



OECD GUIDELINES  
FOR MULTINATIONAL  
ENTERPRISES

NATIONAL CONTACT POINT  
FOR RESPONSIBLE BUSINESS  
CONDUCT THE NETHERLANDS

## Unite the Union vs. ASML

Date: 3 February 2026

### Initial Assessment

**The objective of the initial assessment process under the Implementation Procedures is to determine whether the issues raised in the specific instance warrant further examination. If so, the National Contact Point (NCP) will offer or facilitate access to consensual and non-adversarial procedures, such as dialogue, mediation or conciliation (e.g. ‘good offices’). As specific instances are not legal proceedings and NCPs are not judicial bodies, NCPs cannot impose sanctions, directly provide compensation or compel parties to participate in a conciliation or mediation process.**

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## Executive summary

On 16 June 2025, the Netherlands National Contact Point (hereinafter: the NCP) for Responsible Business Conduct received a notification of a specific instance from Unite the Union Ireland (hereinafter Unite or the notifying party) with regard to an alleged violation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (hereinafter the Guidelines) by ASML Holding NV and ASML Ireland Ltd. (hereinafter ASML Headquarter (HQ), ASML Ireland, and ASML where referring to both). ASML produces lithography systems used in the semiconductor industry and is headquartered in the Netherlands. ASML Ireland is an operating company and a wholly owned subsidiary of ASML Headquarters.

According to the notifying party, ASML Ireland has refused to recognize trade unions and has consistently ignored requests to engage in constructive negotiations. The issues raised in the submission concern an alleged violation of the Guidelines by ASML and relate to the 2023 Guidelines' Chapter I (General), Chapter II (General Policies), Chapter V (Employment and Industrial Relations) and Chapter VI (Environment).

### Coordination

The Dutch NCP coordinated this notification with the Irish NCP. Both NCPs have agreed that Dutch NCP will take the lead in handling this specific instance, and that there will be an advisory and supporting role for the Irish NCP.

### Brief overview of the timeline

On 11 August 2025 the NCP had a first coordination call with the Irish NCP. On 9 September, the NCP, together with the Irish NCP, had an online call with ASML HQ to discuss whether the Dutch NCP would be the lead NCP. On 3 October, the NCP, together with the Irish NCP, had a first meeting with the notifying party. The Dutch NCP received an initial written response from ASML HQ on 17 October. On 28 October, the NCP, together with the Irish NCP, had a meeting with ASML HQ to obtain ASML's perspective on the substance of the notification. The NCP shared the draft Initial Assessment with the parties on 27 November, giving them two weeks to submit their responses. The Initial Assessment was published on the NCP website on 3 February 2026.

### Conclusion

The NCP concludes that the notification concerning ASML **warrants further examination** based on the following criteria:

- the identity of the party concerned and its interest in the matter;
- whether the issue is material, (i.e. relevant to the implementation of the Guidelines;) and substantiated (i.e. supported by sufficient and credible information);
- 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 specific instance;
- the extent to which applicable law and/or parallel proceedings 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 purposes and effectiveness of the Guidelines.

Below it is explained why, in the NCP's opinion, these criteria have been met.

This decision does not mean that the issues raised have been given final consideration and does not imply any finding as to whether or not the enterprise has acted in accordance with the Guidelines.

## Substance of the submission (facts presented) and the enterprise's response

### Summary of the submission

According to the notifying party, ASML has breached the Guidelines. Unite alleges that ASML Ireland has consistently ignored its requests by Unite to engage in constructive negotiations on issues of mutual concern, notably remuneration and the impact of changed climate strategy on car policies. It argues that trade unions are not recognized at ASML Ireland, and that the enterprise instead aims to rely on a direct engagement model and systems to communicate with workers without involving Unite. The notifying party argues that ASML HQ has failed to address these concerns, while being accountable for issues related to its subsidiaries, including ASML Ireland.

The notifying party alleges that the enterprise has not engaged with Unite or responded to requests from Unite, the first of which was made in November 2024, to be permitted to represent its members through legitimate processes. In June 2025, ASML Ireland rejected a formal conciliation process to resolve the issues, offered by the Workplace Relations Commission (WRC), the Irish national authority for workplace relations and employment rights. The notifying party also points to a discrepancy between employment standards applied by ASML HQ in its Irish subsidiary and those applied in other parts of its operations. Unite observes that there is an established pattern of relations with trade unions in other countries where ASML operates.

According to Unite, both ASML HQ and ASML Ireland have failed to conduct meaningful due diligence and stakeholder engagement as required by the Guidelines. They are alleged to have rejected opportunities to fully honour the Guidelines on meaningful engagement, freedom of association and collective bargaining. Unite argues that nothing in Irish law prevents ASML from honouring the Guidelines to the full extent. It argues that ASML has violated in particular the following elements of the OECD Guidelines:

- Chapter I (Concepts and Principles), article 2
- Chapter II (General Policies), articles 11, 12 and 15
- Chapter V (Employment and Industrial Relations), articles 1a and 1b, 3, 4 and 8
- Chapter VI (Environment), article 2

The notifying party has asked ASML to:

- Enter a framework agreement to recognize Unite as the workers' representative organization for collective bargaining;
- Retract its statement of 4 June 2025 and inform workers that it does recognize trade unions as part of fully observing the Guidelines;

### Enterprise's response

In its response, ASML states that it finds it challenging to fully understand the reason for the submission, as the matter was previously referred to the WRC, but was not pursued further and was therefore closed.

According to ASML, it engages locally with employees through internal communication channels and encourages them to openly communicate and share ideas and concerns with management about working conditions and management practices, without fear of discrimination, retaliation, intimidation, or harassment.

ASML states that it is fully committed to complying with local legislation in every country where it operates, including employee involvement and representation, and that it fully respects employees' right to join a trade union of their choosing, in accordance with its Human Rights policy. Where collective bargaining agreements exist, ASML adheres to them and consults regularly with employee representatives.

ASML confirms that it recognizes the principles laid down in international instruments, including the OECD Guidelines. The company remains focused on integrating these principles into ASML's policies and practices, ensuring responsible business conduct across its operations and value chain, as detailed in ASML's Annual Report 2024. ASML states that recommendations provided by the Guidelines are carefully considered at all times, while ASML also strives to comply with its local legal rights and obligations of both ASML as employer and its employees. Respecting human rights, promoting fair employment conditions and practices, and fostering open and constructive relations with employees, regardless of their location, are said to be key priorities. ASML refers to these principles being reflected in the ASML Human Rights policy and the ASML Code of Conduct.

ASML further asserts that employee relations are primarily managed by the local entity, in this case ASML Ireland, as each country has its own specific circumstances and local management is considered to be best positioned to understand and support employees. ASML claims that complaints set out in the notification concern the conduct of ASML's operations in Ireland and are therefore subject to Irish legislation and considered to be in scope for the Irish NCP.

ASML Ireland has over 150 employees. ASML Ireland notes that it fosters local employee engagement through a direct engagement model supported by an open-door policy for all employees. Employees are encouraged to share feedback or concerns through internal channels to ensure that their voices are heard, and that concerns are considered and addressed. ASML Ireland states that it firmly believes in this direct engagement approach, which in its view:

- enables more timely and personalized communication,
- encourages more meaningful engagement between employees and the leadership team,
- supports more effective problem-solving, and
- fosters stronger working relationships throughout the organization.

ASML Ireland states that it informs and consults employees on their terms and conditions of employment, including remuneration and the company car policy, being the subjects of the complaints. Additionally, ASML Ireland claims that it fully respects its workers' rights under the Irish Constitution to join a trade union of their choosing. According to ASML, the Irish industrial relations framework and collective bargaining system operate on the principle of voluntarism. ASML upholds, that this voluntarist framework with respect to trade union recognition and collective bargaining enjoys the highest possible legal protection in Ireland, being enshrined in the Irish Constitution and recognized by Ireland's highest court, the Supreme Court. Article 40.6 of the Constitution provides workers with the right to form and join unions but equally places no obligation on employers to recognise or negotiate with unions. ASML Ireland submits that the absence of a legal obligation to engage with a particular trade union, or indeed any union, is furthermore consistent with ILO conventions on freedom of association.

ASML Ireland has therefore chosen to engage with all employees directly. This has been done in weekly employee forum meetings, monthly employee lunch meetings with the leadership team and quarterly meetings of all employees.

These meetings are intended to provide employees with updates and information as well as providing opportunities to share and take feedback or questions relating to company policies and overall employment conditions. ASML has used insights from these meetings as well as the annual employee engagement survey to inform its people strategy at all stages, including impact assessment, policy development and adjustments.

ASML rejects any claim to be in breach of the OECD Guidelines or Irish laws.

ASML submits that the particular constitutional framework upon which Ireland's industrial relations and collective bargaining landscape is based, and which ASML fully respects, must be taken into account by the NCP in its consideration of this complaint.

## Proceedings at the NCP to date

Since the submission was received on 16 June 2025, the following steps have been taken:

- On 24 June, the NCP sent a confirmation of receipt to the notifying party and informed the enterprise of the notification. Both parties also received a description of the NCP procedure.
- On 11 August, the NCP held a coordination call with the Irish NCP.
- On 21 August and 9 September, the NCP held two meetings with ASML: one to explain the NCP's role and procedures and one to discuss coordination between itself and the Irish NCP.
- On 15 September, the NCP held a second coordination call with the Irish NCP.
- On 3 October, the NCP, together with the Irish NCP, held a meeting with the notifying party.
- On 17 October, the NCP received the initial written response to the notification from ASML.
- On 28 October, the NCP, together with the Irish NCP, held a meeting with ASML.
- On 27 November, the NCP sent the draft initial assessment to both parties, for comments within two weeks. On the same day, the draft initial assessment was shared with the Irish NCP for comments.
- On 3 February 2026, the NCP published the initial assessment.

## Initial assessment by the NCP

The NCP has decided to accept the submission. This decision has been taken following an assessment by the NCP as to whether the issues raised warrant further examination. In making this decision, the NCP took into account the question of whether the Dutch NCP is the right entity to be the lead NCP, as well as the six OECD criteria for initial assessments.

### **Is the Dutch NCP the right entity to assess the alleged violations against ASML?**

The submission concerns ASML Holding N.V., a Dutch company group. ASML specializes in the development and manufacture of lithography machines and is one of the world's leading suppliers to the semiconductor industry.

The OECD Guide for National Contact Points on Coordination when handling Specific Instances (available at [oecd.org](https://www.oecd.org)) explains that the Guidelines note that "generally, issues will be dealt with by the NCP of the country in which the issues have arisen."

However, it also states that “if the issues in question relate to actions or decisions made at headquarters level of a company, the NCP based in the country of company’s headquarters may be best positioned to apply leverage and in reaching a resolution between the parties.”

The issues raised allegedly relate to both ASML Ireland and to ASML’s headquarters in the Netherlands. The alleged violation in relation to ASML Ireland concerns the company’s refusal to engage in constructive negotiations with Unite on issues of mutual concern such as remuneration and changes to the company car policy. The alleged violation in relation to ASML headquarters is the failure to address these concerns while, according to the Guidelines, it has a responsibility for such policies related to its subsidiary. As explained in the quote set out in the previous paragraph, in cases where the complaint concerns different business operations, the NCP of the country in which a company’s headquarters are based may be best positioned to apply leverage and reach a resolution between the parties. The Dutch NCP has coordinated with the Irish NCP, which has agreed to act as a supporting and advising NCP in this specific instance. In light of the foregoing, the Dutch NCP has decided to lead the handling of this specific instance.

#### **The identity of the party concerned and its interest in the matter**

The specific instance is submitted by trade union ‘Unite the Union Ireland’. Unite is a multi-sectoral trade union representing workers involved in commercial and residential constructions in the United Kingdom and Ireland. Unite the Union Ireland represents a number of ASML Ireland workers at the manufacturing facility.

Additionally, it is standing practice that NCPs will accept submissions filed by trade unions, NGOs or other organisations that seek to address causes that they defend. As the notifying party is a trade union defending causes that relate to the issues raised, the NCP is of the opinion that the notifying party has a legitimate interest in the issues raised in this submission.

#### **Whether the issues raised are material and substantiated**

In line with the Commentary to the Procedural Guidance for NCPs, paragraph 33, the NCP interprets ‘material and substantiated’ to mean that, based on the information submitted, the issues raised are relevant to the implementation of the Guidelines and supported by sufficient information.

The submission is material in the sense that it refers to the alleged non-observance of provisions of Chapter I (Concepts and Principles), Chapter II (General Policies), Chapter V (Employment and Industrial Relations) and Chapter VI (Environment).

The issues raised by the notifying party have been sufficiently substantiated, including by the correspondence with ASML that Unite has attached to its submission.

#### **Whether the enterprise is covered by the Guidelines**

ASML is a privately held multinational company which has its headquarters in the Netherlands. The company has a commercial objective and international operations. ASML HQ wholly owns its subsidiary in Ireland. Consequently, ASML is a multinational enterprise within the meaning of the Guidelines and is thus covered by the Guidelines.

### **Whether there seems to be a link between the enterprise's activities and the issues raised in the specific instance**

The notification concerns ASML's rejection of opportunities for collective bargaining and meaningful engagement with Unite on matters of mutual concern such as remuneration and changes to the car policy, its refusal to recognize trade unions in its Irish operations, its rejection of a legitimate conciliation process to cooperate with Unite and its failure to conduct meaningful due diligence. Therefore, the Dutch NCP considers there is a link between the activities of ASML HQ and ASML Ireland and the issues raised in the specific instance.

### **The extent to which applicable law and/or parallel proceedings limit the NCP's ability to contribute to the resolution of the issue and/or the implementation of the Guidelines**

As noted in the Commentary to the Procedural Guidance for NCPs, paragraph 35, domestic or international parallel proceedings that are ongoing or have already been concluded do not necessarily prevent an NCP from handling a specific instance by offering its good offices to the parties.

A related domestic proceeding at the WRC which attempted to engage both parties in conciliation, requested by the notifying party on 12 February 2025, has been closed by the WRC because it was informed on 21 March 2025 that the enterprise was declining to engage in conciliation.

Irish law does not prevent ASML Ireland from engaging with the trade unions and entering into collective bargaining, which means that there are no conflicting requirements.

### **Whether the examination of the issue would contribute to the purposes and effectiveness of the Guidelines**

The Dutch NCP considers that dealing with this notification may contribute to achieving the Guidelines' objectives and enhancing their effectiveness in the sense that it could help clarify ASML's responsibilities under the OECD Guidelines concerning its subsidiaries' respect for freedom of association and trade union rights.

## Conclusion

The NCP is of the opinion that this submission **warrants further examination** on the basis of the criteria laid down in the commentary to the Procedural Guidance, paragraph 33. The conclusion reached by the NCP in this initial assessment is based on the information received from both parties. In making this assessment, the NCP does not express any opinion on the correctness of the statements of the parties or the validity of the documentation provided by them.

## Next steps

In accordance with the Specific Instance Procedure of the Dutch NCP, the NCP **accepts** this case for further examination and offers its good offices to the parties.

The NCP has asked both parties whether they are willing to engage in a mediation/conciliation process, with the aim of agreeing how the issues raised can be successfully addressed. The notifying party has accepted the good offices. The enterprise has not accepted the NCP's good offices.

The NCP will, in principle, examine the issues and provide recommendations concerning the observance of the Guidelines. In any case, it will complete the procedure by issuing a Final Statement, which it will publish on its website. The Irish NCP will be involved as advisory and supporting NCP.

The role of National Contact Points (NCPs) is to further the effectiveness of the OECD Guidelines. The Dutch government has chosen to establish an independent NCP, which is responsible for its own procedures and decisions, in accordance with the Procedural Guidance section of the Guidelines. In line with this, the Dutch NCP consists of four independent members, supported by four advisory government officials from the most relevant ministries. The NCP Secretariat is hosted by the Ministry of Foreign Affairs. The Minister for Foreign Trade and Development Cooperation is politically responsible for the functioning of the Dutch NCP. More information on the OECD Guidelines and the NCP can be found on the [NCP Website](#).

**Published by:**  
National Contact Point OECD Guidelines  
For Multinational Enterprises

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