

REPORT OF NATIONAL CONTACT POINTS TO THE COMMITTEE ON INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES

Common Framework for Annual Reporting by National Contact Points for the period June 2003-June 2004

The Common Reporting Framework is designed to assist NCPs in reporting on their activities to the Committee on International Investment and Multinational Enterprises (CIME). Section C of this framework has been modified in accordance with the agreement reached at the April CIME WPD meeting [DAFFE/IME/WPD(2004)4/REV1]. The NCP annual reports should be sent to the Secretariat by Friday, 21 May 2004 [pamela.duffin@oecd.org].

The Polish National Contact Point

A. Institutional Arrangements

The Polish National Contact Point is located at the Polish Information and Foreign Investment Agency (PAIiZ). Its address (changed) is:

Polish Information and Foreign Investment Agency
Ul. Bagatela 12, 00-585 Warsaw
(48-22) 334-98-75
(48-22)) 334-99-99

There have been changes in the location of the Polish National Contact Point within the structure of the Polish Information and Foreign Investment Agency. Polish Information and Foreign Investment Agency was created in result of a merger of the former Polish Investment Promotion Agency (Polish Agency for Foreign Investment, where the NCP was previously located) and the Polish Information Agency. The National Contact Point was firstly located in a newly formed Department for Information, but then it proved to be more reasonable to change its location to the Investors' Servicing Department. It was hoped that such a positioning would help the NCP to stay in a closer contact with Foreign Investors serviced by the Polish Information and Foreign Investment Agency.

As regards NPC's activities Polish NPC reports to the Ministry of Economy and Labour (where it was located before 2001) and which allocates financial resources to PAIiZ.

NCP stays in contact with social partners through correspondence and telephone calls, employee organizations (trade unions) at several companies in particular. Besides NCP keeps in touch with embassies, foreign companies and individuals.

B. Information and Promotion

The Guidelines for Multinational Companies are translated into Polish and are available in several ways. First of all, it is possible to find them on the website of the Polish Information and Foreign Investment Agency website. The website has a special part for the NCP. It describes NCP's role and provides the reader with a short introduction to what the Guidelines are. The Agency has been working for several months on a new user friendly website. The site is translated into several languages and therefore the information on the activities of the NCP are now available in: Polish, English, French, German and Japanese. It is possible to download the Guidelines in Polish and there is a link to the Guidelines in English on the OECD website.

Secondly, the Guidelines are available in printed form and have been edited as a booklet. They are displayed on a shelf with PAIiIZ publications situated near the conference room in the Agency building and are available for every potential investor visiting PAIiIZ, who can take the copy of the Guidelines with them. Thirdly, guidelines are available from the NCP upon request in electronic or published version.

Polish NCP stays in contact with the business community and trade unions. Its informational activities are conducted according to the core criteria for the operation of NCPs. Each time the NCP is approached by a business partner, it promotes the Guidelines. NCP answers numerous questions from the business community and trade unions. They concern both the Guidelines and the procedures and matters connected with special instances. Co-operation with the public includes contact with individuals such as employees of embassies and ministries, consulting firms, students of law and economics and individuals interested in the activities of the NCP and the Guidelines.

The NCP was promoting the Guidelines to individuals and people representing the business community. This kind of promotion comprised distributing the booklets with Guidelines and answering to enquiries about them and the role of the NCP. Polish NCP has received enquiries from employee organizations, companies, embassies and the public through telephone, as well as e-mails and in direct contact in the Agency as well as on the Hannover Fairs in April, in which PAIiIZ took part. Enquires concerned the Guidelines and the procedures and activities of the NCP. The questions asked have proven that the NCP is known among the society (individuals approaching us disposed of previous knowledge about the NCP) and that there is an interest in the Guidelines.

C. Implementation in specific instances

The NCP received information about a specific instance from a representative of a trade union in an international company from the security services sector. The information sent was an article from the trade union periodical about a situation in the company. The specific instance cited the IV chapter of the Guidelines. The company was accused of: not finding it crucial to consult the representatives of workers about its decisions, bad co-operation with the trade union, not answering to letters from the trade union representatives, not meeting them and of seeking for reasons to dismiss most active trade unions members. It is therefore possible that this special instance involves such regulations of the IV chapter of the Guidelines as: not engaging in constructive negotiations with a view to reaching agreements on employment conditions (Part IV, 1. a), not providing information to employee representatives which is needed for meaningful negotiations on conditions of employment (Part IV, 2.b), not promoting consultation and co-operation between employers and employees and their representatives on matters of mutual concern (Part IV, 2.c). However, the charges described in the

letter were rather general and were not explained during a telephone conversation. As no further information were provided and the case was temporarily suspended and therefore the results were not communicated to the public.

Polish NCP deals with a specific instance raised in the previous year by an employee organization of another company from the construction sector, which complains about the violation of workers rights. The board is accused of acting against the regulations of the IV chapter of the Guidelines: not respecting the right of their employees to be represented by trade unions, not engaging in constructive negotiations with a view to reaching agreements on employment conditions, not providing facilities to employee representatives as may be necessary to assist in the development of effective collective agreements, not providing information to employee representatives which is needed for meaningful negotiations on conditions of employment, not promoting consultation and co-operation between employers and employees and their representatives on matters of mutual concern, not enabling an authorized representatives of employees to negotiate on collective bargaining with representatives of management who are authorized to take decisions on these matters, not providing reasonable notice of changes in their operations which would have a major effects upon the livelihood of their employees and not obeying the resolutions of the Labour Inspection. NCP was in contact with representatives of the company.

D. Other

In order to abide the core criteria for the operation of NCPs, whenever a claim is raised to the NCP, both sides of a conflict are continually and equally informed - about each letter from any of the parties and each issue raised by them. NCP answered numerous enquires about its activities and the Guidelines, however so far NCP did not reveal names of the companies involved. NCP conducted promotional activities, and made Guidelines more accessible for investors operating in Poland. Besides, whenever a claim is raised at the NCP, both sides are thoroughly informed about the Guidelines and facilities associated with the NCP. The NCP responded to all legitimate requests for information and enquires.

As a final remark, the Polish NCP would like to stress that the public expectations towards the NCP reaches much further than its range of responsibilities and possible activities. It is especially visible in the expectations of trade unions, which seem to treat NCP as a panacea for their complaints and hope it can exact such behaviour from the other party of the conflict which was not possible to exact by a court verdict. The fact that the Guidelines do not have a legal status enables the Guidelines to be comprehensive, but at the same time limits the possible impact of NCPs' actions. NCP had to explain Trade Unions that the Guidelines do not over-ride and are not a substitute to the Polish law.