



Australian Government

The Treasury

Australian National Contact Point
for the OECD Guidelines for Multinational Enterprises

Follow Up Statement

Regarding a complaint submitted by Australian Women
Without Borders against Mercer PR for its conduct in relation to
activity in Nauru.

Published 22 July 2020

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EXECUTIVE SUMMARY

1. On 9 July 2019, the Australian National Contact Point (AusNCP) issued a Final Statement regarding a complaint submitted by the National Justice Project for Australian Women Without Borders on behalf of an affected individual, against Mercer PR.
 - 1.1. In its Final Statement, the AusNCP encouraged Mercer PR to consider an apology and appropriate remedy. It also recommended Mercer PR's executive undertake training and incorporate the *OECD Guidelines for Multinational Enterprises* (OECD Guidelines) into internal guidelines and processes.
2. The AusNCP commenced a follow up procedure in January 2020 and provided an opportunity for both parties to extend the procedural timeframe in March, acknowledging the unprecedented impacts of the Covid-19 pandemic. Both parties asked to continue the procedure.
3. As part of its monitoring role, the AusNCP sought a response from each party regarding any activities that may have been undertaken to implement the AusNCP's recommendations in the Final Statement of July 2019.
 - 3.1. The National Justice Project's response stated that no apology or remedy had been forthcoming directly to the affected individual, and noted its view that Mercer PR's public commentary on the Final Statement demonstrates that Mercer PR remains unclear about the content of the OECD Guidelines and role of the AusNCP. The affected individual continues to seek an apology and compensation, and supports the AusNCP's recommendation for training as a measure to help prevent future harms.
 - 3.2. Mercer PR's response reiterated that despite its small size and limited legal resources, it voluntarily engaged in the AusNCP process and is now well aware of the OECD Guidelines. Mercer PR noted to the AusNCP that it regretted passing on its client's media release and advised it is '...sincerely sorry if the actions of our client or the actions of our company resulted in any distress to any person or people'. Mercer PR states it has changed its internal procedures to ensure private information will not be distributed.
4. The AusNCP thanks the parties for participating in the follow up process and concludes that, at a minimum, it has been beneficial in raising awareness of the standards expected under the OECD Guidelines framework.
5. While Mercer PR has not acted on all the recommendations in the Final Statement, it has demonstrated to the AusNCP that, should there be a potential adverse human rights impact in the future, the firm's policy is now to obtain legal advice before proceeding¹. This demonstrates that internal improvement has taken place and this will be particularly important for the international and crisis response components of its business.

¹ Final Statement, 9 July 2019, paragraph 22 'Mercer PR stated it had introduced a policy to ensure where there was a potential adverse human rights impact in the future, it would obtain legal advice before proceeding.'

6. The AusNCP is satisfied that the action which led to the complaint is unlikely to be repeated and has sighted the relevant internal procedure that reflects the new policy.
7. The AusNCP Governance and Advisory Board was consulted in the formulation of this statement. It is available on the AusNCP website at www.AusNCP.gov.au and has been shared with the OECD.
8. The AusNCP does not propose to conduct further follow up on this matter and considers the process to date has been effective in highlighting the issues. The AusNCP services remains available should either party request additional support following the publication of this Statement.

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