

# National Contact Point of Switzerland

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## Final Statement

### **Specific Instance regarding the Fédération Internationale de Football Association (FIFA) submitted by the trade union UNITE HERE Local 11**

Berne, 15 September 2022

#### **Executive summary**

On 31 March 2022, the trade union UNITE HERE Local 11 (hereafter “submitting Party”) presented a written request to the National Contact Point of Switzerland for the OECD Guidelines (hereafter “Swiss NCP”) regarding the Fédération Internationale de Football Association (hereafter “FIFA” or “responding Party”). The submission alleged that FIFA did not adequately engage local stakeholders on labour issues in view of a possible selection by FIFA of the Rose Bowl Stadium in Los Angeles, USA as a venue for the Football World Cup 2026 (hereafter “FWC2026”) and, thus, did not properly conduct due diligence. The Swiss NCP accepted the specific instance on 13 June 2022.

FIFA announced on 16 June 2022 that the Rose Bowl Stadium was not selected as a venue for the FWC2026 making the subject of the submission no longer relevant. Nevertheless, the Swiss NCP initiated a direct dialogue between the Parties to discuss any other issues related to working conditions and the FWC2026. Both Parties engaged in a constructive direct exchange and are committed to continue this dialogue after the conclusion of the NCP proceedings. On 8 August 2022, the Swiss NCP organized a virtual meeting with both Parties to take stock of this exchange and decided to conclude the proceedings. The Swiss NCP thanks both Parties for their very constructive, transparent and efficient engagement in the NCP proceedings.

#### **1. Submission and Initial Assessment**

The OECD Guidelines for Multinational Enterprises (hereafter “OECD Guidelines”) represent a set of principles and standards for responsible business conduct, addressed as recommendations by the governments of the 38 OECD member and 13 other adhering States to multinational enterprises operating in or from their territories. The Swiss NCP has the mandate to raise awareness and promote observance of the OECD Guidelines. The Swiss NCP also contributes to the resolution of issues that arise relating to the implementation of the OECD Guidelines in specific instances by offering a forum for mediation, assisting parties concerned to deal with these issues and providing recommendations regarding the implementation of the OECD Guidelines.

On 31 March 2022, the trade union UNITE HERE Local 11 submitted a written request to the Swiss NCP to consider a specific instance under the OECD Guidelines regarding FIFA, an international sports organisation headquartered in Zurich, Switzerland. The submission alleged that FIFA did not adequately engage local stakeholders on labour issues in view of a possible selection by FIFA of the Rose Bowl Stadium in Los Angeles, USA as a venue for the FWC2026 and, thus, did not properly conduct due diligence according to the OECD Guidelines.

The Swiss and US NCP agreed that the Swiss NCP would lead the proceedings as the topic related to FIFA's due diligence process and selection decisions of the host cities and stadiums was managed at the headquarters of FIFA in Zürich in Switzerland.

On June 13, the Swiss NCP accepted the specific instance and offered its good offices regarding FIFA's due diligence process including engagement with relevant stakeholders related to the possible selection of the Rose Bowl Stadium (see report of [Initial Assessment](#)).

## 2. Proceedings of the Swiss NCP

Since the receipt of the submission on 31 March 2022, the Swiss NCP carried out the following actions:

4.4.2022	Confirmation to acknowledge receipt of the submission to the submitting Party.
6.4.2022	Submission was forwarded to the responding Party.
7.4.2022	Information of the Swiss Embassy in the USA.
11.4.2022	Initiation of coordination with the US NCP.
13.4.2022	Constitution of an ad hoc Working group including representatives from the State Secretariat for Economic Affairs, the Federal Department of Foreign Affairs according to the Specific Instances Procedure of the Swiss NCP <sup>1</sup> .
27.4.2022	Meeting of the ad hoc Working group with the submitting Party to inform them about the procedure of the specific instance.
3.5.2022	Meeting of the ad hoc Working group with the responding Party to inform them about the procedure of the specific instance.
10.5.2022	Receipt of a written statement by the responding Party.
31.5.2022	Draft Report on Initial Assessment was sent to the Parties for comments on possible misrepresentations of information.
1./9.6.2022	Receipt of written comments by Parties.
13.6.2022	Publication of Initial Assessment.
23.6.2022	After the non-selection of the Rose Bowl Stadium by FIFA on 16 June 22, bilateral talks between the Swiss NCP and each Party.
8.8.2022	Concluding virtual meeting between the Swiss NCP and both Parties.
29.8.2022	Draft Report on Final Statement was sent to the Parties for comments on possible misrepresentations of information.
29.8./1.9 2022	Receipt of written comments by Parties.

## 3. Outcome

On 16 June 2022, FIFA announced<sup>2</sup> that the city of Los Angeles was selected as a host of the FWC2026, but the matches will take place in the SoFi - rather than the Rose Bowl - Stadium. The Rose Bowl Stadium will therefore not be a venue for the FWC2026. This made the subject of the submission no longer relevant.

However, the Swiss NCP nevertheless offered the Parties its support to use the contacts established through the NCP process to foster a direct dialogue between FIFA and UNITE HERE Local 11. After bilateral talks of the Swiss NCP with each Party on 16 June 2022, FIFA reached out the same day to the submitting Party to start a dialogue.

<sup>1</sup> [www.seco.admin.ch/ncp](http://www.seco.admin.ch/ncp)

<sup>2</sup> [www.fifa.com/tournaments/mens/worldcup/canadamexicousa2026/media-releases/media-release-greater-than-fwc-2026-greater-than-host-cities-announcement](http://www.fifa.com/tournaments/mens/worldcup/canadamexicousa2026/media-releases/media-release-greater-than-fwc-2026-greater-than-host-cities-announcement)

On 8 August 2022, the Swiss NCP organized a concluding virtual meeting with both Parties to take stock of the initiated dialogue between the Parties. The Swiss NCP was very pleased to hear that the Parties had exchanged bilaterally on various issues regarding labour rights and stakeholder consultation related to the FWC2026 and will continue to do so in the future. Both Parties praised the mutually constructive exchange, which will continue after the conclusion of the NCP proceedings regarding the implementation of the FWC2026 in Los Angeles, but also in other selected US cities. Given the alleged difficult labour situation at the Rose Bowl Stadium, the submitting Party stressed its satisfaction that this stadium was not selected by FIFA for the FWC2026. In their view, the chosen SoFi Stadium has a strong commitment to ensure good working conditions. FIFA stressed the importance of the dialogue with UNITE HERE Local 11 and appreciated receiving valuable local perspectives by the submitting Party in order to carry out the due diligence process in the best possible way.

The Swiss NCP:

- welcomes the very constructive, transparent and efficient engagement of both Parties in the NCP procedure;
- is confident that the carefully and comprehensively planned and conducted due diligence process of FIFA is an optimal prerequisite to foster good working conditions at the FWC2026;
- concludes that FIFA's engagement with UNITE HERE 11 is and will be an important contribution to foster good working conditions at the FWC2026, in particular for games hosted in Los Angeles.

With this Final Statement, the Swiss NCP closes the specific instance.