ireland NCP that they agree to the offer of ‘good offices’, the Ireland NCP will commence preparations to facilitate mediation sessions between the parties. This requires hiring an external professional mediator using public procurement procedures. The appointment of the selected mediator will be agreed by the parties.
- 4.1.4 If a mediator has a conflict of interest with the complaint, they will not be selected to participate in the process.
- 4.1.5 Parties should be committed to participating in good faith with a view to achieving a resolution to the issues raised. The mediation process should not be viewed as a way to gather additional information or an opportunity to avoid addressing issues and accounting for conduct.
- 4.1.6 Persons taking part in the mediation sessions must have the authority to implement any agreement reached and be in a position to approve a Mediation Agreement.
- 4.1.7 Mediation procedures are extrajudicial and confidential, in order to encourage open discussion. In certain cases, e.g. notifier’s personal safety could be compromised, it may be necessary to find alternative arrangements to facilitate mediation.

4.2 Mediation Sessions

- 4.2.1 The mediator may wish to hold initial preparatory meetings with parties separately to prepare for mediation session(s). Terms of reference will be agreed by the parties, the mediator and the Ireland NCP. The terms of reference provide clarity on what the mediation will entail, the issues to be discussed and the desired outcomes. In practice, each good offices process will differ, and a flexible approach is required.
- 4.2.2 The role of the appointed mediator is to provide a non-adversarial platform and opportunity for the parties to constructively discuss the issues raised which have been accepted for further consideration by the Ireland NCP. The mediator will agree the agenda(s) with the parties by convening mediation session(s) and will chair all mediation meetings either separately or together. The mediator will encourage an open exchange of information between the parties, aim to build trust and confidence with a view to arriving at a mutually agreed resolution to the issues discussed.

4.3 The role of the Ireland NCP during mediation

- 4.3.1 The Ireland NCP will make itself available during mediation and will inform the dialogue with its expertise on the Guidelines, to guide the discussion and ensure agreements reached are mutually agreeable and compatible with the Guidelines.
- 4.3.2 As per the Implementation Procedures commentary in the Guidelines, the role of the NCP includes creating conditions for dialogue and agreement between the parties around a commitment by the enterprise to further the implementation of the Guidelines in the future and, where relevant, address, in accordance with the Guidelines, adverse impacts that may have occurred.
- 4.3.3 While facilitating dialogue, the Ireland NCP will explain the provisions of the Guidelines relevant to the issues raised as a way to support parties in reaching an agreement compatible with the Guidelines.

4.4 If mediation results in agreement

- 4.4.1 Following a successful mediation process that results in an agreement between the parties, a Mediation Agreement will be drafted by them, with the assistance of the mediator. This may include a summary if the full agreement cannot be published. The Mediation Agreement will be included in the Ireland NCP's Final Statement.

4.5 If mediation does not result in agreement

- 4.5.1 If the parties do not agree to mediate, the mediation does not result in agreement or a party withdraws during the mediation process, the Ireland NCP will conduct an examination of the complaint.
- 4.5.2 The Ireland NCP will also conduct an examination in instances when there is a partial agreement between the parties. This examination will solely focus on the issues that were not resolved through mediation.
- 4.5.3 The objective of the examination of the complaint by the Ireland NCP is to apply its expertise on the Guidelines to the claims and evidence provided and to formulate recommendations which will be included in a published Final Statement.
- 4.5.4 At the outset of the examination, the Ireland NCP will identify the steps it intends to take to proceed with the examination and will notify both parties in writing. The Ireland NCP will inform both parties in writing of any amendments it considers necessary to these steps. If, as a result of the examination, the Ireland NCP decides that additional steps are required in order to complete the examination, it will notify both parties of the additional steps it intends to take.
- 4.5.5 The examination will likely mean the Ireland NCP requesting further information from the parties and other relevant actors e.g. government departments, diplomatic missions, state agencies, NGOs, etc. In some instances, it may be necessary to seek independent advice. It may also involve further meetings between the parties.
- 4.5.6 The Ireland NCP will then review all the information it has gathered, provide a draft version to the parties for factual correction and publish a Final Statement which could include a decision(s) as to whether the Guidelines have or have not been breached by the enterprise and recommendations to be implemented.

5 Stage 3 – publication of the Final Statement

5.1 Purpose and content in the Final Statement

- 5.1.1 At the conclusion of successful mediation, the examination process or non-acceptance of a complaint (at the initial assessment stage), the Ireland NCP will publish a Final Statement including the following information:
- Details of the issues raised in the complaint and the paragraphs/chapters of the Guidelines connected to them
 - Details of the parties involved, i.e. notifier(s) and the enterprise(s)
 - A summary of the process followed by the Ireland NCP
 - In instances when the parties resolve the issues, a statement agreed by the parties and follow-up arrangements and any/or recommendations made by the Ireland NCP
 - In instances when the NCP conducts an examination of the complaint, the Ireland NCP will, where relevant, include a clear statement which could determine whether it considers the enterprise did or did not breach the recommendations of the Guidelines. Where relevant, the NCP will also include recommendations
 - A date by which both parties will be asked to provide an update on progress made towards meeting any agreed outcomes and/or recommendations made by the Ireland NCP

5.2 Process to prepare and publish the Final Statement

- 5.2.1 In order to publish the Final Statement, the Ireland NCP will review the information provided by the parties and any other information gathered during Stage 2 of the process. The draft statement will be provided to the parties. The Ireland NCP may, at its discretion, incorporate any factual changes requested and agreed by the parties before publishing the Final Statement.

5.3 Where the complaint did not merit further consideration

- 5.3.1 Where the complaint did not merit further consideration at the initial assessment stage, the Final Statement will include an explanation of how it was assessed in line with Section 3.4.1.

6 Stage 4 – follow-up

6.1 Follow-up process

- 6.1.1 When the Final Statement includes an agreement between the parties and/or recommendations by the Ireland NCP, a date will be provided for the parties to update the Ireland NCP on actions taken towards implementing the agreement and/or recommendations.
- 6.1.2 The Ireland NCP will then prepare a Follow-Up Statement reflecting the responses and outline the level to which the agreement and/or recommendations have been implemented. The Ireland NCP may conclude the complaint following the publication of the Follow-Up Statement. In some instances, the Ireland NCP may recommend an additional follow-up period if necessary.
- 6.1.3 The Follow-Up Statement will be provided to the parties for factual corrections. The Ireland NCP may consider changes at its discretion. The Follow-Up Statement will subsequently be published on the Ireland NCP website.

7 Transparency and Confidentiality

- 7.1 Transparency is one of the core criteria by which the Ireland NCP operates. However, the OECD Implementation Guidance in the Guidelines recognises that there are specific circumstances where maintaining confidentiality of certain facts and arguments brought forward by the parties is justified. It is important to strike a balance between transparency and confidentiality to build confidence in the process and promote the Guidelines' effective implementation.
- 7.2 Information deemed confidential will not be released by the Ireland NCP without consultation and consent. It will only be shared on a confidential basis with those who need to access the information such as the appointed mediator.
- 7.3 All information received by the Ireland NCP from the parties or any other person or organisation (whether during the course of a meeting or in writing) will, as a matter of course, be copied to all parties, unless a strongly argued case is made for specified information to be withheld from a party, e.g. sensitive business information, risk of reprisals, or other legal restrictions.
- 7.4 Information that cannot be shared between the parties in some way cannot be part of the Ireland NCP's consideration of the complaint.
- 7.5 The preferred course is to agree, where appropriate, conditions of confidentiality attaching to any legally or commercially sensitive information. Parties should be aware that information and documents provided to the Ireland NCP are subject to the operation of the Freedom of Information Act 2014 and could be released under the provisions of that Act.
- 7.6 With respect to communication with the public or third parties about the complaint, consistent with the core effectiveness criterion of transparency, the parties and the Ireland NCP may communicate publicly on the existence of the complaint, except where otherwise agreed between the parties and the Ireland NCP. Notifier(s) may also publish their own complaint and communicate about the stages of the process if they wish.
- 7.7 Both parties may also discuss information or documents shared by the other party with their advisors to the complaint, provided these advisors do not themselves further disclose such information.

- 7.8 Other information will be confidential unless otherwise agreed by the parties. The parties may not disclose publicly or to a third party, during or after the proceedings, facts and arguments shared by the other parties or the Ireland NCP (including where relevant by an external mediator or conciliator) during the proceedings unless the sharing party agrees to their disclosure, such facts and arguments are already in the public domain, or not disclosing would be contrary to the provisions of national law. Seeking publicity with respect to a complaint while a dialogue is taking place can, depending on the context and way it is done, have a positive or negative impact on the dialogue process and on efforts to arrive at an agreed resolution.
- 7.9 In the interest of predictability, trust and confidence, the Ireland NCP may seek written assurances from the parties in this regard. The parties should be aware of the influence of any public statements or acts on the eventual success of the procedure, even if such statements or acts do not violate the confidentiality of the Ireland NCP process.

8 Good Faith

- 8.1 The complaint process is voluntary. The good faith engagement by all parties involved in the proceedings is expected. Good faith engagement in this context means responding in a timely fashion, maintaining confidentiality where appropriate and consistent with the Ireland NCP's complaint handling procedures, refraining from misrepresenting the issues and the process, notably in public communications, and from threatening or taking reprisals against parties involved in the procedure, or against the Ireland NCP itself, and genuinely engaging in the proceedings with a view to finding a Guidelines-compatible solution to the issues raised, including giving serious consideration to any offer of good offices made by the Ireland NCP and committing to further the implementation of the Guidelines in the future and, where relevant, address, in accordance with the Guidelines, adverse impacts that may have occurred.
- 8.2 The Ireland NCP must be able to rely on the parties to treat each other with respect and make an effort to reach agreement.