



## Initial Assessment

### Individual vs. Crayon Group Holding ASA

The National Contact Point for Responsible Business Conduct (NCP) contributes to the resolution of issues that arise relating to the implementation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines) in specific instances. The objective of an Initial Assessment is to determine whether the issues raised in the specific instance merit further examination. If so, the NCP will offer or facilitate access to consensual and non-adversarial procedures, such as dialogue or mediation ('good offices') to the parties.

The NCP has at this stage made no determination as to whether the company has acted consistently with the Guidelines. As specific instances are not legal cases and NCPs are not judicial bodies, NCPs cannot impose sanctions, directly provide compensation nor compel parties to participate in a mediation.

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## 1. Substance of the submission

1. On 1 January 2025, the Norwegian NCP received an individual complaint from a former employee of Crayon Software Experts Malaysia Sdn Bhd (CSEM). Crayon Group Holding ASA (CGH) holds 90 percent of the shares in the Company. The complainant claims that CGH has failed to observe the Guidelines when it comes to preventing discrimination and harassment at the workplace, refraining from retaliation against individuals raising concerns, as well as procedural unfairness.
2. On 1 December 2023, CSEM issued a show cause letter alleging unfounded misconduct, according to the complaint. In a detailed response, the complainant refuted the allegations. On 9 January 2024 the termination letter was issued by CSEM. The complainant sees this as a retaliation for raising concerns about harassment and unfair treatment.
3. The submission states that the complainant raised concerns on harassment and unequal treatment internally with line managers shortly after joining the company on 22 September 2022. It claims that the situation escalated due to lack of a proper response from the company. In September 2023, the complainant raised the concerns to the regional HR department and tried to get in touch with the global integrity line, with no success. On 1 December 2023, CSEM sent a show cause letter to the complainant, followed by the below actions. The corresponding documents were attached to the complaint:
  - The complainant's response to CSEM's show cause letter (8 December 2023)
  - CSEM's response to this (20 December 2023)
  - The complainant's response (20 December 2023)
  - CSEM's termination of employment letter (9 January 2024)
  - The complainant's email to integrity@crayon.com (30 December 2024)
4. The complainant seeks remediation for the adverse impacts suffered as a result of CGH's conduct, including compensation, a public acknowledgment of wrongdoing, and corrective measures. Further, the complainant seeks to hold CGH accountable for its alleged breaches of the Guidelines, ensuring adherence to responsible business conduct principles in all its global operations, including Malaysia. Finally, the complainant seeks to ensure systemic changes within CGH to prevent similar actions against other employees.

## 2. Response from the enterprise

5. In its response to the complaint, received by the NCP on 20 February 2025, CGH denies all allegations brought forward by the complainant and requests that the NCP rejects the submission for the following reasons:
  - Parallel proceedings: following a failed mediation, the dismissal of the complainant from CSEM is scheduled for litigation in the Industrial Court, tentatively in September 2025.

- Local nature of the dispute: a local and individual case does not align with the Guidelines' focus on NCP's taking on cases with matters of systemic nature. According to the enterprise, this case does not represent any systemic issue in CGH.
  - Failed mediation: CGH states that previous mediation attempts with the complainant were unsuccessful.
  - Policies and procedures: CGH underlines that the company has a robust system in place to address workplace harassment, including grievance mechanisms, a non-retaliation policy and regular training and awareness-raising of employees.
6. In its response to the NCP, CGH affirms its commitment to engage transparently and in good faith with the NCP.

### 3. Proceedings of the NCP

7. The NCP received the complaint on 1 January 2025 and confirmed receipt of the complaint on 6 January 2025. The complaint was shared with CGH on 6 February 2025. The NCP held an informational meeting with CGH on 14 February, to inform about the NCP and its procedures. The company shared its response to the complaint with the NCP on 20 February 2025. The NCP shared the draft Initial Assessment with the parties on 17 March 2025, followed by an informational meeting with the complainant on 21 March on the NCP procedures. The NCP received additional information from the complainant on 27 March, which was shared with the company on 22 April. The company responded on 25 April and this response was shared with the complainant on 28 April.
8. The Initial Assessment was finalised on 9 May 2025, after which it was published on the website of the NCP and submitted to the OECD Database of Specific Instances.

### 4. Initial assessment by the NCP

9. The OECD Guidelines are recommendations from governments to multinational enterprises operating in or from adhering countries. They are addressed to all the entities within the multinational enterprise (parent companies and/or local entities). According to the Guidelines, issues should primarily be dealt with by the NCP of the country in which the issues have arisen. As Malaysia is not an Adherent to the Guidelines, and the parent company is based in Norway, the Norwegian NCP deems that it is the correct entity to handle the submission.
10. CGH is a multinational enterprise based in Norway with offices in 39 countries in Asia, Oceania, Middle East, Africa, Europe and the US, and is thus covered by the Guidelines. CGH owns 90 percent of Crayon Software Experts Malaysia Sdn. Bhd., the company where the complainant was employed.

11. The NCP considers that the complainant has legitimate interests in the matters raised in this specific instance. The complainant is a former employee of the CGH's Malaysia office. The NCP has no reason to question the link between the issues raised in the submission and the company. The complaint is material and refers to Chapters II (General Policies), IV (Employment and Industrial Relations) and V (Human Rights) of the Guidelines. Workplace discriminations and harassment issues are covered by the Guidelines. The submission is substantiated with documentation.
12. The NCP has decided not to accept the submission for further examination, based on the following considerations.
13. The submission concerns an individual workplace issue and does not provide a basis for addressing broader or more systematic issues in the company pertaining to the Guidelines. In its response, the company refers to ongoing parallel proceedings in Malaysia where a case is expected before the Industrial Court later in 2025 addressing issues raised in the complaint. The company also refers to a separate High Court civil suit by a different company against the complainant, concluded in January 2023. While parallel proceedings do not preclude the NCP from accepting the submission for further consideration, the NCP is of the view that the issues raised in the submission are more appropriately handled in industrial relations arbitration or by the labour authorities or similar in Malaysia, rather than as a Specific Instance in the Norwegian NCP. The referenced court case supports this view.
14. For these reasons and the nature of the issues raised, the NCP does not consider that a further examination of this Specific Instance would contribute to the purposes and effectiveness of the Guidelines. The NCP has therefore decided to reject the submission.

## 5. Conclusion

The NCP has decided to reject the submission. In making this assessment, the NCP has made no determination as to whether the company has observed the Guidelines.