

Final Statement on a Specific Instance  
between Hitachi, Ltd. and Former Employee

16 June 2026  
Japanese National Contact Point (NCP)  
for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

**1. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct**

- (1) The OECD Guidelines for Multinational Enterprises (hereinafter referred to as the “Guidelines”), adopted by the Organisation for Economic Co-operation and Development (OECD) in 1976, are recommendations addressed by governments to multinational enterprises operating in or from their territories. The Guidelines provide the voluntary principles and standards for responsible business conduct in a wide range of fields, including disclosure, human rights, employment and industrial relations, the environment, combating bribery and other forms of corruption, consumer interests, science, technology and innovation, competition, and taxation.
- (2) Governments adhering to the Guidelines establish the National Contact Points for responsible Business Conduct (hereinafter referred to as the “NCP”). In Japan, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the Ministry of Economy, Trade and Industry jointly constitute the Japanese NCP (hereinafter referred to as the “Japanese NCP”), which, in accordance with the Guidelines, promotes awareness and uptake of the Guidelines and contributes to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances.
- (3) While the Guidelines are not legally binding, the Japanese NCP encourages enterprises to observe the Guidelines.
- (4) The Japanese NCP does not determine whether the enterprises’ activities are consistent with the Guidelines. Moreover, regarding the assertions by each party on the issues raised, the Japanese NCP does not make factual findings or judgements on its legitimacy.
- (5) The Japanese NCP may make recommendations on the implementation of the Guidelines and any observations the Japanese NCP deems appropriate to include on the reasons why the proceedings did not produce an agreement, if relevant.

**2. Submission of Complaint**

- (1) Complainant  
The complainant in this specific instance is a former employee (hereinafter referred to as the “Complainant”) who was employed by the enterprise involved from 1973 until April 2022, until he reached the age of 65.
- (2) Enterprise Involved  
The enterprise involved in this specific instance is Hitachi, Ltd. (hereinafter referred to as the “Enterprise Involved”), a general electrical manufacturer headquartered in Japan that offers a wide range of products and services and has nearly 600 subsidiaries in Japan and overseas.
- (3) Issues Raised  
The Complainant had been on secondment to affiliated companies of the Enterprise Involved since 2001. In March 2022, the Complainant received notice from a supervisor at the company to which the Complainant was seconded at the time that when the employment contract would terminate on April 30 of that year, the employment would not be continued. Subsequently, the Complainant sought continued employment from the Enterprise Involved and filed complaints with the Japan Center for Engagement and Remedy on Business and

Human Rights (hereinafter referred to as “JaCER”) in January 2023 and August 2024; however, the Enterprise Involved has not agreed to continue the employment. Furthermore, the Electrical and Information Union (hereinafter referred to as the “Union”), a labour union to which the Complainant belongs, engaged in collective bargaining with the Enterprise Involved on four occasions between April 2022 and March 2023 to demand the Complainant’s continued employment and other matters; however, the Enterprise Involved refused to continue the employment and has not responded to requests for collective bargaining since the request made in July 2023. The Complainant raised issues (hereinafter referred to as the “Complaint”) alleging that the following constitute violations of the Guidelines: (a) “the Enterprise Involved has terminated the Complainant’s employment and has refused to continue the employment”; (b) “the Enterprise Involved has refused to engage in collective bargaining with the labour union to which the Complainant belongs”; and (c) “the Enterprise Involved has failed to conduct human rights due diligence.” Specifically, the details are as follows:

A. Termination of Employment

Although there are several employees aged 65 or older working at the Complainant’s workplace, the Enterprise Involved’s decision to terminate the Complainant’s employment and refuse to continue the employment constitutes discrimination against the Complainant and violates the Complainant’s human rights. Although the Enterprise Involved claims that employment is continued beyond the age of 65 only when it is necessary for business operations and the employee is irreplaceable, such treatment runs counter to the intent of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971; hereinafter referred to as the “Employment Stabilization Act”). The Enterprise Involved’s actions violate the provisions of Chapter 4 of the Guidelines, as well as paragraphs 42 and 46 of the commentary thereto.

B. Refusal to Engage in Collective Bargaining

The Enterprise Involved’s refusal to engage in collective bargaining with the Union constitutes an unfair labour practice as defined in Article 7 (ii) of the Labor Union Act (Act No. 174 of 1949; hereinafter referred to as the “Labor Union Act”). Specifically, the Enterprise Involved’s decision to terminate the sixth round of collective bargaining (According to the relevant document submitted by the Complainant, two of these sessions were held before 2022.) on 24 March 2023, midway through the session constitutes bad-faith bargaining; furthermore, the Enterprise Involved’s rejection of the union’s requests for collective bargaining on 25 July 2023, 27 October 2023, and 22 July 2024, constitutes a refusal to engage in collective bargaining without just cause; both actions constitute unfair labour practices as defined in Article 7 (ii) of the Labor Union Act. Such conduct by the Enterprise Involved violates the provisions of Chapter 5 of the Guidelines and paragraph 53 of the commentary thereto.

Furthermore, the aforementioned termination of employment and refusal to engage in collective bargaining also constitute a deviation from the Enterprise Involved’s “Hitachi Group Code of Ethics and Business Conduct”.

C. Failure to Conduct Human Rights Due Diligence

The Enterprise Involved failed to conduct the necessary human rights due diligence regarding the aforementioned termination of employment and refusal to engage in collective bargaining, which constitutes a violation of Chapter 4 of the Guidelines and paragraph 50 of the commentary thereto.

(4) Request by Complainant

The Complainant is requesting that the Enterprise Involved resolve the human rights violations against the Complainant by conducting the human rights due diligence required by the Guidelines, resuming collective bargaining with the labour union to which the Complainant belongs, and ensuring the Complainant’s continued employment.

### 3. Views of Enterprise Involved

The Enterprise Involved’s response to the Complainant’s claims is summarised as follows.

(1) Termination of Employment

The termination of the Complainant’s employment was in accordance with the Enterprise Involved’s employment regulations, which set the upper age limit for employment at 65 years old based on the obligation to ensure employment opportunities up to age 65 as stipulated in Article 9 of the Employment Stabilization Act.

At that time, in accordance with these regulations, employment in general was terminated upon reaching the age of 65, and the Enterprise Involved's action did not constitute discrimination against the Complainant. For employees aged 65 or older who possess the skills and experience necessary to perform specific duties required for business operations, employment may be continued on an exceptional basis beyond the age of 65. However, this constitutes treatment based on the individual's skills and experience and does not constitute discrimination or a violation of human rights as defined in the Guidelines.

Furthermore, at the time of the termination of Complainant's employment, the Enterprise Involved was engaged in labour-management discussions regarding measures to secure employment for elderly workers and was endeavouring to secure employment opportunities up to age 70, as mandated by the revised Employment Stabilization Act.

(2) Refusal to Engage in Collective Bargaining

The Enterprise Involved participated in four rounds of collective bargaining between April 2022 and March 2023. Although the Enterprise Involved explained its position regarding the Complainant's request to rescind the termination of employment, the discussions reached an impasse; therefore, the Enterprise Involved announced its intention to terminate negotiations during the collective bargaining session in March 2023. Furthermore, the Enterprise Involved did not accept subsequent requests for collective bargaining from the Union because those requests sought to renegotiate matters on which the Enterprise Involved had already provided responses during previous collective bargaining sessions. Therefore, these actions do not constitute unfair labour practices and do not violate the Guidelines. Nor do these responses deviate from the Enterprise Involved's "Hitachi Group Code of Ethics and Business Conduct".

(3) Failure to Conduct Human Rights Due Diligence

The Enterprise Involved has established the "Hitachi Group Human Rights Policy" and built a framework to promote respect for human rights. In accordance with the United Nations "Guiding Principles on Business and Human Rights," it manages human rights risks under the "Human Rights Risk Management Implementation Manual." Furthermore, the Enterprise Involved conducts human rights due diligence through various initiatives, including measures to prevent harassment and training to raise human rights awareness among executives and employees, as well as the establishment and operation of a human rights complaint handling desk. The Enterprise Involved's actions in this specific instance do not constitute discrimination or a human rights violation.

#### 4. **Initial Assessment**

The Japanese NCP, in line with the Guidelines and the Case-handling procedures of the Japanese National Contact Point (NCP) under the Guidelines, conducted an initial assessment on 18 November 2025, as follows.

(1) The identity of the party concerned and its interest in this specific instance

The Complainant was employed by the Enterprise Involved, and the requests made in this Complaint are for continued employment, collective bargaining by the Union, and the implementation of human rights due diligence. Therefore, this Complaint can be said to concern the Complainant's interests.

(2) Whether the issue is material, i.e., relevant to the implementation of the Guidelines; and substantiated, i.e., supported by sufficient and credible information

This Complaint concerns the continued employment of the Complainant at the Enterprise Involved, collective bargaining by the Union, and the implementation of human rights due diligence; it raises issues related to the implementation of the Guidelines. Furthermore, the Complaint is supported by specific factual details, and documents detailing the exchanges between the parties have been submitted, indicating that the issues are being raised in a substantiated manner.

(3) Whether the Enterprise Involved is covered by the Guidelines

Since the Enterprise Involved is a multinational corporation with its head office in Japan and nearly 600 subsidiaries both domestically and overseas, it falls within the scope of the Guidelines.

(4) Whether there seems to be a link between the Enterprise Involved's activities and the issue raised in the specific instance

Since the Complaint concerns an employment matter between the Enterprise Involved and the Complainant, it is related to the Enterprise Involved's operations.

- (5) 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

There is no indication that any parallel legal proceedings are currently pending regarding this matter. However, the complainant has filed complaints with JaCER on two previous occasions, and while JaCER has notified the Enterprise Involved of these complaints, the Enterprise Involved has replied to JaCER stating that there are no issues with its response and has not complied with requests such as continuing the employment relationship. Under these circumstances, it is unlikely that the offer of good offices made by the Japanese NCP would cause significant prejudice to the parties involved in the parallel proceedings or result in contempt of court. Therefore, the parallel proceedings do not restrict the Japanese NCP's capacity or the implementation of the Guidelines.

- (6) Whether the examination of the issue would contribute to the purposes and effectiveness of the Guidelines

The Complainant's claims pertain to the continuation of their employment, collective bargaining by the Union, and the implementation of human rights due diligence; the parties' claims regarding their respective rights and obligations, as well as the factual circumstances, are in conflict. Therefore, dialogue between the Complainant and the Enterprise Involved has the potential to contribute to the resolution of the matter, and thus may contribute to the purposes and effectiveness of the Guidelines.

- (7) Conclusion of the initial assessment

The Japanese NCP concluded that the Complaint warrants further examination and offered mediation to the parties.

## 5. The Japanese NCP's Assistance in Dealing with the Issues

Date	Japanese NCP's Assistance
7 November 2024	The Complainants raised issues before the Japanese NCP.
24 March 2025	The Japanese NCP met with the Complainant, who submitted additional relevant documents to the Japanese NCP.
10 April 2025	The Japanese NCP issued a receipt letter to the Complainant.
23 May 2025	The Japanese NCP notified the Enterprise Involved of the issues raised.
12 June 2025	The Japanese NCP met with the Enterprise Involved and explained the Complaint the Japanese NCP process.
27 June 2025	The Japanese NCP receives a statement from the Enterprise Involved.
20 August 2025	The Japanese NCP met with the Complainant.
9 October 2025	The Enterprise Involved submitted relevant documents to the Japanese NCP.
10 October 2025	The Japanese NCP met with the Complainant.
12 October 2025	The Complainant submitted Notice of Appointment of Agent to the Japanese NCP.
17 November 2025	The Japanese NCP met with the Complainant.
18 November 2025	The Japanese NCP informed the parties of the initial assessment, inquiring the willingness to participate in mediation offered by the Japanese NCP.
26 November 2025	The Complainant submitted a written response to the Japanese NCP stating its intention to participate in mediation.

<b>15 December 2025</b>	The Japanese NCP met with the Enterprise Involved and explained the initial assessment and the Japanese NCP process.
<b>9 January 2026</b>	The Enterprise Involved submitted a written response to the Japanese NCP stating that it “respectfully declines to participate in mediation” on the grounds that (i) it has been conducting human rights due diligence in accordance with the Guidelines, and (ii) even in the mediation process, the Enterprise Involved would limit itself to reiterating the same view as expressed in past collective bargaining since the Complainant’s claims are consistent with the position asserted during past collective bargaining.
<b>20 January 2026</b>	The Japanese NCP shared each party’s written response with the other party.
<b>3 February 2026</b>	The Japanese NCP met with the Enterprise Involved, reiterated the initial assessment and the Japanese NCP process, as well as the Complainant’s written response and the Enterprise Involved provided an explanation regarding its written response.
<b>13 February 2026</b>	The Japanese NCP met with the Complainant and provided an explanation regarding the written response from the Enterprise Involved.
<b>26 February 2026</b>	The Complainant submitted requests to the Japanese NCP asking for an explanation of the process and other matter.
<b>18 March 2026</b>	The Japanese NCP submitted a response to the Complainant regarding the requests submitted to the Japanese NCP.
<b>21 April 2026</b>	In the preparation of the final statement, the Japanese NCP provided the draft to both parties and requested their comments on it.

## **6. Conclusion**

- (1) The Japanese NCP concluded in its initial assessment that this case warrants further examination and offered a mediation to the parties. Regarding the parties' willingness to participate in mediation, it was confirmed that one party did not wish to participate in the dialogue.
- (2) The assistance of NCPs in resolving issues cannot be provided without the agreement of parties, and as one of the parties to this specific instance has declined the mediation offered by the Japanese NCP, the Japanese NCP will regrettably terminate the proceedings in this specific instance in line with paragraph 43 of “Commentaries on the Implementation Procedures” of the Guidelines.
- (3) The Japanese NCP recommends that the Enterprises Involved continue to ensure observance of the Guidelines and implementation of due diligence, taking into account the impact on employment and workers’ livelihoods. Noting that there is a difference of opinion between the Complainant and the Enterprise Involved, the Japanese NCP encourages the parties concerned to make efforts to engage in constructive dialogue regarding the issues.

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