

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
INVESTMENT COMMITTEE**

**Annual Meeting of the National Contact Points for the OECD Guidelines for  
Multinational Enterprises**

**2013 Chair's Report on the Activities of National Contact Points**

**24-25 June 2013**

*The present document incorporates the factual corrections made to the Chair's Report DAF/INV/NCP(2013)1/REV received by the Secretariat under the written procedure by Friday, 6 September 2013.*

*It should be considered to have been approved by NCPs and be the final version of the 2013 Chair's Report on the activities of National Contact Points. In accordance with DAF/INV(2013)11/FINAL, it will be reproduced in the 2013 Annual Report on the OECD Guidelines for Multinational Enterprises.*

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## 2013 CHAIR'S REPORT ON THE ACTIVITIES OF NATIONAL CONTACT POINT

### I. Main Highlights

1. The National Contact Points (NCPs) of the 44<sup>1</sup> adhering governments to the OECD Guidelines for Multinational Enterprises (“the *Guidelines*”)<sup>2</sup> have met regularly since 2001 to share their experiences with the implementation of the Guidelines, as they are under the obligation to report annually to the OECD Investment Committee on their performance in furthering the effectiveness of the Guidelines.<sup>3</sup> They have also held regular consultations with accredited stakeholders<sup>4</sup> and partner organisations<sup>5</sup> to seek feedback on every implementation cycle of the Guidelines and suggested priorities for the next cycle. Until 2012, back-to-back Annual Corporate Responsibility Roundtables have been organised to help NCPs take into account emerging issues and relevant policy developments in the conduct of their activities.

2. The present Report reviews the activities undertaken by NCPs to promote the observance of the Guidelines during the implementation cycle of June 2012-June 2013. These results were considered at the 14<sup>th</sup> NCP Meeting co-chaired by Maria Benedetta Francesconi, Italy’s NCP and Roel Nieuwenkamp, Chair of the new Working Party on Responsible Business Conduct (WPRBC) of the Investment Committee.

3. The OECD Secretariat reported to NCPs that, after the six month “cooling off” period foreseen after the May 2011 Update<sup>6</sup>, the past year was the first full-fledged implementation year of the updated Guidelines. This has been a time of high visibility, continuing support and uptake for the new Guidelines. The increased mobilisation of adhering governments, BIAC, TUAC and OECD Watch and partner organisations produced concrete deliverables on a number of fronts including:

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<sup>1</sup> These are the 34 OECD countries and 10 non-OECD countries, namely Argentina, Brazil, Colombia, Egypt, Latvia, Lithuania, Morocco, Peru, Romania, and Tunisia. Exchange of letters are being finalised to give effect to the invitation made by the OECD to Jordan in March 2013 to become the 45<sup>th</sup> adhering country to the Guidelines. Russia is also on an accession path to the OECD.

<sup>2</sup> The Guidelines are a part of the 1976 OECD Declaration on International Investment and Multinational Enterprises. They have previously been revised in 1979, 1984, 1991, 2000, and 2011.

<sup>3</sup> Cf. Section I.1 and I.3 of the May 2011 Amendment to the Council Decision on the Implementation Procedures, OECD Guidelines for Multinational Enterprises, 2011 edition, [www.oecd.org/daf/investment](http://www.oecd.org/daf/investment). Prior to the Update, NCPs were required to meet “annually”.

<sup>4</sup> The three accredited stakeholders are the Business and Industry Advisory Committee (BIAC), the Trade Union Advisory Committee (TUAC) to the OECD, and OECD Watch, an international network of more than 80 civil society organisations playing an advisory role to the OECD.

<sup>5</sup> The OECD has *inter alia* developed working relationships with the ILO, the World Bank, the UN Working Group on Business and Human Rights, the UN Global Compact, UN Finance Initiative, the Global Reporting Initiative, and the International Coordinating Committee of Human Rights Institutions.

<sup>6</sup> There is an informal understanding at the OECD that, when a legal instrument is adopted or revised, a reasonable length of time – approximately six months – is needed in order to implement its provisions.

- Costa Rica became the 45<sup>th</sup> country to adhere to the Guidelines on 30 September 2013 and Jordan was also officially invited to adhere to the Declaration in 2013. Jordan's adherence would bring to four the number of adhering countries in the strategic MENA region.
- Enhanced inclusiveness in NCP structures and procedures and increased capacity to provide mediation or conciliation services;
- A record high activity in the specific instance facility. NCPs dealt with several new specific instances, more than half arising in non-adhering countries. They also contributed to new positive mediated outcomes that improve responsible business conduct around the globe
- Establishment under the OECD Investment Committee of a dedicated Working Party on Responsible Business Conduct (WPRBC) and designation of an active Chair in March 2013;
- Collective response by NCPs on the Rana Plaza tragedy, with a special statement dated 25 June 2013<sup>7</sup>;
- Successful launch of the OECD Global Forum on Responsible Business Conduct on 26-27 June 2013 and High Level Conference at the 2012 Asia-Pacific Business Forum (Kuala Lumpur, 15-15 October 2012);
- Elaboration of a robust multi-stakeholder proactive agenda to promote the effective observance of the principles and standards contained in the Guidelines in key sectors and conflict minerals;<sup>8</sup>
- Signature of a Memorandum of Understanding with the International Coordinating Committee of National Human Rights Institutions (ICC), Amman, 7 November 2012;
- A new visual identity for the Guidelines and new communication tools.

4. While these positive developments undoubtedly contributed in raising the international profile of the new *Guidelines*, the unprecedented recognition this OECD flag ship instrument continued to enjoy was also closely associated with high expectations about the contribution to the implementation of the UN Guiding Principles for Business and Human Rights. The Guidelines occupy a central role in the current landscape of RBC tools: they are endowed with a unique implementation mechanism and include a human rights chapter that is drawn from the UN Guiding Principles.

5. This recognition has had two important consequences. Firstly, it has enhanced the need for the OECD to work more closely with the UN Working Group on Business and Human Rights, ILO and other leading international instruments, to ensure a coherent interpretation, and mutually supportive implementation of the *Guidelines* and the UN "Protect, Respect and Remedy Framework". Secondly, it has raised the bar on the performance of NCPs as a key non-judicial grievance mechanism under the third pillar of the UN Framework. The challenge has been compounded by the growing complexity of specific instances, the rise of complaints linked to human rights, risk-based due diligence throughout business relationships and stakeholder engagement, and the larger concentration of complaints in non-adhering countries. These considerations will no doubt continue to shape NCP activities for years to come.

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<sup>7</sup> Reproduced in Annex 1.

<sup>8</sup> The state of play of the proactive agenda is summarized in document [DAF/INV/RBC/M\(2013\)2](#).

6. The NCP activities are reported below, and other activities on the implementation of the Guidelines are addressed in the 2013 Annual Report on the OECD Guidelines for Multinational Enterprises.<sup>9</sup>

### ***Innovations in institutional arrangements***

7. Overall, a quarter of NCPs reported changes in their governance structures and procedures to make them more inclusive, accountable and transparent. Denmark created an independent body with five members from different stakeholder backgrounds and a new mediation and complaint mechanism with an allocated budget of over 400.000 euro per year. In Brazil, the election of a representative by each of the 11 governmental institutions that compose the NCP was made legally binding, to increase the sense of ownership and awareness about the Guidelines within the Government. Switzerland set up a multi-stakeholder advisory board composed of 14 representatives from various stakeholder groups, and new internal procedures for handling specific instances. Australia established an Oversight Committee that includes government agencies. The Chilean NCP is now assisted by an Advisory Group of government experts and a Civil Society Oversight Committee composed of different stakeholders and RBC experts. The new procedures of the French NCP entered into force and Spain is well advanced in reforming its NCP. Finally, Tunisia created the 44<sup>th</sup> NCP on the Guidelines, which comprises representatives from government, trade union and business.

### ***Communication and promotion***

8. NCPs have also continued to prioritise communication and promotion by developing promotional plans and new materials on the new Guidelines, organising or participating in awareness raising events and engaging with government agencies and leading RBC initiatives to promote policy coherence. The Guidelines are now available in 25 languages, including this year: Arabic, Chinese, Danish, Estonian, Latvian and Russian. A commonly agreed Spanish version of the Guidelines was prepared with the support of the Secretariat.

9. It is estimated that the Guidelines were promoted in over 160 events, an increasing number of them in co-operation with other NCPs and stakeholders. Several workshops and peer learning meetings were held in Latin America at the initiative of local NCPs (Brazil, Chile and Colombia), and with the support of more experienced NCPs (Netherlands, Norway, UK). The EU sponsored a regional conference in Santiago, Chile. Norway hosted the 2013 Nordic Roundtable on RBC; Canada, with the UN Working Group on Business and Human Rights, the first workshop on global experiences on non-judicial grievance mechanisms; and the London-based Institute for Human Rights and Business, the second workshop on the role of NCPs with regard to the extractive sectors. The OECD Secretariat chaired the annual MENA meeting on responsible business conduct and actively engaged in capacity building for MENA NCPs.

10. In addition, an increased number of NCPs (Argentina, Austria, Denmark, Norway, Italy, Poland) conducted surveys to assess knowledge and use of the Guidelines by their enterprises and stakeholders. In Argentina the NCP is developing a compliance assessment tool, in co-operation with a local NGO. NCP Norway has also initiated work on a self-assessment tool and a due diligence guidance, in co-operation with a research institute and a CSR consultant.

11. Accredited stakeholders reported their contribution to raising awareness and promoting the *Guidelines*. They have disseminated the Guidelines among their constituencies, organised special events and training sessions, as well as provided advice for the use of the specific instance facility. They have played a particular valuable role in non-adhering countries.

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<sup>9</sup> See [DAF/INV\(2013\)11/FINAL](#)

***Specific instances: an increasingly challenging task for NCPs***

12. The revision of the Guidelines has resulted in a record high activity under the specific instance facility. Some 36 new complaints were brought to NCPs (as compared to 28 last year), and the number of concluded specific instances almost doubled (from 24 to 40). For the first time, NGOs submitted twice as many cases (14) than trade unions (7) as compared to half and half in the past; requests by individuals also grew (from 4 to 7). Overall, 14 NCPs were involved in the handling of these cases, often in co-operation with each other.

13. A majority of the new complaints related to human rights, due diligence, supply chains and stakeholder engagement. There was as well a greater diversity in the business sectors and countries covered, adding to the complexity of the cases considered. The financial and manufacturing sectors witnessed the highest number of specific instances even if the concentration in the extractive sectors remained significant. There was also a 20% increase in the number of cases occurring in non-adhering countries (namely Bahrain, Bangladesh, Cambodia, El Salvador, India, Indonesia, Lao People's Democratic Republic, Nicaragua, Philippines, Russia, South Africa, Thailand and United Arab Emirates), the reviewed period saw for the first an event split of the complaints from adhering and non-adhering countries.

14. In 30% of the concluded specific instances, NCPs provided assistance to the parties in the form of facilitated dialogue or mediation. In three of those cases, the parties reached an agreement (2) or agreed on a timetable for negotiations (1). In five specific instances, the parties reached an agreement (4), or agreed to restart negotiations (1) through parallel proceedings or other processes. Regardless of the outcomes, several NCPs made recommendations to further the observance of the *Guidelines*.

***OECD supporting role***

15. The OECD Secretary-General Angel Gurría and Deputy Secretary-General Richard Boucher and OECD officials continued to promote the Guidelines at high level events in OECD and non-OECD countries. In particular, the Secretary-General and the Chair of the WPRBC spoke at a working dinner on “*Business and Society*” organised in Davos January 2013. Deputy-Secretary General Boucher spoke at a high-level OECD-ESCAP conference part of the 2012 Asia-Pacific Business Forum. A Memorandum of Understanding with the ICC to promote human rights was signed in Amman in November 2012. A panel was organised on the first two years of the new Guidelines at the 2013 World Bank/IMF Civil Society Forum held in Washington in April 2013.

16. Other supporting activities include the establishment of the new WPRBC and the first edition of the new Global Forum on Responsible Business Conduct, the launch of a dedicated website on the Guidelines at the 2013 OECD Ministerial Meeting, the creation of an official database on specific instances, the development of an interactive reporting framework, and a brochure providing clear and synthetic basic information on the Guidelines.

***Priorities for the next implementation cycle***

17. The priorities for the next implementation cycle were discussed at the 14<sup>th</sup> meeting of NCPs held on 24 and 25 June 2013. While good progress was acknowledged, the general sense prevailed that a lot of hard work still lies ahead.

18. NCPs agreed to concentrate their efforts during 2013-2014 on two core activities, namely (a) better communicating the expectations of the Guidelines to their enterprises and stakeholders and (b) peer learning and capacity building. Outreach, particularly to China, India, South Africa and South East Asia, remains the third priority, to be conducted in close collaboration with the OECD. Finally, they considered particularly important to try to meet more than once per year, as provided by the 2011 Council Decision<sup>10</sup>.

*(a) Better communicating expectations on the Guidelines*

19. The persistent lack of knowledge about the Guidelines and the role of NCPs, particularly among small and medium-sized enterprises (SMEs), continue to call for renewed efforts to better communicate to business and other stakeholders on the expectations on the Guidelines. It was felt that NCPs need to spend more time to demonstrate the benefits of acting responsibly, and explain the value added of their services, such as mediation or conciliation.

20. NCPs also underlined the key role of communication in preventing problems resulting from insufficient knowledge of the Guidelines. As foreseen by the proactive agenda, better informed investors are in a better position to make a positive contribution to economic, social and environmental progress and mitigate risks of adverse impacts resulting from their operations and business relationships. This is especially important in high risk geographies, sectors or activities. NCPs commended Australia, Germany and Italy for proactively engaging with SMEs and Italy for organising an event on Myanmar in October for the benefit of Italian investors in this country. The statement released on 25 June 2013 on the Rana Plaza tragedy also encourages NCPs to pay particular attention to consultations at the national level on the challenges of the textiles and garment industries.

*(b) Enhancing functional equivalence*

21. The past year was generally viewed as particularly challenging for the functioning of the NCP specific instance facility. The number of complaints has not only continued to rise but also covered a greater diversity of business sectors, investment contexts, countries and issues. For example, one major case concerned three NCPs, enterprises and NGOs originating from four different countries and different degrees of responsibility. In addition, NCPs have been confronted with the challenge of interpreting the new provisions of the Guidelines on human rights, due diligence, supply chains and stakeholder engagement which have become a common denominator in an increased number of cases.

22. The reviewed period saw as well the emergence of new issues on the interpretation of the Procedural Guidance. They concern, in particular, the criteria for initial assessments, NCP co-operation, the role of NCPs as mediators and problem solvers, and the balance between transparency and confidentiality. Unless there is clearer understanding about these issues, it would remain difficult for NCPs to produce comparable outcomes under comparable situations, as required by the principle of functional equivalence. Lack of functional equivalence has also been raised as a source of major concern by stakeholders.

23. Addressing these challenges will, in fact, call for more focused peer learning and capacity building activities than those undertaken in the past, as well as a greater involvement by the Secretariat. These activities could take the form of horizontal thematic reviews, based on discussion papers to be prepared by the Secretariat and the NCPs as appropriate. Their purpose should be to collect examples of good practices, as well as to identify the areas that might require further clarification by the Investment Committee. The Secretariat was accordingly invited to organise, in the upcoming period, horizontal peer

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<sup>10</sup> See [C/MIN\(2011\)11/FINAL](#)



reviews on the subjects of NCP co-operation and initial assessments, which were the issues that by NCPs at their 14<sup>th</sup> NCP meeting.

24. NCPs welcomed the decision of the Norwegian NCP<sup>11</sup> to sign up for a voluntary peer review in the second half of 2013 with the dual objectives of (a) strengthening Norway's performance; and (b) improving the NCP system as a whole, by sharing lessons learned, good practices and challenges with the NCP community and stakeholders. They also welcomed the composition of the review team (Canada as Chair, Colombia and the Netherlands as co-chairs; Belgium and the United Kingdom as additional members) and the participation of the Secretariat. The review team's visit to Oslo is scheduled to take place on 21-23 October 2013.

25. Austria announced tentative plans to hold a "Guidelines Week" in Vienna in the week of 25 November 2013 which could feature a second OECD Workshop on Problem Solving and Mediation, a possible regular meeting of NCPs and a special meeting with the Austrian business community on the findings of the OECD study on RBC challenges in Kazakhstan that has been commissioned to the OECD.

*(c) Intensifying Outreach*

26. Outreach was again considered to be a top priority for the next implementation cycle. NCPs will need to make use of any available opportunity – embassies, foreign chambers of commerce, foreign officials, events, RBC networks... – to proactively promote the Guidelines in emerging economies and other developing countries. This is essential for the level playing field between enterprises but also for the future functioning of the specific instances facility. Now that the number of complaints from non-adhering countries is increasing, NCPs need a counterpart of some sort in the countries in which the complaints arise. More efforts are definitively needed in this area.

27. In this regard, NCPs welcomed the two Guidelines events to be organised as part of the prestigious Third Asia-Pacific Trade and Investment Week and the 2013 Asia-Pacific Business Forum and the fact that an MOU with ESCAP will be signed on that occasion. They also noted with satisfaction that the OECD will chair this year's OECD- ILO-UNCTAD Interagency Roundtable, which is scheduled to take place in Geneva on 14 November 2013. Finally, they welcomed the interest expressed by the UN Office of the High Commissioner for Human Rights to conclude an MOU with the OECD to enhance co-operation in the field of business and human rights, which could be signed at the Second United Nations Forum on Business and Human Rights on 2-4 December 2013, and the progress made, at the technical level, on a draft MOU with the Indian Institute of Corporate Affairs.

28. That being said, the Guidelines need a full-fledged outreach strategy that will, in particular, prioritise China, India, South Africa and South East Asia and NCPs noted that Roel Nieuwenkamp will present a draft proposal at the October 2013 meeting of the WPRBC.

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<sup>11</sup> Belgium, Chile, Denmark, Morocco, Poland and Switzerland have also indicated their interest to host a peer review of their National Contact Point in 2014. Canada, Czech Republic, France, Germany, and United States are available to undertake this exercise beyond 2014.

## II. NCPs institutional arrangements

### II.a Structures, innovations and reforms ahead

29. As in 2012, National Contact Points are mainly located within the governmental departments in charge of economic and financial issues, or of foreign affairs<sup>12</sup>. And the monopartite structure remains the most popular option (Figure.1):

- **Monopartite:** the NCP is composed of one or more representatives of one Ministry  
*Argentina, Australia, Austria, Chile, Colombia, Czech Republic, Estonia, Greece, Hungary, Iceland, Israel, Italy, Mexico, New Zealand, Peru, Poland, Slovakia, Spain, Turkey, United States.*
- **Interagency:** the NCP is composed of one or more representatives of two or more Ministries  
*Brazil, Canada, Germany, Japan, Morocco, Portugal, Slovenia, Switzerland. United Kingdom*
- **Bipartite:** the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s  
*Egypt.*
- **Tripartite:** the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s  
*Belgium, France, Latvia, Sweden, Tunisia.*
- **Quadripartite:** the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organisation/s  
*Finland.*
- **Independent Expert Body:** the NCP includes independent experts  
*Denmark, Korea, Netherlands, Norway.*

30. At the same time, compared to 2012 there is an increase (3) in the number of NCPs which opt to include either more governmental departments, as in the case of *Morocco* – which moved from a monopartite to an interagency structure - or independent experts, as in the *Danish* and the *Korean* cases, which previously had respectively a tripartite and an interagency structure. Over a third of NCPs (especially those with a monopartite structure) are assisted by an advisory body composed of government and/or civil society representatives.

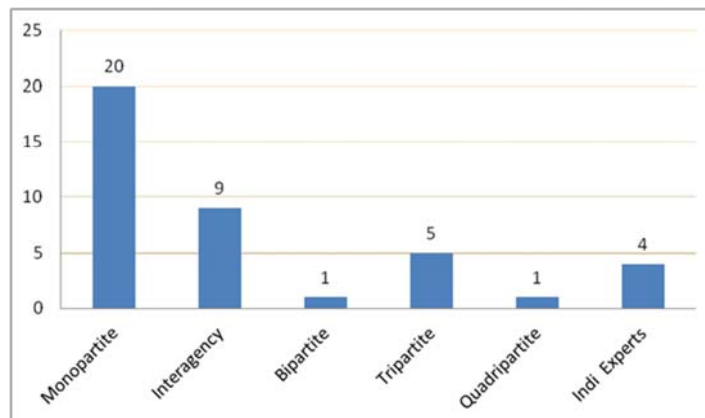
31. In the MENA region, the *Egyptian* NCP resumed its activities and the *Tunisian* NCP has prepared its first report on the implementation of the Guidelines.

32. Several NCPs engaged in improving their organisation structure and working arrangements. The *United States* NCP has entered into a co-operative agreement with the State Department and the Federal Mediation and Conciliation Service (FMCS), an independent U.S. federal agency. The FMCS will make its mediators available to support of the NCP mediation efforts in specific instances. The NCPs of *Brazil* and *Switzerland* have completed a review of their structures, a process started in 2011, and *France and Brazil* NCPs have published a revision of their internal procedures in July 2012.

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<sup>12</sup> See Annex 2 for further details concerning NCP structures.

Figure 1: NCP Structure



Source: OECD Investment Division

33. Fifteen NCPs dispose of an allocated budget, and 21 of a dedicated staff. *Belgium's* NCP is expected to benefit from one additional staff working half time, and *Switzerland* of one additional staff.

34. Looking ahead, *Belgium* is considering the creation of a multi-stakeholder advisory body; the *Czech* NCP is considering the adoption of a quadripartite structure and the bipartite *Egypt* NCP may change to a quadripartite structure, with the inclusion of business associations and NGOs. In *Portugal*, the elaboration of an integrated strategy for CSR policies under the EU Action Agenda 2011-2014 may also lead to changes in the *Portuguese* NCP. The transformation of *Spain's* NCP structure from a monopartite to an interagency structure is well under way: this new NCP will also be supported by an advisory body composed of business, trade unions and NGOs representatives. The *United Kingdom* will conduct a review of the NCP Steering Board in late 2013 or early 2014. Finally, the European Union is exploring ways to expand the intra-Commission work related to CSR and NCP.

## II.b Focus: New and Reformed NCPs

### Box 1. The reform of the Danish NCP: Mediation and Complaints-Handling Institution for RBC

In June 2012 the Danish Parliament passed a law (ACT no. 546) reforming the NCP. The provisions entered into force on 1 November 2012.

*Structure and composition of the NCP:* the Danish NCP structure was modified, from a tripartite body to a mix of tripartite structure and independent expert body without ministerial representation. The NCP consists of a chairman – Mr Mads Øvlisen, former head of the Danish Council for CSR and former CEO of Novo Nordisk - and representatives from the Confederation of Danish Industries, the Danish Confederation of Trade Unions, the Danish 92 Group (NGO's) and an expert member with knowledge on human rights. The Secretariat comprises three people and is located in the Danish Business Authority. The new NCP has an allocated budget of DKK 3 million a year.

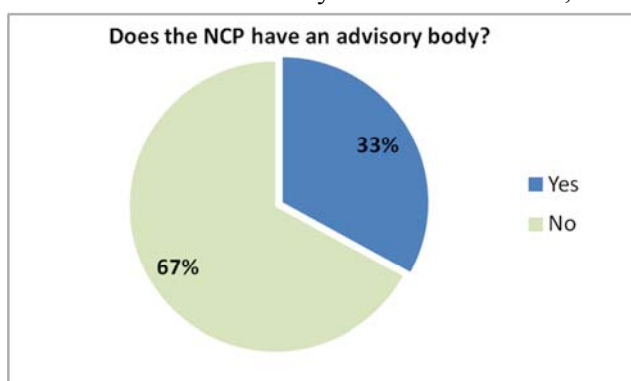
*Handling of specific instances:* with reference to cases of non-observance of the Guidelines, the NCP mandate includes acting and investigating by own initiative, not only when a specific instance is submitted to the NCP. Also, the law lists in detail all possible entities involved in a possible violation of the Guidelines, including:

- Danish private or public company, or the company business associates
- Danish government or regional authorities, or the authorities business associates
- Danish private or public organisations, or the organisations' business partners

- *Egypt*: Egypt reports having reactivated its NCP, which is located in the Ministry of Investment. It also reported that the NCP is assisted by an advisory body composed of government agencies or experts on the different topics covered by the *Guidelines*: the ministries of Foreign Affairs, Trade and Industry; State for Administrative Development; Finance; Labour; State for Environmental Affairs; Egyptian Trade Union; and Egyptian National Competitiveness Council. The latter is an independent policy advisory body set up by several Egyptian businessmen, academia, and partner organisations and focuses primarily on the issue of competitiveness, the subjects of inclusive and balanced growth, social justice and equal opportunities.
- *Korea*: Korea's NCP has been transferred from the Ministry of Trade, Industry and Energy - Foreign Investment Subcommittee to a civil organisation - the Korean Commercial Arbitration Board - which is independent from the government. The members of the Korean NCP will be chosen following recommendation of specialised government departments and relevant institutions. The KCAB acts as the executive office of the NCP. The Ministry of Trade, Industry and Energy covers the operational expenses.
- *Morocco*: In March 2013 the NCP expanded into an interagency structure chaired and serviced by the *Agence Marocaine de Développement des Investissements* (AMDI). It is composed of representatives of departments and public institutions that have specific competencies in relation to the *Guidelines*, namely: *Ministère des Affaires Étrangères et de la Coopération*; *Ministère de l'Économie et des Finances*; *Ministère de l'Enseignement Supérieur, de la Recherche Scientifique et de la Formation des Cadres*; *Ministère de l'Énergie, des Mines, de l'Eau et de l'Environnement*; *Ministère de l'Emploi et de la Formation Professionnelle*; *Ministère de l'Industrie, du Commerce et des Nouvelles Technologies*; *Ministère chargé des Affaires Générales et de la Gouvernance*; *Conseil National des Droits de l'Homme*; *Instance Centrale de Prévention de la Corruption* and *Conseil de la Concurrence*.
- *Tunisia*: In conformity with the obligation under the OECD Declaration on International Investment and Multinational Enterprises, signed in June 2012, Tunisia established a National Contact Point for the *Guidelines*. The NCP has a tripartite structure comprised of representatives from government, trade union (*Union Générale Tunisienne du Travail* - UGTT) and business (*Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat* - UTICA).

### II.c *Advisory bodies: the new multi-stakeholder board in Switzerland*

35. A third of reporting NCPs have established an advisory body - Australia, Austria, Chile, Czech Republic, Colombia, Egypt, Germany, Israel, Italy, New Zealand, Switzerland, United Kingdom and the United States. The advisory bodies of Australia, Colombia and the United Kingdom perform both advisory and oversight functions. About half of the NCPs with a monopartite structure have created advisory bodies in order to include the views of stakeholders in their activities.



36. More specifically, the *Czech* NCP, based in the Ministry of Industry and Trade works in cooperation with other government agencies, as well as business, social and non-governmental organisations interested in the field of responsible business conduct. The *German* NCP, based in the Ministry of Economics and Technology, holds regular meetings with the Ministerial Group on the OECD *Guidelines* and the Working Party on the OECD

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*Guidelines*. The latter includes representatives of ministries, business organisations, trade unions and NGOs and convenes once a year to discuss current issues related to the *Guidelines*, methods to improve their dissemination and the NCP's working methods. In *New Zealand*, the NCP maintains an advisory Liaison Group comprised of representatives from organisations with an interest in the *Guidelines*, including business, trade unions and government officials.

37. In *Chile*, the monopartite NCP recently invited various government agencies to be part of its Advisory Body. It is currently processing official answers to this request. Once in place, the Advisory Body will have access to the expert opinion of several government areas, with the stated mandate of facilitating NCP analysis, understanding and resolutions of specific instances. It has also established a separate oversight multi-stakeholder body (see I.d).

#### **Box 2: Switzerland Multi-stakeholder Advisory Board**

Following the Update of the OECD *Guidelines* in May 2011, Switzerland conducted an evaluation of its NCP. On 1 May 2013, the Swiss Federal Council adopted a decree modifying the structure and functioning of the Swiss NCP and establishing a Multi-stakeholder Advisory Board. The decree entered into force on 1 June 2013 and currently provides the legal basis for the activities of the NCP.

The establishment of a Multi-stakeholder Advisory Board is designed to enable the Swiss NCP to build upon and consult the expertise of other governmental offices and external stakeholders in the performance of its duties.

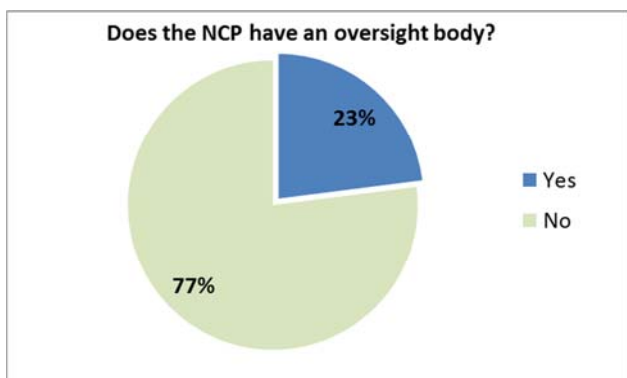
*Composition:* The Multi-stakeholder Advisory Group is composed of 14 representatives from different stakeholder groups, namely employer associations, trade unions, business associations, NGOs and academia. Each group has 2 representatives. The Federal Department of Foreign Affairs FDFA (political direction, development agency) and the Federal Department of Economic Affairs, Education and Research EAER (labour direction, international trade direction) can also nominate two representatives each. The Board is co-chaired by State Secretary Marie-Gabrielle Ineichen-Fleisch, Director of the State Secretariat of Economic Affairs, and Professor Christine Kaufmann, Chair for Constitutional and Administrative Law and for European and International Law of the University of Zurich.

*Functions:* the Advisory Board advises the NCP on its strategic orientation as well as on the implementation of the OECD *Guidelines* and the procedural *Guidelines* of the NCP according to the core criteria of visibility, accessibility, transparency and accountability. The Board is also mandated to advise the Swiss NCP on specific procedural issues, such as co-operation with other NCPs and with stakeholders. In addition, the Board will be consulted on various issues such as modifications of the published procedural *Guidelines* of the NCP, changes of the mandate of the internal working groups of the federal administration that handle specific instances, the selection of external mediators, the annual report of the Swiss NCP, and promotional activities. The Board will be informed about the handling of specific instances (state of the proceedings, appointment of an internal working group of the federal administration for specific instances) but it will not be directly involved in the procedures.

The Swiss Federal Council has confirmed the role of the NCP to solve specific instances according to the provisions of the OECD *Guidelines*. Specific instances will be handled by internal working groups of the federal administration created for this purpose.

**II.d Oversight bodies: the Australian and Chilean innovations**

38. Bodies with oversight responsibilities are reported mainly by monopartite NCPs (*Chile, Germany, Hungary, Israel and Spain*) and the *Egyptian* bipartite NCP<sup>13</sup>. Structures and functions vary widely however: from an *ad hoc* body with stakeholders in the *Chilean* and *Israeli* cases, to a designated government body, as in the cases of the *German* Head of Department, the *Hungarian* OECD National Council and the *Spanish* Ministry of Economy and Competitiveness.



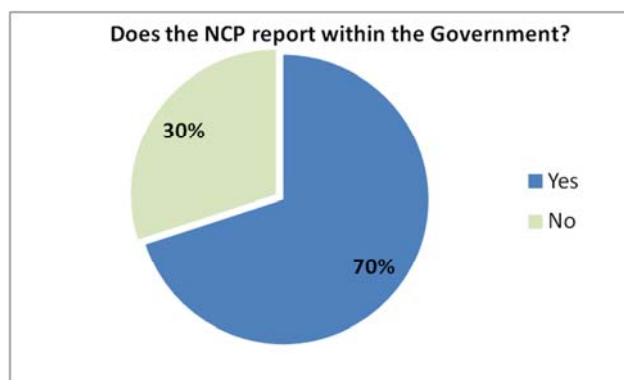
39. In November 2012, the *Australian* NCP established an Oversight Committee, which is chaired by the Australian National Contact Point

and includes representatives from relevant Commonwealth Government agencies and may call upon external experts as appropriate. The Committee has a dual role in providing advice in addition to providing oversight to the complaints process.

40. The new Civil Society Committee of the *Chilean* NCP held its first official meeting on 24 April 2013. The Committee is composed of non-governmental organisations, university experts in responsible business conduct, trade unions and business associations. Regular meetings will be scheduled with the purpose of exchanging information about the work of the NCP, handling enquiries and enhance the knowledge of OECD *Guidelines*.

**II.e Reporting within governments**

41. Two thirds of the reporting NCPs report their activities to their own governments. For example, the *Argentina* NCP produces regular reports and the *US* NCP informs monthly the Office of the Assistant Secretary of State for Economic and Business Affairs. Information on NCP activities is also included in reports prepared in the ministry or department where the NCP is located (*Australia, Belgium, Brazil, Canada, Colombia, Greece, Finland, Italy, Korea, Mexico, Peru, Poland, Portugal, Slovakia, Sweden, Switzerland, Tunisia, United Kingdom*). The *Dutch* NCP transmits its Annual Report, as well as the findings of its final statements, to the Ministry of Foreign Trade and Co-operation. The *New Zealand* NCP is required to report on specific instances to the Minister of Commerce.



42. In *Germany*, the NCP does not bear any obligation for a regular reporting. At the same time, as an integrated part of the Government, it is accountable to Parliament, hence subject to the control of the Bundestag (Federal Lower House of Parliament). Within this framework, individual Members or

<sup>13</sup> As reported in the previous section, the same bodies have an advisory and oversight functions in the case of the monopartite Australian and Colombian NCPs and the interagency British NCP.

Parliamentary Groups have the right to ask oral and written questions with regard to the NCP activities. The *German* NCP has answered several questions, especially during the update process of the *Guidelines*. The *Norwegian* NCP reports administratively to the Norwegian Ministry Foreign Affairs and since 2013, minutes from these meetings are made available online.

43. NCPs also report regularly to their advisory or oversight bodies (the *Austrian* NCP Steering Committee, the *Egyptian* NCP Advisory Body, the *US* NCP Interagency Working Group), to *ad hoc* bodies (the *Danish* CSR Council, the *Hungarian* OECD National Council, the *Latvian* OECD Consultative Board), or to Parliaments (*Australia, Belgium, Colombia, Italy, Netherlands, Switzerland*). Some NCPs reports to Parliament voluntarily (*Norway*) or upon request (*Korea, Switzerland*).

44. Additionally, the following NCPs make their Annual Report to the OECD available online: *Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Estonia, France, Germany, Hungary, Italy, Israel, Latvia, Morocco, Netherlands, New Zealand, Norway, Portugal, Slovenia, Switzerland, United Kingdom* and *United States*.

### III. Information and promotion activities: new tools and increased co-operative efforts

45. NCPs have continued to prioritise communication and promotion of the updated *Guidelines* to further their effective implementation. Many NCPs have stepped up their efforts to develop new promotional tools, produce and distribute widely new materials on the *Guidelines*, organised or participated in raising awareness events, and engage with government agencies and leading RBC initiatives to promote policy coherence on responsible business conduct. Bilateral consultations and several regional events, notably in Latin America, have helped build NCP capacity.

46. Also, the communication on CSR adopted by the European Commission in October 2011 "A renewed EU strategy 2011-14 for Corporate Social Responsibility" encourages large companies to take into account the *Guidelines* when developing their policies on CSR, and announces the intention of the Commission to monitor the commitments to respect international CSR principles and guidelines, made by European enterprises with more than 1 000 employees.

#### Box 3 - The first year of *Colombia's* NCP

The official launch of *Colombia's* NCP took place on 13 June 2012. Since then, the NCP worked extensively to make the *Guidelines* known and available by all different means, as well as raise awareness on the implementation procedures:

The NCP has dedicated web pages - where the *Guidelines* and the annual report can be accessed - which received 1, 215 visits between June 2012 and June 2013. In 2012, the NCP reviewed and adapted the Spanish translation of the *Guidelines* and distributed 1,000 printed copies. The NCP also developed a brochure on the *Guidelines* in Spanish.

The NCP has a comprehensive promotional plan, which includes working in close collaboration with government agencies, including Proexport – the investment promotion agency - and embassies. It also supported the efforts of the government to draft a set of guidelines to attract sustainable investment, which resulted in an action plan on this subject. From June 2012 to June 2013, the NCP organised or participated in 20 regional and international events. Concerning the *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas*, *Colombia* leads a pilot project for the implementation of the Gold Supplement in the country.

The NCP developed a strong working relationship with several OECD partners and leading RBC instruments, including the UN Global Compact, the National Institution for the Protection and Promotion of Human Rights, the Global Reporting Initiative, ISO26000 and the Group of Friends of Paragraph 47.

47. NCPs that have a promotional plan are: Argentina, Austria, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Egypt, Finland, France, Germany, Iceland, Italy, Japan, Korea, Latvia, Morocco, Mexico, Netherlands, Norway, New Zealand, Poland, Portugal, Spain, Switzerland, United Kingdom and United States.

48. NCPs that have produced or are producing new brochure, leaflet, pamphlet and other promotional media are: *Australia, Austria, Belgium, Brazil, Chile, Colombia, Denmark, France, Germany, Hungary, Italy, Israel, Japan, Latvia, Morocco, Mexico, Netherlands, New Zealand, Norway, Portugal, Slovenia, Spain, Switzerland, Tunisia, United Kingdom and United States.*

49. NCPs that have conducted or collaborated on surveys are: Argentina, *Austria, Canada, Denmark, France, Italy, Poland and Norway.*

50. NCPs that have responded to inquiries from stakeholders, academia, peer NCPs are: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Finland, France, Germany, Hungary, Italy, Israel, Japan, Morocco, Mexico, Netherlands, Norway, New Zealand, Peru, Poland, Portugal, Spain, Sweden, Switzerland, United Kingdom and United States.

51. NCPs that, together with appropriate state entities, informed prospective investors about the Guidelines and their implementation are: *Australia, Austria, Belgium, Canada, Chile, Colombia, Finland, France, Germany, Italy, Japan, Korea, Latvia, Morocco, Netherlands, Norway, Peru, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Kingdom and United States.*

52. NCPs that have collaborated with embassies are: Australia, Austria, Canada, Chile, Colombia, Czech Republic, Denmark, France, Germany, Italy, Japan, Korea, Latvia, Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland, United Kingdom and United States.

### ***III.a The OECD Guidelines translated in 25 languages***

53. The Guidelines are available in print and online, in 25 languages: Arabic, Chinese, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hebrew, Hungarian, Italian, Japanese, Korean, Latvian, Norwegian, Polish, Portuguese, Russian, Slovak, Slovene, Spanish and Swedish.

54. The OECD translated the Guidelines into Chinese and Russian and coordinated the preparation of a commonly agreed version of the Guidelines by all Spanish NCPs. Arabic<sup>14</sup>, Danish, Estonian, Latvian versions of the Guidelines were also released in 2013 by NCPs. Iceland is currently working on the Icelandic version of the Guidelines.

### ***III.b Promotional plans and new tools - selected examples***

- *Australia's* NCP has developed a brochure and a standard presentation which is given to external bodies to promote awareness of the *Guidelines*. The NCP's website receives approximately 300 unique visitors per month.
- *Austria's* NCP is developing a brochure in co-operation with respACT, Austria's leading platform for Corporate Social Responsibility (CSR) and Sustainable Development. The NCP distributed numerous copies of the German version of the *Guidelines* to companies, universities and other stakeholders.

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<sup>14</sup> The Arabic version was prepared by the Morocco NCP and the OECD is coordinating the release of a commonly agreed version by all Arabic speaking NCPs.



- Prior to the 2011 Egyptian Revolution, *Egypt's* NCP had an ambitious plan for promoting the *Guidelines* that involved contacting business community, different chambers of commerce and labor organisations to inform them about the *Guidelines* and the NCP's activities. Those activities were interrupted in 2011 and the NCP is now planning to resume its activities by disseminating the updated *Guidelines*.
- In 2012, the *Hellenic NCP* published a new informational brochure on the 2011 Guidelines, in Greek. In addition to an introduction to the Guidelines (and links to the online full text of them), it provides information concerning the Hellenic NCP and the procedures for handling specific instances.
- *Latvia's* NCP has elaborated a plan to raise awareness and promote the *Guidelines*. The 2013-2014 implementation plan focuses on the elaboration of a leaflet in Latvian and English for wide distribution. The NCP has also translated the updated *Guidelines* in Latvian.
- *Morocco's* NCP publishes information on the Guidelines in a quarterly newsletter that is circulated to more than 2 800 national and multinational enterprises. The *Agence Marocaine de Développement des Investissements* also has elaborated a standard presentation on the *Guidelines*.
- *United States'* NCP created and distributed printed fact sheets summarising the *Guidelines* and the role and activities of the NCP, to the general public. The *Guidelines* and the role of the NCP were also noted in the report "U.S. Government's Approach on Business and Human Rights" released in May 2013.

**Box 4 - Morocco's NCP action plan for 2013: focus on promotion**

The NCP adopted an action plan which includes a specific section on promotional efforts. In particular, the Morocco's NCP will engage in:

- Improving the NCP's website through the following:
  - Arabic and English translation of the webpage.
  - Dissemination of reports sent by *Morocco's* NCP to the OECD.
  - Dissemination of annual reports published by the OECD.
  - Dissemination of the Procedural Guidance.
  - Integration of a PCN's agenda.
- Developing a brochure in Arabic and English which will include an explanatory summary of the *Guidelines*.
- Organising a seminar for ministries businesses, trade unions and NGOs.
- Signing co-operative and partnership agreements with relevant public and private institutions.
- Organising meetings with relevant departments to discuss specific issues.
- Organising a training session for economic advisors of Moroccan embassies on the *Guidelines* and the role of *Morocco's* NCP.

### **III.c Selected events organised by NCPs and national stakeholders<sup>15</sup>**

55. NCPs organised, hosted or participated in over 160 events, a significantly higher number in comparison to the last implementation period. Conferences, workshops, roundtables or other events aimed to create a dialogue on the *Guidelines* and raise awareness of the NCP's role and procedures. Many events

<sup>15</sup> See Annex 3 for the comprehensive list.

were directly organised by national business associations, trades unions, NGOs or other stakeholders, which confirms the interest from the public on these issues:

- *Brazil's* NCP has regularly promoted the *Guidelines* at events organised by different stakeholders including the Forum of the Employers Confederations – Executive branch, the National Confederation of Financial Institutions and the National Labour Relations Board.
- Officials of the eight departments and agencies that comprise *Canada's* NCP identified and coordinated their participation in a variety of promotional activities and outreach initiatives in various fora where the *Guidelines* and the NCP's role have been discussed or referenced to. These fora included the second annual multistakeholder information session hosted by the NCP in November 2012, workshop sessions and information provided at the annual Prospectors and Developers Association of Canada International Convention in Toronto in March 2013, 49 regional and country initiatives and various speaking engagements in international and domestic fora.
- The launching of the new *Denmark's* NCP took place on 1 November 2012 at the Ministry of Business and Growth. The NCP later held a series of events to explain further its structure and implementation procedures to different stakeholders such as the Confederation of Danish Industries, the Danish Federation of SMEs, the Danish Confederation of Trade Unions, 92-Group (NGOs) and Danish Auditors.
- In the aftermath of the Bangladesh factory Rana Plaza collapse on 24 April 2013, France's Minister for Foreign Trade Nicole Bricq wrote to the *French* NCP to review a number of issues relating to this drama. The Minister also met with the *French* NCP and stakeholders on 23 May 2013, to identify effective ways to raise the environmental and social performance of investors in Bangladesh. In addition, in her closing remarks at the inaugural meeting of the Global Forum on Responsible Business Conduct of 26-27 June 2013 Minister Bricq reiterated the urgency for concrete action to ensure similar tragedies never happen again.
- *Israel's* NCP hosted a conference with the Manufacturers Association on the OECD requirements concerning corporate responsibility and foreign bribery. The conference focused on trends in the global arena and implications for businesses.
- *Korea's* NCP participated in a regional CSR Forum organised in April 2013 by the Korean Chamber of Commerce & Industry to raise awareness of the *Guidelines*, which was an opportunity for the NCP to introduce past CSR cases to corporations that were planning to invest in Asia and Africa.
- *Netherlands's* NCP organised thematic events in The Hague that brought together various stakeholders (businesses, NGOs, etc.) to discuss and share experiences on different topics related to the *Guidelines*. Specific sessions focused on freedom of association and transparency.
- In March 2013, *Slovenia's* NCP participated in the 8th IRDO International Conference devoted to social responsibility in the fields of education and communication.
- In May 2013, *Tunisia's* NCP presented the *Guidelines* at a seminar organised by the trade union *Union Générale des Travailleurs de Tunisie*.

### **III.d Raising awareness through the embassies - selected examples**

- *France's* RBC Ambassador, also member of the French NCP promoted the Guidelines at various conferences in Asia and Africa (China, Singapore, Senegal, Ivory Coast and Lebanon). In July 2012, the Ambassador took part in a commercial mission to Myanmar (with 35 French companies) and presented the *Guidelines* to the leader of the opposition, the Burmese Chamber of Commerce and different NGOs. In March 2013, the French Minister for Development Pascal Canfin recommended to the Myanmar government to consider the establishment of “NCP-like” body to relate with NCPs of adhering countries investors in that country.
- *Japan's* NCP sent information on the updated *Guidelines* to 233 overseas' establishments such as the Japanese embassies and consulate-generals. The NCP also closely collaborated with those establishments for contacting parties and collecting information in relation to specific instances.
- *Norway's* NCP co-operates with the Norwegian Ministry of Foreign Affairs to provide Norwegian embassies with information about the OECD Guidelines and the NCPs.
- *Sweden's* NCP provided a toolkit to Swedish embassies in order to promote CSR in emerging markets and other-non adhering countries.
- *United Kingdom* sent training material on the Guidelines to all British embassy staff as part of the United Kingdom's NCP awareness raising programme. In 2012-13 the United Kingdom's NCP worked very closely to support the launch the Colombia's NCP via the UK embassy staff in Bogota.

### **III.e Surveys and data collection**

56. An increasing number of NCPs have started conducting surveys and collecting data documenting enterprises' awareness and use of the *Guidelines*:

- *Argentina's* NCP is working with "Fundación El Otro" on an assessment tool to monitor the enterprises' compliance with the *Guidelines*.
- In *Denmark*, in January 2013 the NCP had a survey conducted on the general knowledge of the Guidelines and the NCP. The survey showed that of 417 interviewed companies, 23 % had knowledge of the Guidelines and 16 % of the NCP.
- *Italy's* NCP developed a project to promote the *Guidelines* in the jewellery sector and carried out a survey among enterprises in this field. Italy NCP further discussed RBC challenges at different events, focusing in particular on traceability issues in the jewellery industry.
- *Norway's* NCP conducted an annual survey among 600 companies on awareness of the *Guidelines* and the NCP complaint mechanism. The data showed that the proportion of Norwegian business leaders in companies with international operations that is familiar with the OECD *Guidelines* has increased from one in ten in 2011 to six in ten in 2012. In 2012, the NCP also conducted a survey amongst company union representatives that are board members of Norwegian companies, and another survey amongst civil society organisations and trade unions. A follow-up meeting was organised in October 2012 on the results. The feedback showed that many interested parties want further guidance on the use of the *Guidelines*. Among civil society organisations and trade unions, four in five are familiar with the *Guidelines*, but few enter into dialogues with companies regarding the *Guidelines*.

- *Poland's* NCP conducted the campaign "I implement the OECD *Guidelines*" which included a survey that measured the extent to which featured companies are complying with their obligations under the *Guidelines*.

57. In the context of free trade agreements (FTA) between the EU and its trading partners, the European Commission seeks to establish regular exchanges of information and co-operation on corporate social responsibility and accountability, in particular with regard to the effective implementation and follow-up of internationally recognised CSR principles and guidelines, including the OECD Guidelines. The recent EU FTAs with Korea, Central America and Peru and Colombia contain provisions to this end.

### ***III.f Focus: Co-operation at national and international level***

58. At national level, the vast majority of NCPs<sup>16</sup> coordinated with other government activities related to RBC, in particular:

- *Brazil's* NCP is actively engaged in the activities of the Government Forum for Social Responsibility. The NCP was frequently invited to meetings and discussions related to CSR within the government.
- As part of *Canada's* overall CSR Strategy for the Extractive Sector, Canada's NCP coordinates with other elements of the strategy, particularly the Office of the CSR Counsellor for the Extractive Sector.
- Since 2012, *Chile's* NCP has been working with other government agencies in the creation of a public policy on CSR issues. This initiative has been developed under the leadership of the Ministry of Economy. A proposal was presented to the President of Chile in January 2013, which resulted in the creation of an Advisory Body on Social Responsibility to the Minister of Economy, of which the NCP is a member.
- In *Estonia*, the NCP led the process for the development of the national CSR plan.
- *Hungary's* NCP was involved in the elaboration of the Hungarian CSR Action Plan for 2013-2014.
- Within the framework of the EU Strategy on CSR, *Portugal's* NCP is working on an integrated national strategy that will include reference to the *Guidelines*. Portugal's NCP intends to co-operate closely with government entities and relevant stakeholders in the implementation of this strategy.
- The *Swiss* NCP invited a consultative group, which included several representatives of social partners, employer organisations, multinational enterprises, NGOs as well as several government agencies, for a meeting on 27 June 2012. This meeting was an opportunity to promote the *Guidelines* and present the ongoing work of the OECD and the NCPs with regard to the proactive agenda.

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<sup>16</sup> Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Korea, Latvia, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Tunisia, the United Kingdom and the United States

59. Several NCPs<sup>17</sup> also engaged at international level, with OECD partner organisations and/or other RBC instruments. In particular:

- *Brazil's* NCP was invited to speak at a side-event organized by the UN Human Rights Council core group on Business and Human Rights that focused on access to remedy through non-judicial grievance mechanisms. The event was part of the 23rd Regular Session of the UN Human Rights Council in May 2013.
- *German's* NCP relates to the ILO, UN Global Compact, the National Institution for the Protection and Promotion of Human Rights, ISO26000 and other, within the German governmental action plan on CSR. The instruments are seen as mutually reinforcing each other. The Federal Government emphasizes the important of the *Guidelines*, the ILO Tripartite Declaration and the UN Global Compact whenever suitable, for example in the context of the G8/G20.
- *New-Zealand's* NCP provided information on the *Guidelines* for the New Zealand delegation's presentation to the Committee on the United Nations Convention on the Elimination of Racial Discrimination in February 2013.
- *United States'* NCP acted as a moderator in a panel comprised of representatives from BIAC, TUAC, OECD Watch and OECD Secretariat that focused on the first year of implementing the updated *Guidelines*. The event was part of the World Bank/IMF Civil Society Forum that took place in April 2013.

60. In the reporting period, a significant number of NCPs reported having organised or participated in awareness-raising events with peer NCPs. This is particularly true for Latin America.

- Throughout the reporting cycle, *Canada* and *Colombia's* NCPs collaborated on the establishment, structure, and sharing of best practices relevant to the latter's new offices and participated in outreach and promotion of their newly established offices inaugurated in June 2012. In May 2013, a dialogue on the Dutch and Colombian experiences regarding best practices and CSR was conducted in Bogota.
- At the request of the *United States'* NCP, *Canada's* and *Norway's* NCPs offered lessons learned and best practices on mediation and voluntary dispute resolution to the USNCP Stakeholder Advisory Board (SAB) in January 2013.
- In April 2013, NCPs and the OECD Secretariat were invited by *Canada's* NCP to participate in an international experts Workshop on non-judicial access to remedy, co-sponsored by the UN Working Group on Business and Human Rights, and Canada's CSR Counsellor for the Extractive Sector, in Toronto.

**International Expert Workshop "Business Impacts and Non-Judicial Access to Remedy: Emerging**

<sup>17</sup>

Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Japan, Korea, Latvia, Mexico, Netherlands, Norway, Peru, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States.

**Global Experience” (Toronto, 29-30 April 2013)**

The UN Guiding Principles on Business and Human Rights provide a global authoritative standard<sup>18</sup> for States and business to take preventative actions to avoid negative business impacts on people. Impacts, however, may occur and when they do, affected persons have the right to remedy. The UN Guiding Principles promote greater access to remedy: non-judicial grievance mechanisms – like NCPs - complement and can, at times, supplement judicial mechanisms.

Within this framework, the UN Working Group and the Government of Canada, with the collaboration of the Office of the Extractive Sector Corporate Social Responsibility Counselor of Canada, organised an international workshop that brought together different practitioner networks and strands of work on non-judicial remedy, to help gain a better collective awareness and understanding of the wider system of remedy, identify issues that need further inquiry and guidance in order to achieve the implementation of the Guiding Principles, as well as contribute to address common misperceptions about non-judicial grievance mechanisms.

The meeting was co-chaired by the UN Working Group expert, Ms Alexandra Guáqueta, and Ms Marketa Evans, Extractive Sector Corporate Social Responsibility Counsellor Canada.

- In March 2013, the Institute for Human Rights and Business (IHRB) held with the UK Department for Business, Innovation and Skills a second workshop<sup>19</sup> on the role of NCPs with regard to the Extractive Sector. The event was attended by the NCPs of Austria, Belgium, Canada, Denmark, Netherlands, Norway, Sweden, Switzerland and the UK as well as by various stakeholders such as TUAC, OECD Watch, Amnesty International and ITUC.
- An international workshop focusing on RBC took place in Brazil on 28 January 2013. This workshop was a joint initiative by *Brazil, Norway* and *United Kingdom* NCPs, with the collaboration of the *Netherlands*' NCP. In December 2012, *Brazil* and *Netherlands*' NCPs jointly organised and participated in different events in Brazil to promote the *Guidelines* and discuss the role of NCPs.

**International Workshop “The OECD Guidelines for responsible business conduct: Building Multilateral Co-operation with the OECD NCP Brazil” (Brasilia, 28 January 2013)**

As part of the effort to promoting the Guidelines, the NCPs in Brazil, Norway and the UK worked together to organise the 'International Workshop on the Guidelines for Responsible Business Conduct: building multilateral co-operation with the NCP Brazil'. Broadly, the discussions aimed at both increasing the understanding of the participants about the Guidelines and the work of the NCPs, and offering an opportunity for sharing international experiences resulting from the adoption of the OECD Guidelines.

The workshop also intended to make participants aware of the CSR practices of the Brazilian business community, highlighting the specific characteristics that must be taken into account in the implementation of the Guidelines. In this sense, the NCP Brazil recognized the need for extensive work in increasing awareness about the Guidelines principles over several business sectors, some of which are largely unacquainted with them.

In this context, the seminar had the ambition to develop a long-term and productive co-operative network between the NCP Brazil and the different areas of CSR in the country. Ideally, such co-operation would become a channel for multilateral communication, involving different levels of the Brazilian government,

<sup>18</sup> The new Human Rights chapter is drawn from the UN Guiding Principles.

<sup>19</sup> The first workshop in 2012 was a co-operation between IHRB and Norway's NCP.

civil society, academia and private sector. Bringing together representatives of all these sectors – who may act as multipliers in their environment – is of great value to the dissemination and implementation of the OECD Guidelines.

- *Chile* and *Norway*'s NCPs, supported by the Norwegian Ministry of Foreign Affairs and the Norwegian embassy in Santiago de Chile, jointly held a seminar on November 2012, with the participation of *Peru*'s NCP, to discuss opportunities and challenges for Chilean investors on topics that relate to the *Guidelines* with 130 participants from the private sector, trade unions, NGOs, academia and government agencies. The seminar was also an opportunity to present *Chile* and *Norway*'s joint NCP statement on the Cermaq case.
- In November 2012, *Chile*, *Peru*, *Mexico*, *Colombia*'s NCPs and Costa Rica participated in a workshop on the particular and common challenges encountered by Latin American NCPs. *Norway*'s NCP was also attending and presented its institutional evolution and own challenges.
- *Norway*'s NCP worked to strengthen regional collaboration by organising a Nordic Roundtable in Oslo in November 2012, with support from the Nordic Council of Ministers.
- The *United States*' NCP participated in a June 2012 capacity-building consultation meeting involving NCPs from the Middle East North Africa region.
- In September 2012, several NCPs participated in a 3-day workshop on mediation organised by the *Austrian* NCP, in Salzburg.

**Workshop for National Contact Points on “Mediation and informal problem solving”  
(Salzburg, 23-25 September 2012)**

The 2011 Update of the Guidelines has significantly reinforced the problem solving function exercised by NCPs and raised additional demands on the NCPs' capacity to provide mediation as well as other informal problem solving services.

The first Workshop on Mediation and informal problem solving for National Contact Points was held in Salzburg and 23 to 25 September 2012. The event, co-hosted by the Austrian Federal Ministry of Economy, Family and Youth and the OECD, was moderated by Professor Larry Susskind of the MIT Harvard Public Disputes Program and Mil Niepold, senior mediator at the CBI. The project was assisted by Mr. Frans Evers, Chairman of the Dutch National Contact Point and was attended by 16 NCPs, from Chile, Israel, Italy, Canada, Columbia, Morocco, Mexico, Netherlands, Norway, United Kingdom, United States, Sweden, Slovenia, Czech Republic, Switzerland and Austria.

Among others, the Workshop focused on issues related to transparency and confidentiality (including terms of reference relating to the mediation process); on costs and selection procedures to appoint an external mediator; on balancing differences between civil society and enterprises expectations; and on strategies for implementing NCP findings and decisions;

Participants benefited not only from expertise on problem solving instruments but in particular from sharing their experiences related to specific instances as well as exchanging ideas on improving the implementation of the Guidelines<sup>20</sup>.

<sup>20</sup>

In light of the request by several NCPs to strengthen their mediation skills in case hiring an external mediator proves to be impossible, the planning of a second Workshop, involving stakeholders as well as Guidelines-experienced mediators, has already started.

- *Switzerland's* NCP closely co-operated with other NCPs on different specific instances and the proactive agenda, namely *Canada* and *Finland's* NCP. The *Switzerland's* NCP also maintained co-operation and regular exchange with the German-speaking NCPs (*Austria* and *Germany*). Along with *Netherlands' NCP*, *Switzerland's* NCP was invited by *Austria's* NCP to describe its structure and to share its experience in handling specific instances.
- On 4 October 2012, the Directorate-General for Trade of the European Commission and the Delegation of the European Union in Chile organised a workshop where 90 representatives from European and Latin American governments, civil society, EU institutions and the OECD discussed the role of CSR in trade and investment relations between Europe and Latin America. The workshop, which is one of several meetings and conferences organised in preparation for the EU–Latin America Summit in Santiago in January 2013, addressed multiple aspects of CSR and focused in particular on the role of the *Guidelines*.

### **III.g Investment promotion, export credit and investment guarantee agencies**

61. As shown in Table 1, adhering governments have continued to explore ways of ensuring that their support for the *Guidelines* finds appropriate expression in credit and investment promotion or guarantee programmes.

62. Paragraph 37 of the Commentary to the Updated *Guidelines* provides that “Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known, by the NCP to be relevant to a specific agency’s policies and programmes. ...”.

63. On 28 June 2012, the OECD adopted the Revised OECD Recommendation on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (the “Common Approaches”) one year after the 2011 Update of the *Guidelines*. The revised Common Approaches “provide that Members should promote awareness of the OECD *Guidelines* for Multinational Enterprises among appropriate parties involved in applications for officially supported export credits as a tool for responsible business conduct in a global context” [Paragraph 4 (iii)]. Furthermore, when undertaking an environmental and social review of projects, Members “should, where appropriate, consider any statements or reports made publicly available by their National Contact Points (NCPs) at the conclusion of a specific instance procedure under the OECD *Guidelines* for Multinational Enterprises” [Paragraph 15, second bullet].

64. At European level, as part of the negotiations of EU Free Trade Agreements, the Commission pursues the inclusion of references to internationally recognised CSR guidelines and principles, which include the OECD *Guidelines* for Multinational Enterprises.

65. In addition to the information in Table 1, this year’s NCP reports include the following information on national government export credit programs:

- *Canada's* NCP Chair and the Committee routinely liaise with Export Development Canada (EDC), the export credit agency of Canada, regarding policies and other matters with respect to RBC. Canada's Trade Commissioner Service, along with its broader network of embassies, high commissions and other offices, both domestic and international, provide support and services to Canadian companies' international business operations. These activities include training, outreach, and response to stakeholders' queries regarding the *Guidelines*, and the NCP's role in



encouraging their promotion and effective implementation. *In its* White Paper on Corporate Social Responsibility in a Global Economy, the Norwegian Government stated that it will “work to increase knowledge and guidance about the *Guidelines*, among other things through the NCP and relevant public instruments”. In this respect, the *Norway’s* NCP maintains close contact with the Norwegian Guarantee Institute for Export Credits (GIEK). For example, the NCP has considered standards and practices that are used by GIEK when conducting environmental and human rights due diligence in *the projects* it supports.

- *United States’* NCP has collaborated with the U.S. Export-Import Bank on providing information on the *Guidelines* to applicants for the Bank's financing programs in support of U.S. business activities abroad, and will continue this process.

**Table 1. The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes**

Australia	Export credit and investment promotion	Australia’s Export Finance and Insurance Corporation (EFIC) promotes corporate social responsibility principles (including the OECD Guidelines) on its website. Links to the Australian NCP’s website are provided on the Foreign Investment Review Board and the Austrade websites.
Austria	Export credits	Oesterreichische Kontrollbank AG, acting as the Austrian export credit agency on behalf of the Austrian Federal Ministry of Finance, is actively promoting corporate responsibility principles and standards. On its website, extensive information on CSR issues, including the current text of the Guidelines, is available.
Belgium	Export credit and investment guarantees	The Belgian Export Credit Agency mentions the OECD Guidelines in its investment guarantees and all export credit guarantees.
Canada	Export Credits	The Export Development Canada (EDC) promotes corporate responsibility principles and standards, including the recommendations of the Guidelines. EDC has linked its website with that of Canada’s NCP. Brochures on the Guidelines are distributed. Dialogue on CSR with key stakeholders is maintained. EDC also produces an annual GRI report.
Chile	Investment promotion	The Foreign Investment Committee is the agency that promotes Chile as an attractive destination for foreign investment and international business.
Czech Republic	Investment promotion	There is a special agency called "Czech Invest" operating in the Czech Republic that provides information on the Czech business environment to foreign investors. It has prepared an information package (which includes the Guidelines) that is passed to all foreign investors considering investing within the territory of the Czech Republic. The Czech NCP co-operates closely with Czech Invest.
Denmark	Export credits	When applying for export credits, the Danish Eksport Kredit Fonden informs exporters about the Guidelines and encourages compliance.
Egypt	Investment promotion	The General Authority for Investment and Free Zones (GAFI) is the Egyptian investment promotion agency. GAFI was formerly under the Ministry of Investment, but in March 2011 it moved under the direct supervision of the Cabinet. ENCP maintains close ties with GAFI, and both bodies distribute brochures on the Guidelines.
Estonia	Investment promotion	The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.

Finland	Export credit guarantees and investment insurance	Finland's Export Credit Agency, Finnvera, calls the attention of guarantee applicants to the Guidelines through its webpages and CSR report.
France	Export credits and investment guarantees	Firms applying for export credits or investment guarantees are systematically informed of the Guidelines through the insurance application form supplied by the body in charge of managing these programmes (COFACE), which applicants are asked to sign and in which they must declare, inter alia, that they have "read and understood the OECD Guidelines".
Germany	Investment guarantees	Companies applying for investment guarantees are referred to the Guidelines directly on the application form. In the application process, they have to confirm awareness of this reference by signature. The reference also provides a link to further information on the Guidelines.
Greece	Investment promotion	The Guidelines are available on the website of the Ministry for Development, Competitiveness, Infrastructure, Transport & Networks ( <a href="http://www.mindev.gov.gr/?p=6732">www.mindev.gov.gr/?p=6732</a> ). The "Invest in Greece Agency S.A.", the General Secretariat of Consumers Affairs, and the Export Credit Insurance Organisation (ECIO) have links to the Ministry.
Hungary	Investment promotion	Important OECD documents on bribery, anti-corruption, and export credits are available on the websites of EXIMBANK, MEHIB, and different ministries. Cross links support the quick search for relevant OECD documents.
Israel	"Invest in Israel" - Investment Promotion Center	The website of Israel's Investment Promotion Center has a direct link to the Israeli NCP website where the OECD Guidelines are available electronically. The NCP works in close co-operation with the Investment Promotion Center.
Italy	Export credits	The Italian NCP works with SACE (the Italian Agency for export credit). In its CSR strategy SACE engaged to promote the Guidelines among business operators and stakeholders. The Italian NCP is also involved with SIMEST (Company for Export Financial Support), INVITALIA (Inward Investments Agency), and ITALIA (Outward Investments Promotion Agency, formerly called ICE). These organisations have published the Guidelines on their websites and are disseminating them among enterprises asking for public financial support. Together with the Guidelines, the ECAs are promoting the Risk-Awareness Tool in Weak Governance Zones.
Japan	Trade-investment promotion	The Guidelines (basic text and Japanese translation) are available on the websites of the Ministry of Foreign Affairs (MOFA); Ministry of Health, Labour and Welfare (MHLW); and the Ministry of Economy, Trade and Industry (METI). While they do not directly refer to the Guidelines, several Japanese organisations, such as the Japan Bank for International Co-operation (JBIC), the Japan International Co-operation Agency (JICA), and Nippon Export and Investment Insurance (NEXI), refer to other related OECD instruments on their websites.
Korea	Trade-investment promotion	The Guidelines can be found on the MKE (Ministry of Knowledge Economy) website ( <a href="http://www.mke.go.kr">www.mke.go.kr</a> ). MKE promotes trade and investment.
Latvia	Investment promotion	A summary of the Guidelines and the text are available on the website of the Ministry of Foreign Affairs of Latvia <a href="http://www.mfa.gov.lv/lv/Arpolitika/Ekonomiskas-attiecibas/Starpt-ekon-org/OECD/4258/">www.mfa.gov.lv/lv/Arpolitika/Ekonomiskas-attiecibas/Starpt-ekon-org/OECD/4258/</a> . The Guidelines are also available online at the: Employers' Confederation <a href="http://www.lddk.lv">www.lddk.lv</a> ; Sustainability Index <a href="http://www.ilgtspejasindeks.lv">www.ilgtspejasindeks.lv</a> and Investment and Development Agency <a href="http://www.liaa.gov.lv/lv/eksportetajiem/eksporta_tirgi/noderiga_informacija/">www.liaa.gov.lv/lv/eksportetajiem/eksporta_tirgi/noderiga_informacija/</a> .

Lithuania	Investment promotion	The "Invest Lithuania" Agency ( <a href="http://www.businesslithuania.com">http://www.businesslithuania.com</a> ) operates in the Republic of Lithuania and provides information on the Lithuanian business environment to foreign investors. It has prepared an information package that is passed to all foreign investors considering investing within the territory of Lithuania. The Lithuanian NCP (located at the Ministry of Economy) co-operates closely with the "Invest Lithuania" Agency. Investment Promotion Programme for the period of 2008-2013 was adopted by the Government on 19 December 2007. The goal of the programme is to improve Lithuania's investment environment in general and to establish an efficient system for the promotion of direct investment, focusing on long term economic and social development. The entire text of the Investment Promotion Programme can be found on the webpage of the Ministry of Economy: <a href="http://www.ukmin.lt/en/investment/invest-promotion/index.php">www.ukmin.lt/en/investment/invest-promotion/index.php</a> .
Mexico	Investment Promotion	The Mexican NCP is located within the Directorate General for Foreign Investment in the Ministry of Economy, which is responsible for Mexico's participation in the Investment Committee and in different international organisations, among other activities. The Guidelines can be found on the website. Mexico's investment promotion agency - PROMEXICO - works in close co-operation with this Department.
Netherlands	Export credits and investment guarantees	Applicants for Dutch business programmes or facilities receive copies of the Guidelines. In order to qualify, companies must state that they are aware of the Guidelines and that they will endeavour to comply with them to the best of their ability. Applicants for the PSI programme have to prepare a CSR policy plan based on the OECD Guidelines. ( <a href="http://www.oesorichtlijnen.nl/aan-de-slag/maak-mvo-beleid/">www.oesorichtlijnen.nl/aan-de-slag/maak-mvo-beleid/</a> ).
New Zealand	Export Credit promotion	New Zealand's Export Credit Office (ECO) mentions the OECD MNE Guidelines on its website. ECO also provides a link to both the OECD Guidelines and the New Zealand NCP's website. The New Zealand Overseas Investment Office website provides these links as well.
Norway	Guarantee Institute for Export Credits (GIEK)  Export Credit Norway	GIEK has developed its own social responsibility policy which is posted on its website. For more information please see: <a href="http://www.giek.no/giek_en/default.asp?menu=610&amp;page=277&amp;cells=0">www.giek.no/giek_en/default.asp?menu=610&amp;page=277&amp;cells=0</a>  Export Credit Norway promote responsible business conduct in general and the OECD Guidelines in particular: <a href="http://eksportkreditt.no/no/Om-Eksportkreditt/SAMFUNNSANSVAR/">http://eksportkreditt.no/no/Om-Eksportkreditt/SAMFUNNSANSVAR/</a> (in Norwegian only)
Peru	Investment Promotion	The Peruvian NCP is located in the Investment Promotion Agency-PROINVERSION, which provides foreign investors with guidance services and information relating to the Peruvian business environment including information on the OECD Guidelines and the NCP's activities.
Poland	Investment promotion	The Polish NCP is located in the investment promotion agency (PAIiZ). PAIiZ helps investors to enter the Polish market and to capitalize on business opportunities in Poland. It guides investors through all essential administrative and legal procedures a project involves; it also supports firms that are already active in Poland. PAIiZ provides rapid access to complex information relating to legal and business matters regarding investments, and it helps business find appropriate partners, suppliers, and locations.
Portugal	Exports and Investment Promotion	AICEP – Portugal Global is a Business Development Agency responsible for the promotion of exports, the internationalisation of Portuguese companies, especially SMEs, and in-bound foreign investment. The Guidelines are included in the information given to all companies.

Romania	Trade and Foreign Investment Promotion	The Romanian NCP is located within the Romanian Centre for Trade and Foreign Investment Promotion. The NCP's webpage was developed starting from the investment promotion central site. The Guidelines (basic texts) are available on the site of the Romanian Centre for Trade and Foreign Investment Promotion ( <a href="http://www.romtradeinvest.ro">www.romtradeinvest.ro</a> ). Other useful documents posted on the RNCP's webpage include the Policy Framework for Investment and the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.
Slovenia	Promotion and awareness of the Guidelines	The Slovenian NCP is established within the Ministry of Economy of the Republic of Slovenia. The promotion and use of the Guidelines are established in Slovenian policies. Foreign investors that apply for public tender must declare that the recipient of the co-financing will abide by the OECD Guidelines for Multinational Enterprises and the principles laid down in the Declaration on International Investments and Multinational Enterprises.
Slovak Republic	Investment promotion	The Slovak NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in the Slovak language on the Ministry's webpage. The Ministry of Economy is funding and supervising an agency for investment and trade development (SARIO) that promotes both the business environment and investment opportunities. Investors investing in the country who have already been awarded governmental incentives must commit to comply with the Guidelines.
Spain	Export credits and investment guarantees	CESCE (the export credits body which manages investment guarantees) and COFIDES (a development funding corporation) provide all applicants for aid or investment guarantees with copies of the Guidelines (in both paper and electronic format).
Sweden	Export credits	The Swedish Export Credits Guarantee Board provides all customers with information on the rules on environment and bribery, the Guidelines, and the Swedish Partnership for Global Responsibility.
Switzerland	Export credits insurance	The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information about the Guidelines and their implementation mechanism ( <a href="http://www.serv-ch.com">www.serv-ch.com</a> ).
Turkey	FDI	The Turkish NCP is located within the General Directorate of Incentive Implementation and Foreign Investment (Ministry of Economy), the authorised body for investment policy-making. Translation of the updated Guidelines was sent to related institutions. The final version of the translation will be published on the website of the Ministry.
United Kingdom	Export credits and investment insurance	The Export Credits Guarantee Department's (ECGD) website contains links to the website of the UK National Contact Point.
United States	Export and import credits and investment guarantees	The Export-Import Bank of the United States provides information on the Guidelines to applicants for their programmes in support of U.S. business activities abroad.

Source: OECD Investment Division

#### IV. Specific instances

##### IV.a More NCPs developed procedures to handle specific instances

66. The majority of the NCPs have now aligned their procedures for the handling specific instances to the 2011 Procedural Guidance on the *Guidelines*. *Brazil, Denmark, Mexico, Morocco* and *Portugal* have developed or revised their procedures over the past year. *Brazil, Chile* and *Morocco* have published online, in their national languages, their respective procedures.

**IV.b Overview of specific instances in the reporting period**

67. Forty specific instances were concluded in this reporting period: 20 that were pending as of June 2012 (10 after initial assessment and 10 after “assistance to parties”) and 20 that were received during the reporting period (see below). Overall, 26 statements were made publicly available<sup>21</sup>.

68. Of the 36 new specific instances that were submitted to NCPs:

- 11 are under “initial assessment”;
- 5 are in the “assistance to parties” phase;
- 20 have been concluded (18 after the initial assessment phase, 2 after “assistance to parties”).

69. Between June 2012 and June 2013, some NCPs saw an important increase in the number of specific instances as compared to the 2011-12 implementation period:

- Denmark had 4 specific instances in 2012-13, 0 in 2011-12;
- Germany had 5 specific instances in 2012-13, 1 in 2011-12;
- Mexico had 3 specific instances in 2012-13, 0 in 2011-12;
- Sweden had 3 specific instances in 2012-13, 0 in 2011-12;
- Spain had 2 specific instances<sup>22</sup> in 2012-13, 0 in 2011-12.

70. In addition, the Dutch NCP has offered its assistance in advance of receiving a formal request (referred as ‘pre-mediation’). The Dutch NCP reports having received several of such requests, one of which was made by a group of stakeholders on the matter of labelling of place of origin on products. The first dialogue between the parties involved in this request was conducted by the Dutch NCP in September 2012 to the satisfaction of all parties concerned.

**IV.c Outcomes of concluded specific instances**

71. The 40 specific instances concluded during the last implementation period mainly concerned the mining and quarrying, manufacturing and financial sectors, with issues predominately relating to human rights, labour and environment. Eight specific instances also involved stakeholder engagements issues.

72. Half of the concluded specific instances concerned non-adhering countries: Benin, Cambodia, Cameroon, Democratic Republic of Congo, Dominican Republic, India, Indonesia, Laos, Mozambique, Niger, Paraguay, Russia, South Africa, United Arab Emirates, Uzbekistan and Zambia.

73. The reasons most frequently invoked by NCPs to conclude a specific instance after the initial assessment were:

- The specific instance is not material or/and substantiated;
- The NCP is not able to find a breach of the Guidelines based on the information provided;
- One party is not interested in mediation. In some cases, it is the complainants that were not interested in mediation, which could mean that the specific instance process was not well-understood by those complainants;

<sup>21</sup> See Annex 4 for summaries of available concluded specific instances.

<sup>22</sup> The NCP received 16 requests by individuals, on the same issues, versus a national company in 15 cases and an MNE in 1 case. As indicated in the Spain’s NCP Report, they are here considered as 2 specific instances.

- Parallel proceedings or other processes such as consultation process are taking place on the same issues.

74. In 30% of the specific instances, NCPs provided assistance to parties in the form of a dialogue or mediation. In three of those cases, the parties reached an agreement (2) or agreed on a timetable for negotiations (1).

75. In five specific instances, the parties reached an agreement (4) or agreed to restart negotiations (1) through parallel proceedings or other processes.

76. When NCPs provided assistance to parties, the reasons most frequently invoked for not having a successful outcome to mediation/dialogue were:

- The parties could not agree on how to resolve the issues.
- The parties reached an agreement through parallel proceedings or other processes.
- One party requested that parallel legal proceedings be withdrawn as a condition to participate in mediation.

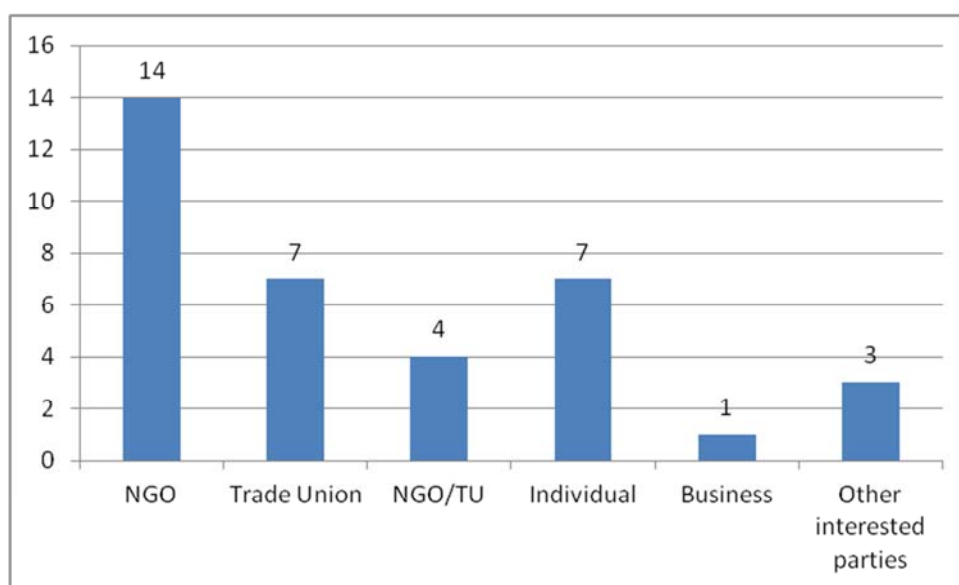
77. Regardless of the outcome of the specific instance, many NCPs made recommendations based on the *Guidelines* regarding *inter alia* disclosure and transparency, stakeholder engagement, due diligence in the supply chain, human rights and environmental issues.

#### **IV.d New Specific Instances**

##### *Sources*

78. Regarding the source of the request to consider an alleged non-observance of the *Guidelines*, the majority of specific instances originated from NGOs, followed by trade unions and individuals. Four specific instances were jointly raised by NGOs and trade unions. Other interested parties and Business were also among sources with 3 and 1 requests respectively.

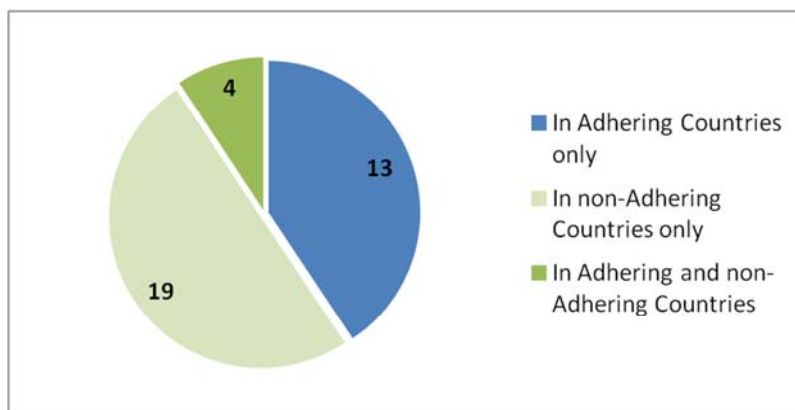
**Figure. 2: Source of new specific instances**



Source: OECD Investment Division

*Host countries*

79. The reporting period witnessed a significant increase (over 20 per cent) in the number of specific instances arising in non-adhering countries. Thirteen alleged non-observances of the *Guidelines* originated from adhering countries (Brazil, Colombia, Denmark, Egypt, Korea, Mexico, Netherlands, Norway, Sweden, Tunisia, Turkey) as compared to 19 in non-adhering countries (Bahrain, Bangladesh, Cambodia, El Salvador, India, Indonesia, Lao People's Democratic Republic, Nicaragua, Philippines, Russia, South Africa, Thailand and United Arab Emirates). Four specific instances related to both adhering and non-adhering countries. One specific instance concerned MNE operations in several countries, namely Colombia, Norway, Turkey, USA, Guatemala, Hong Kong, Indonesia and Malawi. The other three specific instances concerned MNEs based in adhering countries for the alleged misconduct of their subsidiaries in Thailand (2 specific instances) and India (one specific instance).

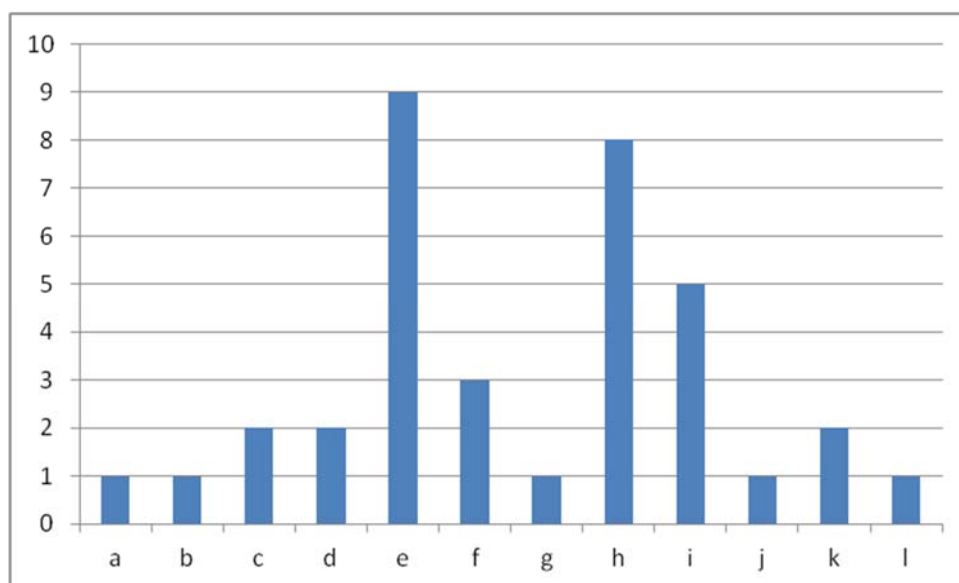


Guatemala, Hong Kong, Indonesia and Malawi. The other three specific instances concerned MNEs based in adhering countries for the alleged misconduct of their subsidiaries in Thailand (2 specific instances) and India (one specific instance).

*Industry sectors*

80. Ten industry sectors were concerned by new specific instances raised in the 2012-2013 period, with a strong concentration on the Financial and insurance and Manufacturing sectors, followed by the Mining and quarrying, and Human health and social work activities sectors. There were two specific instances in the Electricity, gas, steam and air conditioning supply sector and two in the Construction and professional, scientific and technical activities sector.

**Figure. 3: Industry sectors concerned by new specific instances**



a	Accommodation and food services	g	Information and communication
b	Agriculture, forestry and fishing	h	Manufacturing
c	Construction	i	Mining and quarrying
d	Electricity, gas, steam and air conditioning supply	j	Other service activities
e	Financial and insurance activities	k	Professional, scientific and technical activities
f	Human health and social work activities	l	Transportation and storage

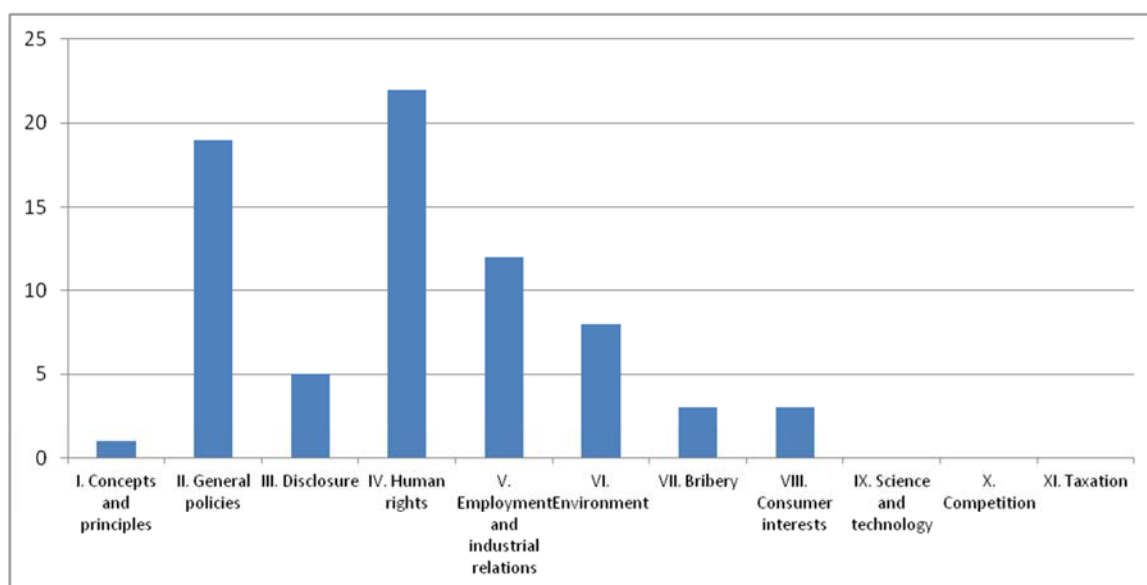
Source: OECD Investment Division

81. This breakdown represents a noticeable change as compared to the industrial distribution of the last implementation period which showed a concentration on the Mining and quarrying sector, followed by Manufacturing and the Financial and insurance sectors.

*Chapters of the Guidelines*

82. Of the newly raised specific instances, the most frequently cited chapters were Human rights, General policies, Employment and industrial relations and Environment. The chapter on Human rights was cited in 22 of the 36 new specific instances, which is an important increase since the 2011-2012 reporting period when this chapter was cited in eight of the 28 new specific instances.

**Figure 4: Guidelines chapters –citations in new specific instances**



Source: OECD Investment Division

83. In all but one specific instance citing the Environment chapter, complainants also alleged the non-observance of the Human rights chapter. In most of the specific instances citing the Employment and industrial relations chapter, a breach of the Human rights chapter was also alleged.

84. Among the new specific instances as well as those concluded in the last implementation period, many complainants raised issues regarding stakeholder engagement, in particular with Indigenous Peoples. Many specific instances also raised issues and questions regarding due diligence in the financial sector and the responsibility of minority shareholders.



#### **IV.e Co-operation among NCPs**

85. Overall, 14 NCPs were involved in the handling of specific instances considered during the last implementation period. A number of NCPs also closely co-operated towards the resolution of the issues. In particular:

- *France, Belgium and Luxembourg's* NCPs collaborated in a specific instance that was handled by *France's* NCP. A final statement was issued in June 2013 as a result of this constructive co-operation. *France's* NCP was also consulted by its counterparts in *Canada, Egypt, Morocco* and the *United Kingdom* and the *United States* in the context of other specific instances.
- *Netherlands' NCP assisted Luxembourg's NCP in dealing with a specific instance concerning Arcelor Mittal; coordinated with the UK NCP in the Sakhalin specific instance and coordinated with Norway and Korea's NCPs, as well as with the Chair of the WPRBC and the Dutch embassy in Seoul, for a specific instance concerning a Korean company, a Dutch and a Norwegian investment funds.*
- *Norway's* NCP actively co-operated with *Sweden's* NCP in the initial assessment phase of a specific instance regarding stakeholder engagement with Indigenous Peoples in Sweden. *Norway's* NCP also coordinated and exchanged information with *Netherlands* and *Korea's* NCPs on a case involving financial human rights due diligence. *Morocco's* NCP provided information to a specific instance handled by *Norway's* NCP.
- In May 2012, *Canada* and *Mexico's* NCPs both received a request for review regarding the same specific instance in Mexico. The NCPs determined that *Mexico's* NCP was best placed to lead the review of the request. *Canada's* NCP assisted *Mexico's* NCP during its consideration of the case.
- *Italy's* NCP co-operated with the *United States'* NCP on the handling of a specific instance submitted to both NCPs

#### **V. The OECD supporting role**

86. In accordance with the Section II of the 2011 Revised Procedural Guidance on the *Guidelines*, the OECD has an important role to play in supporting the implementation of the Guidelines and assisting the Investment Committee – the responsible OECD policy body – and NCPs --the implementation arm – in discharging their responsibilities.

87. The past year achieved major progress in putting in place the institutional structure, communication tools and co-operative arrangements needed to meet the expectations of the revised Guidelines. In fact, practically all the actions that were discussed in the months that immediately followed the May 2011 Update have been taken, or have reached an advanced stage of implementation.<sup>23</sup> Some progress was made in promoting outreach activities in the Asia-Pacific region.

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<sup>23</sup> See the implementation program adopted by the Working Party of the Investment Committee in October 2011 [[DAF/INV/WP\(2011\)4](#)].

**V.a Two important decisions on the institutional front**

**(i) Establishment of the Working Party on Responsible Business Conduct**

88. On 28 February 2013, the Executive Committee of the OECD confirmed the decision of the Investment Committee to establish the Working Party on Responsible Business Conduct. The tasks of this new Working Party are:

*(i) To assist in enhancing the effectiveness of the Guidelines and fostering the functional equivalence of National Contact Points;*<sup>24</sup>

*(ii) To assist, in co-operation with the National Contact Points, in the implementation of the “proactive agenda”;*<sup>25</sup>

*(iii) To engage, on behalf of the Investment Committee, with non-adhering countries on matters covered by the Guidelines, in particular with those non-adhering countries that have a special interest in promoting the principles and standards in the Guidelines<sup>26</sup>, in conformity with the Resolution of the Council on Partnerships in OECD bodies [[C\(2012\)100/FINAL](#)];*

*(iv) To co-ordinate with and contribute to the activities on the Global Forum on Responsible Business Conduct;*

*(v) To periodically consult with BIAC, TUAC and OECD Watch and international partners on matters covered by the Guidelines; also consult with other OECD bodies, international organisations or experts as appropriate;*<sup>27</sup>

*(vi) To undertake other tasks relating to the Guidelines and responsible business conduct as requested by the Investment Committee.*

89. Roel Nieuwenkamp (Netherlands) and Maria Benedetta Francesconi (Italy) were designated as the first Chair and Vice-Chair of the new WPRBC). Brazil, France, Switzerland, United Kingdom and the United States were also invited to be members of the Bureau. The WPRBC met twice in the reviewed period, in March and June 2013.

**(ii) Launch of a Global Forum on Responsible Business Conduct**

90. In May 2012, the OECD upgraded the Annual Corporate Responsibility Roundtable into a Global Forum on Responsible Business Conduct. It is viewed as an important tool for expanding and deepening OECD’s dialogue with non-OECD economies on responsible business conduct and a strategic component of the implementation of the revised Guidelines in a global context. The mission of the Global Forum is to:

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<sup>24</sup> Cf. paragraph 5 of the Decision of the Council on the OECD Guidelines for Multinational Enterprises [C\(2000\)96/FINAL](#) as amended by [C/MIN\(2011\)11/FINAL](#).

<sup>25</sup> Cf. *ibid*, paragraph 8. The proactive agenda promotes the effective observance by enterprises of the principles and standards contained in the Guidelines (paragraph 8 of the Council Decision on the OECD Guidelines for Multinational Enterprises).

<sup>26</sup> Cf. *ibid*, paragraph 3.

<sup>27</sup> Cf. *ibid*, paragraph 8.

*(i) Promote wider application of the principles and standards of the Guidelines for Multinational Enterprises with a view to fostering a level playing field between enterprises from adhering countries and non-adhering countries;*

*(ii) Engage the Key Partners and other interested non-OECD countries on matters covered by the Guidelines and their implementation and encouraging their co-operation in this regard; and*

*(iii) Exploit or develop synergies between the Guidelines and non-adhering countries' own corporate responsibility principles and standards.*

91. The designated participants are Brazil, China, India, Indonesia and South Africa; the Russian Federation and the adhering countries to the Guidelines.

92. The inaugural meeting of the Global Forum took place at the OECD Conference Centre on 26-27 June 2013. The Global Forum brought together over 80 distinguished speakers and 500 participants from around the world representing policy makers, businesses, trade unions, and civil society to provide insights and exchange experiences on today's core challenges and opportunities in responsible business conduct. The live webcast of the Global Forum was followed by 650 viewers.

93. It was the first major international event after the collapse of the Rana Plaza garment factory on 24 April 2013 – the largest industrial accident in history that claimed over 1200 lives. The Global Forum provided a timely opportunity to discuss how the international community can contribute to making sure a similar tragedy is never repeated. The Global Forum also focused on responsible business conduct in the financial, extractive and ICT sectors which have broad ramifications in the world economy. The Global Forum concluded on the importance of working together in embedding responsibility in all business environments, and particularly in those that need it the most.<sup>28</sup>

94. The Global Forum was promoted on the OECD's social media platforms (Twitter, Facebook, Google+). Tweets relating to the Global Forum (hashtag #OECDrbc) were posted on the Forum website in real time via a Twitter timeline. A TweetReach report generated for the 8 days from 21 June to 28 June, showed that #OECDrbc was cited in 572 tweets.

#### ***V.b New tools for raising awareness of the Guidelines***

95. Forging a new visual identity for the Guidelines and supporting communication tools was the second most important achievement of the reporting period. The new identity consists of:

- A *special visual signature* to be used by both the OECD and adhering governments in association with any *Guidelines*-related events and publications.
- A standalone *website on the Guidelines* with a separate URL [mneguidelines.oecd.org](http://mneguidelines.oecd.org) was launched at the time of the May 2013 OECD Ministerial Council Meeting. This new website is designed to be a central point for information on all matters relating to the Guidelines and a means of accessing national websites relating to the Guidelines. It displays, for example, up-to-date information on NCP institutional arrangements and specific instances, promotional activities sponsored by adhering governments and stakeholders, initiatives taken in support of the proactive agenda, recent events and published material on the Guidelines.

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<sup>28</sup>

The proceedings of the Global Forum will be included in the 2014 Annual Report of the Guidelines.

- A *database on specific instances* to allow users to extract up-to-date information on all specific instances handled by NCPs since the creation of this mechanism in 2001 (close to 350 instances). In accordance with the Procedural Guidance as revised in 2011, NCPs are expected to make the results of every specific instance publicly available. The database disseminates official information on specific instances and NCP co-operation, and provides access to aggregated data.
- An *interactive pdf template* for the Common Reporting Framework. In accordance with the Procedural Guidance as revised in 2011, NCPs must report annually to the Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines, including reporting on implementation activities in specific instances. NCPs submit this information by filling a standard questionnaire (the Reporting Framework) developed by the OECD Secretariat. This year, the Reporting Framework has been converted into an interactive pdf, with multiple choice options and drop-down lists, that can be updated and reused by NCPs each year. The new format, developed thanks to a voluntary contribution by Norway, facilitates the compilation and comparability and analysis of the data collected; also, the reporting section for specific instances mirrors the structure of the online database.
- A *Brochure* entitled “The OECD Guidelines for Multinational Enterprises – Responsible Business Conduct Matters”, available in print and online<sup>29</sup>. This “handbook” provides basic information about the *Guidelines* and their implementation. NCPs and stakeholders have been encouraged to use the Brochure as a common reference for their activities on the Guidelines.

### ***V.c Outreach***

96. Outreach was the third most important OECD deliverable on the *Guidelines* in the reporting period. It particularly led to the strengthening of OECD co-operation with the Asia-Pacific region.

#### *OECD-ESCAP Conference of 15-16 October 2012*

97. A high level conference was organised with the UN Economic Commission for Asia and the Pacific (ESCAP) on the occasion of the 2012 the Asia-Pacific Business Forum in Kuala Lumpur in mid-October 2012. This event attracted over 200 public and private actors from China, South East Asia, adhering countries and partner organisations. The conference discussed: (a) the new landscape of international corporate responsibility instruments; (b) tools for integrating corporate responsibility instruments into company decision-making processes; and (c) the contribution of social dialogue and non-adversarial mechanisms such as NCPs for the resolution of societal issues in Asia and the Pacific.

98. OECD Deputy-Secretary General Richard Boucher, ESCAP Director Dr. Ravi Ratnayake, BIAC Secretary-General Tadahiro Asami and Malaysia Global Compact Network Director Tan Lin Lah delivered the opening addresses while ESCAP Business Advisory Council Chairperson Datuck Seri Mohameb Iqbal Rawther and Malaysia Ministry of International Trade and Industry Secretary-General Rebecca Fatima Sta Maria, presented the conclusions of the Conference.

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<sup>29</sup> [http://mneguidelines.oecd.org/MNEguidelines\\_RBCmatters.pdf](http://mneguidelines.oecd.org/MNEguidelines_RBCmatters.pdf)

99. A bilateral meeting was also organised between DSG Boucher and ESCAP Executive Secretary Nooleen Heyzer. Dr. Heyzer expressed her appreciation for the excellent co-operation between ESCAP and OECD in various areas. It was agreed that the two organisations should co-sponsor a special event on responsible business conduct as part of the ESCAP's Third Trade and Investment Week which will be held at ESCAP headquarters in Bangkok in the week of 18 November 2013 and to conclude a Memorandum of Understanding on that occasion. These tentative plans have been re-confirmed on the occasion of Dr. Heezer's participation at the inaugural meeting of the OECD Global Forum on RBC, on 26-27 June 2013.

*Davos working dinner on "Business for Society", 23 January 2013*

100. On 23 January 2013, the OECD organised a working dinner on "Business Society in MENA and Eurasia: Towards a Framework for Action" that took place in Davos. Over 30 leaders from business, government, academia and non-profit organisations attended the event. In his opening remarks, the OECD Secretary-General Angel Gurría highlighted the most significant outcomes of the 2011 update of the *Guidelines* and their relevance for the region. He further insisted that a "proactive agenda" is a key success for implementing RBC, as well as committed champions and multi-stakeholder partnerships.

101. The event was organised around four roundtables: (a) making the most of the OECD *Guidelines*; (b) monitoring and evaluation of RBC; (c) getting the RBC infrastructure right; and (4) achieving scale and impact from RBC initiatives. Participants shared good practices on these themes and each table provided a short summary of their discussion. The Secretary-General concluded by stressing the importance of using all possible vectors to promote RBC.

*Panel discussion discussions at the 2013 World Bank/IMF Civil Society Policy Forum, 19 April 2013*

102. On 19 April 2013, the OECD was invited to hold a panel on the first two years of implementation of the *Guidelines* at the 2013 World Bank/IMF Civil Society Policy Forum. This event, organised on the occasion of the IBRD/IMF 2013 Spring Meeting, was attended by several government, business, trade and civil society representatives. The discussions were chaired by the U.S NCP and focussed on constructive solutions to the non-observance of the *Guidelines*, efforts to improve mediation capacities of National Contact Points, specific projects on responsible business conduct in the financial and extractive sectors, lessons learned and outreach activities. It was agreed that this *Guidelines* event should become a standard feature of the World Bank/IMF Civil Society Policy Forum.

*Signature of the OECD-ICC Memorandum of Understanding*

103. On 7 November 2012, in Amman, Jordan, the OECD and the International Coordinating Committee of National Human Rights Institutions (NHRIs) signed a Memorandum of Understanding (MOU) to promote respect by multinational enterprises of the new human rights chapter of the *Guidelines* and the UN Guiding Principles for Business and Human Rights.

104. The purpose of the MOU is to establish a program of co-operation over three years to promote greater understanding, visibility and use of the *Guidelines* and the NHRI Paris Principles mandate, towards greater respect for human rights in the sphere of business activities, and to exploit the synergies and complementarities between the parties and develop co-operation in such areas in support of this goal.

105. The ICC Chair welcomed the MOU as "important step" and reaffirmed "ICC support to the implementation of the new human rights chapter of the *Guidelines*". The OECD highlighted the "essential role of National Human Rights Institutions in supporting the implementation of the *Guidelines*."

*RBC in Costa Rica, Jordan and Malaysia: Highlights and challenges*

106. The proposal of Costa Rica to adhere to the OECD *Declaration on International Investment and Multinational Enterprises* and the recent Investment Policy Reviews of Jordan and Malaysia each devote a chapter on country policies and initiatives for promoting RBC.

#### *Costa Rica*

107. Costa Rica has yet to develop a comprehensive national strategy on RBC, a series of initiatives were undertaken to promote RBC in the country, including partnerships with stakeholders and the private sector. Costa Rica also engaged in international initiatives such as the ratification of international instruments covering RBC areas. The government has implemented reforms to establish disclosure requirements, has set in place a comprehensive and institutional framework for protecting human rights and has implemented effective environmental policies, which serve as a model in this field. On the other side, efforts will be required in certain areas, in particular with regard to stakeholder engagement with affected indigenous communities, enforcement of international instruments related to freedom of association and collective bargaining and addressing corruption in business.

#### *Jordan*

108. By adhering to the *Guidelines*, Jordan shows its commitment to promote the *Guidelines* and their observance by companies. The national context presents however important challenges since the concept of RBC is relatively new in Jordan. The level of awareness is low and there is no comprehensive national policy. Other challenges include, but are not limited to, improving disclosure and reporting practices, better integrating human and labour rights international standards within national legislation and practices and improving respect for human rights by enterprises, improving social dialogue with regard to labour issues, promoting greener business conduct and reinforcing consumer protection. Jordan is taking steps to address those challenges. In this context, it is worth mentioning that Jordan has developed a Corporate Governance Code based on the OECD *Principles of Corporate Governance*.

#### *Malaysia*

109. The first OECD Investment Policy Review of Malaysia published in 2013 includes an overview of Malaysian RBC-related policies, activities and practices, which shows that Malaysia is strongly committed in strengthening the framework for promoting RBC. A number of policy and institutional advances were seen in the past years, in particular with regard to environmental protection and promoting green investment. Government initiatives to promote RBC in Malaysia include requirements for public-listed companies to disclose their CSR activities and a framework to guide the implementation and reporting of RBC activities by listed companies that was launched in 2006 by the country's stock exchange. Public-private partnerships on CSR and other initiatives such as prestigious awards for RBC activities are acting as important incentives to foster RBC among companies.

110. Many challenges remain in this field, in particular in the area of labour relations where Malaysia needs to narrow the gap with international RBC best practices. Carrying out consultation with representatives from business community, civil society and partnerships on policy developments and improving governmental co-ordination of RBC-related policies and activities would also be beneficial for Malaysia. As Malaysian enterprises are now becoming global players with significant investment abroad, Malaysia would send a strong signal to its outward investors and the global community by adhering to the *Guidelines*.

## ANNEXES

### **Annex I - Statement by the National Contact Points for the OECD Guidelines on Multinational Enterprises<sup>30</sup>**

**(Paris, 25 June 2013)**

The National Contact Points are deeply saddened by the tragedy at Rana Plaza in Bangladesh. Our hearts go out to all of those affected. Like Secretary General of the OECD Gurría has expressed: “This event is a dramatic wakeup call for the international textile industry, governments, and other stakeholders to address the risks before they result in tragedies such as this.”

The National Contact Points welcome robust and credible initiatives, such as the Accord on Fire and Building Safety in Bangladesh, which try to improve the situation on the ground. Abandoning production in Bangladesh could make the situation of the workers worse. The OECD Guidelines for Multinational Enterprises point out that in these circumstances, the responsible course is to work with stakeholders to guarantee the safety of workers, improve their working conditions and ensure respect for human rights.

The OECD Guidelines for Multinational Enterprises are a comprehensive set of recommendations on responsible business conduct that 45 OECD and non-OECD adhering governments expect enterprises to observe in their global operations. The OECD Guidelines for Multinational Enterprises ask enterprises to respect human and labor rights and be responsible for identifying and addressing risks of adverse impacts associated with their own activities or in their supply chains and other business relationships. The OECD Guidelines for Multinational Enterprises are supported by National Contact Points in each adhering country. Most of the enterprises sourcing textiles and garments from Bangladesh originate from adhering countries to the OECD Guidelines for Multinational Enterprises.

National Contact Points welcome that responsible business conduct in the textiles and garments supply chains will be addressed, as a matter of priority, in the high level discussions at the Global Forum on Responsible Business Conduct on 26-27 June 2013 and at the meeting of Working Party on Responsible Business Conduct on 28 June 2013.

The National Contact Points welcome the call to collective action by several Ministers and Secretary General Gurría.

The National Contact Points will meet their responsibilities under the OECD Guidelines for Multinational Enterprises with respect to enterprises in the textiles and garments sector. Where appropriate, they will undertake stakeholder consultations at the national level and support and participate in work undertaken in the context of the multi-stakeholder Proactive Agenda by OECD. In coordination with other government agencies, they will, where appropriate, support implementation of robust and credible

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initiatives agreed to by stakeholders and enterprises, that are consistent with the OECD Guidelines for Multinationals and the relevant ILO standards, such as the Accord on Fire and Building Safety.

The National Contact Points strongly encourage the Investment Committee and the Working Party on Responsible Business Conduct to work urgently with companies, trade unions and other relevant civil society groups to develop a collective response within the framework of its Pro Active Agenda . Particular attention should be given to the principles of adding value and avoiding duplication with other initiatives. NCP's encourage enterprises, trade unions, and other civil society groups to co-operate with the Working Party in this field.

A collective response could take the form of a joint effort by the OECD, that could include the ILO and the UN Working Group on Human Rights and Business/ UN OHCHR, to host a Forum for all interested stakeholders to inform one another of the specific initiatives in which they are involved regarding due diligence in the textile and garments sector in Bangladesh with the objective of fostering coordination and collaboration among all stakeholders in meeting their respective responsibilities. It could include sharing views on the relevance of their experiences in relation to Bangladesh to the textiles sector more broadly. It could also include consideration of strategies and practices for application of risk based due diligence in supply chains in the sector. The NCP's also note the importance of donor community involvement and the contribution it can make in assisting Bangladesh and other textile and garments producing countries in meeting their responsibilities with respect to these sectors.

As noted in the statement of the Secretary General of OECD, the OECD Guidelines for Multinational Enterprises, using risk-based due diligence, multi-stakeholder engagement and targeted development assistance, have been instrumental in meeting challenges in other sectors such as trade in minerals and may be able to make an important contribution alongside initiatives already underway in the textiles industry.



## Annex 2 - NCPs structures in 2012 and 2013 and advisory/oversight bodies

<b>NCP</b>	<b>2012</b>	<b>2013</b>	<b>Governmental Location in 2013</b>
Argentina	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Foreign Affairs
Australia	<b>Monopartite</b>	<b>Monopartite</b>	Commonwealth Treasury
Austria	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Economy, Family and Youth
Belgium	<b>Tripartite</b>	<b>Tripartite</b>	Federal Public Service Economy
Brazil	<b>Interagency</b>	<b>Interagency</b>	Ministry of Finance
Canada	<b>Interagency</b>	<b>Interagency</b>	Ministry of Foreign Affairs
Chile	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Foreign Affairs
Colombia	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Trade Industry Tourism
Czech Rep	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Trade Industry
Denmark	<b>Indi Experts</b>	<b>Indi Experts</b>	Ministry of Business and Growth
Egypt		<b>Bipartite</b>	Ministry of Investment
Estonia	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Economic Affairs and Communication
Finland	<b>Quadripartite</b>	<b>Quadripartite</b>	Ministry of Economy and Employment
France	<b>Tripartite</b>	<b>Tripartite</b>	Ministry of Economy and Finance
Germany	<b>Monopartite</b>	<b>Interagency</b>	Federal Ministry of Economics and Technology
Greece	<b>Monopartite</b>	<b>Monopartite</b>	Ministry for Development and Competitiveness
Hungary	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of National Economy
Iceland		<b>Monopartite</b>	Ministry of Industry and Innovation
Ireland			
Israel	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Economy
Italy	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Economic Development
Japan	<b>Interagency</b>	<b>Interagency</b>	Ministry of Foreign Affairs
Korea	<b>Interagency</b>	<b>Indi Experts</b>	Korean Commercial Arbitration Board
Latvia	<b>Quadripartite</b>	<b>Tripartite</b>	Ministry of Foreign Affairs
Lithuania			
Luxembourg			
Mexico	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Economy
Morocco	<b>Monopartite</b>	<b>Interagency</b>	Agence des Investissements
Netherlands	<b>Indi Experts</b>	<b>Indi Experts</b>	Ministry of Foreign Affairs
New Zealand	<b>Monopartite</b>	<b>Monopartite</b>	Ministry of Business Innovation and Employment
Norway	<b>Indi Experts</b>	<b>Indi Experts</b>	Ministry of Foreign Affairs
Peru	<b>Monopartite</b>	<b>Monopartite</b>	Private Investment Promotion Agency
Poland	<b>Monopartite</b>	<b>Monopartite</b>	Information and Foreign Investment Agency
Portugal	<b>Interagency</b>	<b>Interagency</b>	Ministry of Economy and Ministry of Foreign Affairs
Romania	<b>Bipartite</b>		
Slovak Rep	<b>Monopartite</b>	<b>Monopartite</b>	Slovak Investment and Trade Development Agency
Slovenia	<b>Interagency</b>	<b>Interagency</b>	Ministry of Economic Development and Technology
Spain	<b>Monopartite</b>	<b>Monopartite</b>	State Secretary of Commerce
Sweden	<b>Tripartite</b>	<b>Tripartite</b>	Ministry of Foreign Affairs
Switzerland	<b>Interagency</b>	<b>Interagency</b>	State Secretariat of Economic Affairs
Tunisia		<b>Tripartite</b>	Ministry of Development and International Cooperation
Turkey		<b>Monopartite</b>	Ministry of Economy
United Kingdom	<b>Interagency</b>	<b>Monopartite</b>	Department for Business Innovation and Skills
United States	<b>Monopartite</b>	<b>Monopartite</b>	Department of State

NB In 2012, the German NCP was already an interagency NCP and the Latvian NCP was already a tripartite NCP  
Source: OECD Investment Division

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NCP	2013	Governmental Location	Advisory Body	Oversight Body
Argentina	<b>Monopartite</b>	Ministry of Foreign Affairs		
Australia	<b>Monopartite</b>	Commonwealth Treasury		Government
Austria	<b>Monopartite</b>	Ministry of Economy, Family and Youth	Government Business Trade Unions NGO Expert in dispute resolutions	
Belgium	<b>Tripartite</b>	Federal Public Service Economy		
Brazil	<b>Interagency</b>	Ministry of Finance		
Canada	<b>Interagency</b>	Ministry of Foreign Affairs		
Chile	<b>Monopartite</b>	Ministry of Foreign Affairs	Government	Business Trade Unions NGO Expert in CSR
Colombia	<b>Monopartite</b>	Ministry of Trade Industry Tourism		Business Trade Unions NGO Expert in CSR
Czech Rep	<b>Monopartite</b>	Ministry of Trade Industry	Government Business Trade Unions NGO	
Denmark	<b>Indi Experts</b>	Ministry of Business and Growth		
Egypt	<b>Bipartite</b>	Ministry of Investment	Government Business Trade Unions	Government
Estonia	<b>Monopartite</b>	Ministry of Economic Affairs and Communication		
Finland	<b>Quadripartite</b>	Ministry of Economy and Employment		
France	<b>Tripartite</b>	Ministry of Economy and Finance		
Germany	<b>Interagency</b>	Federal Ministry of Economics and Technology	Government Business Trade Unions NGO	Government
Greece	<b>Monopartite</b>	Ministry for Development and Competitiveness		
Hungary	<b>Monopartite</b>	Ministry of National Economy		Government
Iceland	<b>Monopartite</b>	Ministry of Industry and Innovation		
Ireland				
Israel	<b>Monopartite</b>	Ministry of Economy	Government	Business Trade Unions NGO

<b>NCP</b>	<b>2013</b>	<b>Members</b>	<b>Advisory Body</b>	<b>Oversight Body</b>
Italy	<b>Monopartite</b>	Ministry of Economic Development	Government Business Trade Unions	
Japan	<b>Interagency</b>	Ministry of Foreign Affairs		
Korea	<b>Indi Experts</b>	Korean Commercial Arbitration Board		
Latvia	<b>Tripartite</b>	Ministry of Foreign Affairs		
Lithuania				
Luxembourg				
Mexico	<b>Monopartite</b>	Ministry of Economy		
Morocco	<b>Interagency</b>	Agence des Investissements		
Netherlands	<b>Indi Experts</b>	Ministry of Foreign Affairs		
New Zealand	<b>Monopartite</b>	Ministry of Business Innovation and Employment	Government Business Trade Unions	
Norway	<b>Indi Experts</b>	Ministry of Foreign Affairs		
Peru	<b>Monopartite</b>	Private Investment Promotion Agency		
Poland	<b>Monopartite</b>	Information and Foreign Investment Agency		
Portugal	<b>Interagency</b>	Ministry of Economy and Ministry of Foreign Affairs		
Romania				
Slovak Rep				
Slovenia	<b>Interagency</b>	Ministry of Economic Development and Technology		
Spain	<b>Monopartite</b>	State Secretary of Commerce		Government
Sweden	<b>Tripartite</b>	Ministry of Foreign Affairs		
Switzerland	<b>Interagency</b>	State Secretariat of Economic Affairs	Government Business Trade Unions NGO Expert in CSR	
Tunisia	<b>Tripartite</b>	Ministry of Development and International Cooperation		
Turkey	<b>Monopartite</b>	Ministry of Economy		
United Kingdom	<b>Interagency</b>	Department for Business Innovation and Skills	Government Business Trade Unions NGO	
United States	<b>Monopartite</b>	Department of State	Business Trade Unions NGO Expert in CSR	

### **Annex 3 - Promotional activities on the Guidelines, June 2012 – June 2013**

#### ***Promotional activities organised by NCPs***

##### **Belgium**

- The *Guidelines* for multinational enterprises and its NCP, Brussels, 27 June 2012.

##### **Canada**

- Multi-stakeholder Information Session on the revised 2011 *Guidelines* and the Role of *Canada's* NCP, Ottawa (Canada), 19 November 2012.

##### **Brazil**

- International Workshop on Responsible Business Conduct in Brazil, Secretariat for Human Rights, Brasília (Brazil), 28 January 2013.
- CSR in Brazil and in the Netherlands: the role of the NCPs for the OECD *Guidelines* for MNEs, Ministry of Finance, Brasília, Brazil, 6 December 2012.
- Brazil-Netherlands Workshop on Corporate Social Responsibility, Superior Labor Court (TST), Brasília, Brazil, 5 December 2012.

##### **Chile**

- Challenges for Chilean investors. The effects of the OECD *Guidelines* for Multinational Enterprises. A practical approach, Santiago (Chile), 16 November 2012.
- Workshop: "The OECD *Guidelines* for Multinational Enterprises. Structures, challenges and difficulties of Latin American National Contact Points (NCPs), Santiago (Chile), 15 November 2012.

##### **Colombia**

- Exchanging Best Practices in CSR: The Dutch and Colombian Experience, Bogota (Colombia), 16 May 2013.
- Regional Event on the OECD *Guidelines* for Multinational Enterprises, Bogota (Colombia), 11 December 2012.
- Seminar on the OECD *Guidelines* and the Mining Sector, Bogota (Colombia), 21 November 2012.
- Introducing the OECD *Guidelines* to the Colombian Mining Business Associations, Bogota (Colombia), 26 October 2012.
- The Colombian National Mining Agency and the OECD *Guidelines* for MNEs, Bogota (Colombia), 17 October 2012.
- The OECD *Guidelines* and the Mining Sector: the Role of Public Servants in Promoting the *Guidelines*, Bogota (Colombia), 16 October 2012
- Regional Event on the OECD *Guidelines* for Multinational Enterprises, Cali (Colombia), 6 September 2012.
- Regional Event on the OECD *Guidelines* for Multinational Enterprises, Medellin (Colombia), 5 September 2012.

- Regional Forum on Trade in Services- Barranquilla, Barranquilla (Colombia), 26 June 2012.
- Launching of the Colombian NCP, Bogota (Colombia), 13 June 2012.

### **Denmark**

- Launch of the Danish NCP, Ministry of Business and Growth, 1 November 2012.
- EU High Level Group on CSR, Bruxelles (Belgium), 28 November 2012.
- Confederation of Danish Industries, Copenhagen (Denmark), 19 February 2013.
- The Danish Federation of SMEs, Copenhagen (Denmark), 8 March 2013.
- The Danish Confederation of Trade Unions, Copenhagen (Denmark), 8 February 2013.
- 92-Group (NGOs), Copenhagen (Denmark), 15 February 2013.
- FSR - Danish Auditors (trade organisation of auditing, accounting, tax and corporate finance), Copenhagen (Denmark), 5 March 2013.

### **European Union**

Relevant CSR departments of the European Commission hosted events and various activities with their respective constituencies. For instance, the Commission co-hosted in 2012 a CSR event in Santiago de Chile featuring the *Guidelines*, working along with industry, business associations and investment promotion agencies.

### **France**

- Réunion annuelle d'information du PCN français, Ministère de l'Économie et des Finances, France, 15 May 2013.

### **Israel**

- Seminar on the OECD *Guidelines* for MNEs, Sustainability Forum, Shikun and Binui company, Petah-Tikva, Israel, 31 October 2012.
- Corporate Responsibility and Combating Foreign Bribery OECD requirements, trends in the global arena, and implications on business, Tel-Aviv (Israel), 6 June 2012.

### **Italy**

- OECD *Guidelines*: implications for the territory and for the local development policies, Lamezia Terme (Calabria, Italy), 9 May 2013.
- Presentation of the National Action Plan on CSR 2012-14, Rome, 16 April 2013.
- Mediterranean Exhibition of the Shared Social Responsibility, Naples (Campania, Italy), 5 April 2013.
- The corporate social responsibility - Focus and debate on regional initiatives in Puglia, Modugno (Puglia, Italy), 25 January 2013.
- OECD *Guidelines*: implications for the territory and for the local development policies, Naples (Campania, Italy), 6 December 2012.
- OECD *Guidelines*: implications for the territory and for the local development policies, Pescara (Abruzzo, Italy), 9 November 2012.
- OECD *Guidelines*: implications for the territory and for the local development policies, Campobasso (Molise, Italy), 21 September 2012.

### **Korea**

- International Forum for New CSR Strategy, Korea, 27 November 2012.

### **Latvia**

- Campaign “Against shadow economy – for business competitiveness”, Latvia, 2012-2013.
- Latvia towards the OECD – Business Perspective. OECD *Guidelines* for MNEs, Riga (Latvia), 7 December 2012.
- Seminar “Anti – corruption practice in Business to Business relations/supply chains”, Riga (Latvia), 2012.

### **Netherlands**

- Stakeholder meeting: "The OECD *Guidelines* and Freedom of Association", The Hague (Netherlands), 29 November 2012.
- "Transparency and the OECD *Guidelines*: instruments for reporting", The Hague (Netherlands), 18 June 2013.

### **Norway**

- International workshop on the OECD *Guidelines* for Multinational Enterprises, Brasilia (Brazil), 28 January 2013.
- The OECD *Guidelines*: Challenges for Chilean Investors, Santiago (Chile), 16 November 2012.
- Meeting with NGOs and trade unions, Oslo (Norway), 24 October 2012.

### **Poland**

- Seminar on the achievements to date and plans of Polish section of the BIAC, Warsaw (Poland), 25 March 2013.

### **Switzerland**

- Meeting of the consultative group of the Swiss NCP, Bern (Switzerland), 27 June 2012.

### **United States**

- Promoting Labor and Human Rights through Investment, Department of State, Washington DC, May 2013.
- Enforceable Codes of Conduct, Federal Trade Commission, Washington DC, November 2012.

### **United Kingdom**

- Extractives Sector - Responsible Business Conduct Conference, London, March 2013.
- OECD *Guidelines* and UK NCP Structure and Cases, London, February 2013.
- UK NCP Structure and Procedures presentation to the US Stakeholder Advisory Board, Washington DC, February 2013.
- OECD *Guidelines* and UK NCP Structure and Cases workshop, Washington DC, February 2013.
- Corporate Social Responsibility Conference, Brasilia (Brazil), January 2013.

- Responsible Business Conduct Workshop - Indian and OECD *Guidelines*, New Delhi (India), December 2012.

***Promotional activities organised by national stakeholders with NCP participation***

**Argentina**

- Taller sobre derechos humanos y empresas, Buenos Aires (Argentina), 14 March 2013.

**Australia**

- Extractive Industries Transparent Index Global Conference 2013, Sydney (Australia), May 2013.
- Sustainable Mining Symposium, Melbourne Business School - Melbourne University, Australia, May 2013.
- Myanmar Round Table – Corporate Social Responsibility, University of Melbourne, Australia, April 2013.
- APEC Corporate Social Responsibility Dialogue, Surabaya (Indonesia), April 2013.
- APEC - Investment Experts Group, Surabaya (Indonesia), April 2013.
- Mining and International Aid Conference, National Portrait Gallery, Canberra (Australia), December 2013.
- Australian National University, Canberra (Australia), November 2012.
- University of Sydney (Human rights discussion and seminar), Australia, September 2012.
- University of Melbourne (forum on corporate social responsibility standards), Australia, August 2012.

**Austria**

- The OECD *Guidelines* and their relevance for Austrian companies, Salzburg (Austria), 25 April 2013.
- Sustainable Business in Emerging Markets, Vienna (Austria), 21 March 2013.
- 1st Meeting of the Austrian Global Compact Network 2013, Vienna (Austria), 20 February 2013.
- Aussenwirtschaftsbeirat - Foreign Trade Committee, Vienna (Austria), 20 December 2012.
- Not my business? Business and Responsibility, Vienne (Austria), 27 November 2012.
- Extrajudicial Complaint Mechanisms for Resolving Conflicts of Interest between Business Actors and Those Affected by their Operations, Vienna (Austria), 17 October 2012.
- 2nd Meeting of the Austrian Global Compact Network 2012, Vienna (Austria), 16 October 2012.
- 7<sup>th</sup> Austrian CSR-Day, Vienna (Austria), 18 September 2012.

**Belgium**

- Different small events organised in the context of the broader CSR picture.

**Brazil**

- Best practices and approaches in implementing the UN Guiding Principles on Business and Human Rights by business enterprises - preventing harm and ensuring remedies, Geneva (Switzerland), 29 May 2013.
- Working Group on Integrity and against Corruption, São Paulo (Brazil), 30 January 2013.

- Meeting of the National Labour Relations Board, Ministry of Labour and Employment, 24 January 2013.
- Meeting of the Governmental Forum for Social Responsibility, National Trade Confederation, Brasília (Brazil), 27 September 2012.
- Meeting of the Forum of the Employers Confederations - Executive Branch, National Confederation of Financial Institutions, Brasília (Brazil), 3 December 2012.
- Workshop on CSR in the EU and Latin America: the role of OECD *Guidelines* for MNEs, Santiago (Chile), 4 October 2012.
- Promoting Responsible Corporate Conduct: The OECD *Guidelines* for Multinational Enterprises, Rio de Janeiro (Brazil), 16 June 2012.
- Ethos Institute Intl. Conference - Business and the New Economy: what changes with Rio+20?, São Paulo (Brazil), 11 June 2012.

### **Canada**

- Inauguration of the Office of the Colombian NCP, Bogota (Colombia), 9 June 2012.
- Tripartite Roundtable on Labour Issues, Ottawa (Canada).
- International Human Rights and Business Workshop on NCP's Role in the Extractive Sector, London (UK), 22 March 2013.
- International Experts Workshop on Access to Non-judicial Remedies, Toronto (Canada), 29-30 April 2013.
- Prospectors and Developers Association of Canada Trade Show and Convention, Toronto (Canada), 3 March 2013.

### **Chile**

- Pasantía Internacional en Responsabilidad Social, Santiago (Chile), 9 January 2013.
- EU- Latin America works on Corporate Social Responsibility, Santiago (Chile), 4 October 2012.

### **Colombia**

- Panel Discussion on Human Rights, Businesses and Intellectual Property, Bogota (Colombia), 20 May 2013.
- The OECD *Guidelines* and the Mining and Hydrocarbon Sectors, Bogota (Colombia), 23 April 2013.
- ANDI's Committee on Sustainability and the OECD *Guidelines*, Bogota (Colombia), 19 April 2013.
- CSR, the OECD and the OECD *Guidelines*, Bogota (Colombia), 13 April 2013.
- Presenting the OECD *Guidelines* before CECODES' Board of Directors, Bogota (Colombia), 16 November 2012.
- The OECD *Guidelines* in the Context of Colombia's Commercial Relations with the EU, Bogota (Colombia), 13 November 2012.
- 7th ANDI CSR Conference and 2nd Interamerican CSR Conference, Cali (Colombia), 11 October 2012.
- CSR in the EU and Latin America: the role of OECD *Guidelines* for Multinational Enterprises, Santiago (Chile), 4 October 2012.
- Global Compact Annual Congress, Bogota (Colombia), 4 September 2012.
- Event about the OECD hosted by ANDI, Bogota (Colombia), 25 June 2012.

### **Denmark**



- CSR Awards, Sønderborg (Denmark), 13-14 November 2012.
- Other events such as Danish Federation of Small and Medium-Sized Enterprises, Danish Chamber of Commerce and 92 Group (NGOs)

### **European Union**

- The EU participated in numerous meetings with business community and stakeholders, CSR related meetings at the European Parliament and a Multi-Stakeholder Forum (preparations). Relevant CSR departments of the European Commission hosted events and various activities with their respective constituencies.

### **France**

- Exigences sociales et environnementales dans le commerce international, Ministère de l'Économie et des Finances, 23 May 2013.
- Les Principes directeurs révisés de l'OCDE et les PCN, MEDEF, 20 February 2013.
- Assises Nationales de la Solidarité Internationale et du Développement, Ministère des affaires étrangères, 18 January 2013.
- Les Principes directeurs révisés : le PCN, 2012-2013.
- Les Principes directeurs de l'OCDE à l'intention des entreprises multinationales et les PCN, Ministère de l'Économie et des Finances, 16 January 2013.
- Les Principes directeurs de l'OCDE à l'intention des entreprises multinationales et les PCN, Ministère de l'Économie et des Finances, 8 April 2013.

### **Germany**

- Conference organised by the German Employers' Association (BDA) on the OECD Guidelines, Berlin, 22 November 2012.

### **Greece**

- Harnessing Trade for Growth in the Mediterranean, Geneva, 30 May 2013.
- European CSR Award Scheme, Athens, 24 April 2013.
- European CSR Award Scheme, Hellenic Federation of Enterprises, Athens, 3 December 2012.
- Working with the EBRD: Consultant Opportunities with the European Bank for Reconstruction, Bank of Greece, Athens, 28 September 2012.
- International Conference "Social Responsibility in the Public Sector", Athens, 11 September 2012.
- Annual Corporate Social Responsibility Conference, Athens, 7 June 2012.

### **Hungary**

- Top 200 Conference of Figyelő, Budapest (Hungary), 11 October 2012.

### **Israel**

- OECD *Guidelines* for MNEs and the Israeli NCP, The Center for Ethics, Mishkenot Sheananim, Jerusalem (Israel), 13 November 2012.

## **Italy**

- Methodologies and practices to promote social responsibility in small en medium enterprises international benchmarking study, Bologna (Emilia-Romagna, Italy), 27 May 2013.
- Responsible Jewellery Council's Annual General Meeting, Milan (Lombardy, Italy), 23 May 2013.
- The Dimension of Labour in Corporate Social Responsibility, ILO office, Rome, 22 May 2013.
- LabGov, the Laboratory for the Governance of the Common Good, Rome, LUISS University, 10 May 2013.
- Rules and Responsibilities: together for social cohesion, Milan (Lombardy, Italy), 25 April 2013.
- 1st Forum on Consumer Responsibility, Rome, 15 March 2013.
- Social Responsibility and traceability in the field of Jewellery, Chamber of Commerce of Milan (Lombardy, Italy), 15 October 2012.
- Presentation of the "Charter of CSR" by Osservatorio Socialis, Chamber of Deputies – Rome, October 2012.
- The *Guidelines* and the chapter on taxation, Rome, 26 September 2012.
- Social responsibility in the gold sector. Ethics and sustainability of the supply chain, Chamber of Commerce of Arezzo (Tuscany, Italy), 12 July 2012.
- Enterprise and Sustainable Innovation: we accept the challenge!, Treviso (Veneto, Italy), 2 July 2012.
- CSR Multi-stakeholder Forum, Venice (Veneto, Italy), 8 June 2012.

## **Japan**

- Asia-Pacific Business Forum 2012 (OECD-ESCAP Conference on International Corporate Responsibility Instruments), Kuala Lumpur (Malaysia), 16 October 2012.

## **Korea**

- Regional CSR Forum, Korea Chamber of Commerce and Industry, 2 April 2013.

## **Latvia**

- Annual special program “Sustainability Index”, Riga (Latvia), 24 May to closing event.
- Seminars for the Multinational Enterprises, Riga (Latvia), 12 December 2012 to 15 March 2013.
- "Business Integrity in the Baltic countries - Time for Action", Riga Business School (Latvia), 14 February 2013.
- “The role of Corporations in the Fight against Corruption” organised by the American Chamber of Commerce, Riga (Latvia), 29 November 2012.

## **Mexico**

- Challenges in Mexico: Commitment to communities and safety: Towards responsible mining, Mexico Mining Summit 2013, 23 May 2013.
- Social Responsibility: A key factor for business development, American Chamber of Commerce, Mexico, 20 March 2013
- Commission of Corporate Social Responsibility, International Chamber of Commerce, Mexico, 28 February 2013.
- Commission of International Affairs, Mexican Employers Association (COPARMEX), Mexico, 21 February 2013.

- Challenges for Chilean investors: The OECD *Guidelines* for Multinational Enterprises, SOFOFA, Chile, 16 November 2012.
- New Perspectives: Corporate Social Responsibility in Mexico and Sweden, Nordic Chamber of Commerce, Mexico, 6 September 2012.

#### Netherlands

- ISO26000 annual conference "Sustainable stakeholder engagement", Maarsse (Netherlands), 16 April 2013.
- NJCM seminar: Human Rights as a business risk, Amsterdam (Netherlands), 14 April 2013.
- "Groen is de rode draad", Den Haag (Netherlands), 20 June 2013.

#### Norway

- The OECD *Guidelines* and Export Credit, Oslo (Norway), 14 May 2013.
- Academic lunch about the OECD *Guidelines* for Faculty of Law employees, Oslo (Norway), 4 April 2013.
- NCPs and the Extractive Sector, London (UK), 22 March 2013.
- Investing the Rights Way, London (UK), 15 March 2013.
- Investing the Rights Way, New York (U.S.), 8 March 2013.
- The OECD *Guidelines* and the NCPs, Video conference Oslo-Copenhagen, 5 March 2013.
- The UN Guiding Principles and the OECD *Guidelines*, Oslo (Norway), 26 February 2013.
- Supply Chain Responsibility, Oslo (Norway), 6 February 2013.
- EU Expert Consultations on Sector-Specific Guidance on UN Guiding Principles, Brussels (Belgium), 28 March 2013 to 31 March 2013.
- Roundtable on Norway's implementation of the UN Guiding Principles, Oslo (Norway), 21 March 2013.
- Implementation of the UN Guiding Principles, Warsaw (Poland), 25 January 2013.
- Indigenous Peoples, Environment and Business - Case: Tar Sand, Oslo (Norway), 13 December 2012.
- Resolving Company- Community Conflicts: Practical Approaches and Multi-Stakeholder Perspective, Hague (Netherlands), 6 December 2013.
- UN Forum on Business and Human Rights, Geneva (Switzerland), 4 December 2012.
- Oslo Conference on Corporate Social Responsibility, Oslo (Norway), 13 November 2012.
- Human Rights and Business - Utopia?, Oslo, (Norway), 6 November 2012.
- Roundtable on Corporate Liability for Violation of Human Rights, 29 October 2012.
- The OECD *Guidelines* and transparency/access to information, Zurich (Switzerland), October 2012.
- CSR - A driver of innovation and competitiveness in the Nordic Region, Trondheim (Norway), 11 October 2012.
- Extractive Industries and Indigenous Peoples, Tromsø (Norway), October 2012.
- Course for diplomat trainees, Oslo (Norway), 28 September 2012.
- OECD *Guidelines* and indigenous peoples, Karasjok (Norway), 27 September 2012.
- Meeting with UN Working Group on Business and Human Rights member Alexandra Guáqueta, Oslo (Norway), 11 September 2012.
- YS' (trade union) Corporate Responsibility Conference, Oslo (Norway), 11 September 2012.
- Speed-dating with Ambassadors and Business Representatives, Oslo (Norway), 20 August 2012.
- EU Conference on National Human Rights Institutions, Berlin (Germany). 6 August 2012 to September 2012.

- Singapore University Summer Institute on Business and Human Rights, Singapore, 16-17 July 2012.

#### **Peru**

- Workshop: "The OECD *Guidelines* for Multinational Enterprises. Structures, challenges and difficulties of Latin American National Contact Points (NCPs), Santiago (Chile), 15 November 2012.
- Workshop Corporate Social Responsibility in the EU and Latin America: the role of OECD *Guidelines*, Santiago (Chile), 4 October 2012.

#### **Slovenia**

- 8th IRDO International Conference: Current Challenges 2013; Education and Communication for more Social Responsibilities, Maribor (Slovenia), 7 March 2013.

#### **Switzerland**

- RespACT / UNGC Network Austria, "CSR-standards in practice", presentation of the NCP work, Salzburg (Austria), 25 April 2013.
- Lausanne Business School, Presentation on the OECD *Guidelines*, Lausanne (Switzerland), 12 April 2013.
- Association of Bernese Economists, Presentation on the OECD *Guidelines*, Bern (Switzerland), 25 March 2013.
- CSR Thursday Lunch, Geneva (Switzerland), 7 February 2013.
- UN Global Compact Network Switzerland, Zurich (Switzerland), 26 September 2012.
- Employers association Basel, Presentation on the Update of the OECD *Guidelines*, Basel (Switzerland), 30 August 2012.

#### **Tunisia**

- Seminar organised by Union Générale des Travailleurs de Tunisie regarding international instruments (ILO and OECD), 23 May 2013.

#### **United States**

- Turning Ideas Into Action: RBC and the First Year of Implementing the Updated *Guidelines*, World Bank/IMF Civil Society Forum, April 2013.
- Business Impacts and Non-judicial Access to Remedy: Emerging Global Experience, Toronto (Canada), April 2013.
- Best practice in stakeholder engagement, implementation and reputational risk and opportunity, New Orleans (Louisiana), November 2012.

#### **United Kingdom**

- African Forum on Responsible Business, Tunis (Tunisia), November 2012.
- OECD/UN Conference, Kuala Lumpur (Malaysia), October 2012.
- EU/Latin American Conference on Responsible Business Conduct and Complaint Mechanisms, Chile, October 2012.
- Mediation Training for NCPs, Salzburg (Austria), September 2012.

***Promotional activities by the OECD***

2013

- BSCI celebrates its 70 Year Anniversary : Ready for the next decade, Brussels, 26 June 2013
- Quel rôle pour la RSE en temps de crise?, 2ème Édition des Assises de la Responsabilité Sociale des Entreprises in Casablanca, 29 May 2013
- Workshop UN WG Business and Human Rights and Canada CSR Counsellor, Access to Remedy, 29-30 April 2013
- Panel on the Guidelines at the 2013 World Bank/IMF Civil Society Policy Forum on the first two years of implementation of the Guidelines, Washington, 19 April 2013
- Conference on Sustainable Business in the Arctic hosted by the Arctic Council, Stockholm, 18 April 2013.
- Launch of the new NCP in Morocco, Rabat, 4-5 March 2013
- CSR Europe stakeholders consultation on benchmark tool for companies grievance mechanisms, Bruxelles, March 2013
- Working Dinner on *Business for Society Dinner Responsible Business Conduct and Roundtable on Making the Most of the Guidelines* – Davos, 23 January 2013

2012

- Latvia Towards the OECD – A Business Perspective on the OECD *Guidelines* For Multinational Enterprises, Riga, 7 December 2012
- UN Forum on Business and Human Rights, Geneva, 4-5 December 2013
- Annual Review Meeting of the EU High Level Group on CSR, Brussels, 28 November 2012
- Signature of MoU between the OECD and the ICC during the 11th International Conference of the International Coordinating Committee of National Human Rights Institutions, Amman, 6 November 2012
- 2012 UNCTAD ILO OECD Roundtable on CSR, 5 November 2012
- BIAC Raw Materials Meeting, 18 October 2012
- OECD-ESCAP Conference on “International Corporate Responsibility Instruments “Putting Convergence into Action “, Kuala Lumpur, 15-16 October 2012
- Trade and the Worst Forms of Child Labour, EU DG Trade, Brussels, 3 October 2012
- Seminar on Mediation, Salzburg, 23-24 September 2012
- Remarks by OECD Secretary-General at the Conference organised by the Israeli Ministry of Industry, Trade and Labor and the Ministry of Justice, in collaboration with the Manufacturers Association of Israel: "Corporate Responsibility and Combating Foreign Bribery. OECD requirements, trends in the global arena and implications on business", Tel Aviv, Israel, June 2012

#### **Annex 4 - Summaries of specific instances concluded between June 2012 - June 2013**

The following summaries of specific instances concluded between June 2012 – June 2013 are based on the public statements and information provided by National Contact Points.

##### ***Australia***

- **Statement by the *Australian* NCP regarding an Australian Multinational Mining Company**

On 1 February 2013, the *Australian* NCP received a request to consider a specific instance complaint by a representative of a community organisation from the Eastern Cape region of South Africa (the complainant), alleging that an Australian mining company had breached the general policies, disclosure, human rights, employment and industrial relations, environment and combating bribery, bribe solicitation and extortion provisions of the *Guidelines*.

In undertaking the initial assessment, the NCP considered the information provided by the complainant and the company involved. The NCP also exchanged emails and discussed the matter by telephone with both parties.

After these deliberations, a statement was released 8 March 2013. The *Australian NCP* decided that at this time, it was not able to accept the matter as a specific instance complaint for the following reasons: (1) the complainant clearly stated that the local community is not interested in mediation, (2) the NCP was not able to verify the assertions made by the complainants based on the information provided, and (3) the application for mineral exploration rights is currently being considered by the relevant local authorities, and the local community is able to participate in the associated consultation process.

<http://www.ausncp.gov.au/content/Content.aspx?doc=publications/reports/general/SouthAfrica.htm>

##### ***Belgium***

- **Final statement by *Belgium's* NCP regarding a specific instance from various NGOs against *Compagnie Minière du Sud Katanga* and *Enterprise Générale Malta Forest* operating in the *Democratic Republic of Congo (DRC)***

On 2 April 2012, the *Belgian* NCP received a request for review from the NGOs the International Federation for Human Rights (FIDH), the Action contre l'Impunité pour les Droits de l'Homme (ACIDH) and Rights and Accountability in Development (RAID) alleging that *Compagnie Minière du Sud Katanga* or *Entreprise Générale Malta Forrest*, subsidiary companies of the Forrest Group, had breached the general policies and human rights provisions of the *Guidelines* in the Democratic Republic of Congo. It was alleged that the mining operations at Luiswishi mine were responsible for the destruction of property in the villages of Kawama and Lukuni-gare which occurred when the police organised an operation to halt clandestine artisanal mining activities.

The NCP met three times with the parties. In its final statement released on 12 February 2013 concluding the specific instance, the NCP noted that all governmental efforts to remedy the situation and reimburse the loss of property had remained without result. The NCP had obtained agreement from the Rachel Forrest Foundation, Forrest Group's humanitarian association, to repair a well, the school and the pharmacy. However this offer was rejected by the inhabitants of the villages as inadequate.

In concluding the specific instance, the NCP called on the Forrest Group to realise the social measures proposed for the benefit of the local population.

[http://economie.fgov.be/fr/binaries/Forrest\\_Kawama\\_Katanga\\_RDCongo\\_20130212\\_fr\\_tcm326-213492.pdf](http://economie.fgov.be/fr/binaries/Forrest_Kawama_Katanga_RDCongo_20130212_fr_tcm326-213492.pdf)

***Brazil***

- **Statement by the *Brazilian* NCP on a specific instance raised by the National Confederation of Financial Sector Workers and Unified Workers' Central against ABN AMRO in Brazil**

On 19 April 2007, the *Brazilian* NCP received a request for review by the National Confederation of Financial Sector Workers (CONTRAF) and Unified Workers' Central (CUT) alleging that ABN AMRO in Brazil had breached the employment and industrial relations provisions of the *Guidelines* by refusing to negotiate with the labour unions.

On 14 September 2012, the NCP decided to conclude this specific instance procedure based on a request made on 22 August 2012 by the Bankers Trade Union of Sao Paulo, Osasco and Region. According to the trade union, the legal person "ABN AMRO" was extinguished on 1 November 2011 due to its incorporation by Banco Santander, which means that the claim can no longer be maintained.

[http://www.fazenda.gov.br/sain/pcn/PCN/relatorio\\_07\\_2007l.pdf](http://www.fazenda.gov.br/sain/pcn/PCN/relatorio_07_2007l.pdf)

- **Statement by the *Brazilian* NCP on a specific instance raised by the Unified Workers' Central against C&A Modas Ltda. in Brazil**

On 6 March 2007, the *Brazilian* NCP received a request for review by the trade union Unified Workers' Central (CUT) alleging that C&A Modas Ltd in Brazil had breached the employment and industrial relations provisions of the *Guidelines* by refusing to negotiate with the trade union.

On October 2012, the NCP decided to conclude this specific instance procedures based on a request by CUT. According to the complainant, an agreement to restart direct negotiations between the parties has been concluded.

- **Statement by the *Brazilian* NCP on a specific instance raised by National Confederation of Financial Sector Workers and Unified Workers' Central against Unibanco in Paraguay**

On 7 March 2007, the *Brazilian* NCP received a request for review by National Confederation of Financial Sector Workers (CONTRAF) and Unified Workers' Central (CUT) alleging that Unibanco in Paraguay had breached the employment and industrial relations provisions of the *Guidelines* by dismissing a labour union representative without cause.

On 22 August 2012, the Bankers Trade Union of Sao Paulo, Osasco and Region requested the closure of the specific instance, stating that the dispute has been resolved through direct negotiations between the parties. A final statement in English by the *Brazilian* NCP will be released soon.

[www.fazenda.gov.br/sain/pcn/PCN/Relat%C3%B3rio%20de%20Encerramento%20de%20Reclama%C3%A7%C3%A3o%20-%20Unibanco.pdf](http://www.fazenda.gov.br/sain/pcn/PCN/Relat%C3%B3rio%20de%20Encerramento%20de%20Reclama%C3%A7%C3%A3o%20-%20Unibanco.pdf)

- **Statement by the *Brazilian* NCP on a specific instance raised by Bankers Trade Union of Sao Paulo, Osasco and Region, Unified Workers' Central, National Confederation of Financial Sector Workers and Bankers' Federation of CUT Sao Paulo against Itaú Unibanco S.A. in Brazil**

On 22 September 2009, the *Brazilian* NCP received a request for review by Bankers Trade Union of Sao Paulo, Osasco and Region, Unified Workers' Central (CUT), National Confederation of Financial Sector Workers (CONTRAF) and Bankers' Federation of CUT Sao Paulo (FETEC) alleging that Itaú Unibanco in Brazil had breached the employment and industrial relations provisions of the *Guidelines* by their improper interference in the trade unions' activities during wage negotiations.

On 5 February 2013, a mediation meeting was held with the parties, in order to establish policies which aim to reduce turnover and reallocate workers that have been dismissed. In the absence of an agreement between the parties on any of the issues, the specific instance was closed. On 25 April 2013, the NCP published the final version of the Final Statement in Portuguese after it has been reviewed by the parties. A final statement in English by the *Brazilian* NCP will be released soon.

[www.fazenda.gov.br/sain/pcn/PCN/Declara%C3%A7%C3%A3o%20de%20Encerramento%20-%20Alega%C3%A7%C3%A3o%20n%C2%BA1%202012.pdf](http://www.fazenda.gov.br/sain/pcn/PCN/Declara%C3%A7%C3%A3o%20de%20Encerramento%20-%20Alega%C3%A7%C3%A3o%20n%C2%BA1%202012.pdf)

### *Canada*

- **Conclusion by the *Canadian* NCP on the specific instance from Proyecto de Derechos Economicos Sociales y Culturales A.C. (ProDESC) *et al.* against Excellon Resources Inc. in Mexico** (See entry by the *Mexican* NCP)

On May 29, 2012, *Canada* received the request for review of Excellon Resources Ltd's operations in Durango, Mexico. A request for review was submitted concurrently to *Mexico's* NCP. In consultation, the *Mexican* and *Canadian* NCPs determined that Mexico was best placed to lead the review of the request. This decision was conveyed to the parties on June 28, 2012. *Canada* assisted *Mexico's* NCP as requested throughout their initial assessment. The *Mexican* NCP shared a copy of its findings with *Canada's* NCP on December 5, 2012.

### *Denmark*

- **Statement by the *Danish* NCP regarding a specific instance from an individual against a medical practitioner**

On 24 December 2012, a Danish person submitted a specific instance to the *Danish* NCP concerning a medical practitioner. The complaint did not include information on what the alleged infringement was or how the complaint related to an area covered by the *Guidelines* and it was not possible to have this clarified by the complainant. The case was concluded after the initial assessment.



- **Statement by the *Danish* NCP regarding a specific instance from an individual against a law firm**

On 8 March 2013, a Danish person submitted a specific instance to the *Danish* NCP concerning a law firm, who he found liable in a dispute regarding enforcement proceedings and claim for damages. The complainant alleged a breach of the consumer interests provisions of the *Guidelines*. The case was rejected after the initial assessment as the case was found to be outside the scope of the *Guidelines*.

- **Statement by the *Danish* NCP regarding an individual complaining about being removed from a housing corporation's waiting list**

On 8 March 2013, an individual submitted a specific instance to the *Danish* NCP about being removed from a housing corporation's waiting list, alleging a breach of the human rights provision of the *Guidelines*. After the NCP had been in contact with the complainant, it was evident that the complainant wanted the NCP to find a new apartment for her, and that the complainant was not interested in filing a complaint. The case was rejected after the initial assessment.

- **Statement by the *Danish* NCP regarding a specific instance from a self-employed individual against an NGO for submitting false information about the complainant on the NGO's website**

On 1 April 2013, a self-employed individual submitted a specific instance to the *Danish* NCP about an NGO's behaviour, which the complainant found was defamatory to his person. The complainant alleged a breach of the human rights provisions of the *Guidelines*. The NCP found that on the basis of the available information, the statement was not of such a nature that there had been a violation of the *Guidelines*. The case was rejected after the initial assessment.

## ***Finland***

- **Statement by the *Finnish* NCP on a specific instance raised by 15 NGOs regarding the actions of Pöyry Oyj in Laos**

On 11 June 2012, 15 NGOs submitted a specific instance to the *Finnish* NCP on the actions of the Finnish consultants Pöyry Oyj, and its Swiss auxiliary Pöyry Energy AG, with regard to the Xayaburi Dam in Laos. The complainants cited the non-observance of the general policies, disclosure, human rights and environment provisions of the *Guidelines*. More specifically, they alleged that Pöyry Oyj should have paid more attention to the negative effects of the Dam project when studying its environmental and human rights impacts.

The NCP found that even though the company should have addressed the ambiguities related to environmental issues and human rights more clearly in its report to the government of Laos, it did not violate the *Guidelines*. Pöyry operated within the confines of a limited assignment, which for example limited its possibilities of hearing stakeholders. However, the NCP recommends that in the future, companies should assess the risks of similar major projects more carefully and act more transparently.

Press release: [www.tem.fi/en/ministry/press\\_releases\\_ministry?89533\\_m=110859](http://www.tem.fi/en/ministry/press_releases_ministry?89533_m=110859)

*France*

- **Report by the *French* NCP on a specific instance raised by French, Cameroonian and German NGOs and associations regarding the SOCAPALM'S activities in Cameroon**

On 3 December 2010, the Centre pour le Développement – Cameroun, Fondation Camerounaise d'Actions Rationalisées et Formation sur l'Environnement, SHERPA (France) and NGO MISEREOR (Germany) (“complainants”) submitted a request for review to the *French, Belgian and Luxembourg* NCPs, in relation to the SOCAPALM'S activities in Cameroon. The complaint refers to four companies, which the complainants alleged have business relationships with SOCAPALM: BOLLORE SA (France), Financière du Champ de Mars (Belgium), SOCFINAL, now SOCFIN, (Luxembourg) et INTERCULTURES, now SOCFINAF SA, (Luxembourg). The NCPs agreed that France would take the lead regarding this specific instance since Bollore is headquartered in France and the nature of the other companies is essentially financial.

The complainants cited the non-observance of the general policies, disclosure, employment and industrial relations and environment provisions of the 2000 *Guidelines*. The complaints alleged that the four companies are SOCAPALM's business partners, meaning it should have use its leverage regarding adverse impacts. Bollore stated that it is a minority shareholder in SOCAPALM.

The *French* NCP found that SOCAPALM breached the general policies, employment and industrial relations and environment provisions of the *Guidelines*. The NCP also found that Bollore breached the general policies provisions by not using its leverage with its business partners. Bollore refused for a long time to engage in a dialogue with the other parties because of parallel legal proceedings and the French NCP welcomed Bollore's decision to accept mediation. The parties agreed to work together in order to develop an action plan that will be implemented by SOCAPALM. The agreement should be finalized by the end of August 2013 and will cover the following issues: communication with local communities, environment, access to public services, local development, situation of workers and subcontractors, transparency and compensation for local residents regarding land issues. The parties decided that the action plan would be monitored by an independent third-party committee. The report was released on 3 June 2013 and the French NCP intends to follow-up on its recommendations before the end of 2013.

[www.tresor.economie.gouv.fr/File/386835](http://www.tresor.economie.gouv.fr/File/386835)

- **Conclusion by the *French* NCP on a specific instance raised by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) against the Accor Group with regard to its activities in Canada and Benin**

On 8 November 2010, the IUF submitted a specific instance to the *French* NCP with regard to the Accor Group's activities in Canada and Benin. The complainant alleged the non-observance of the employment and industrial relations provision of the 2000 *Guidelines* version (Chapter IV), stating that the Accor Group denied the right of workers it employed in three hotels in Canada and one in Benin to establish or join trade unions.

The *Canadian* and *French* NCPs agreed that the French NCP will take the lead since the company is headquartered in France. The final statement was released 11 December 2012.

To address the situation in Canada, the *French* NCP consulted with the parties despite the strong tension between them. However, this dynamic led to the failure to engage in a constructive dialogue on the issue of union representation. The French NCP also highlighted a decision from the Ontario Labour Relations

Board which found various labor law violations by the Accor Group. After consideration of the specific circumstances and consultation with the parties, the NCP found that the Accor Group in Canada ignored the rights of workers to be represented by unions, which is in direct conflict with the *Guidelines*. The French NCP urged the parties to engage in a constructive dialogue in order to resolve the issue.

To address the issues in Benin, the *French* NCP convened a dialogue with the parties which led to a proposed timetable for negotiations by the Accor Group in order to reach a settlement agreement. The NCP was pleased that the company acknowledged the need to set up a health committee and by its efforts to revive the social dialogue. Nonetheless, the *French* NCP concluded that the Accor Group did not comply with employment and industrial relations provisions of the *Guidelines* regarding employment and industrial relations.

[www.tresor.economie.gouv.fr/File/379120](http://www.tresor.economie.gouv.fr/File/379120)

- **Final statement from the *French* NCP regarding a specific instance raised by SHERPA and the European Centre for Constitutional and Human Rights against DEVCOT in respect of child labour in Uzbekistan**

On 22 October 2010, SHERPA (France) and the European Centre for Constitutional and Human Rights (ECCHR, Germany) submitted a specific instance to the *French* NCP against Devcot for buying cotton that was allegedly produced through the systematic use of child labour in Uzbekistan. The alleged non-observance of the *Guidelines* by Devcot relates to the provisions on sustainable development and human rights (Chapters II and IV of the 2000 *Guidelines* version). Similar complaints were made against other cotton merchants from Germany, Switzerland and the United Kingdom.

The *French* NCP provided its good offices through a long dialogue with the parties. The NCP held that the trade in goods produced from forced child labour constitutes a violation of the *Guidelines*, but acknowledged that Devcot has not purchased any Uzbek cotton in the last few years and does not intend to trade in Uzbekistan until child labour has ended.

In the final statement issued in September 2012, the NCP reminded Devcot of the importance of the *Guidelines*, and in particular the responsibilities within the cotton trade supply chain. The NCP also invited Devcot to carry out due diligence and implement the *Guidelines* recommendations vis-a-vis its business partners.

[www.tresor.economie.gouv.fr/File/375194](http://www.tresor.economie.gouv.fr/File/375194)

- **Final statement from the *French* NCP regarding a specific instance raised by multiple trade unions against Molex Automotive SARL**

The *French* NCP received a specific instance on 28 February 2011 against Molex Automotive SARL, a French manufacturer of electronic components for various industries. The complainants, four different trade unions, alleged the non-observance of the employment and industrial relations provisions of the 2000 *Guidelines* version (Chapter IV), stating that Molex failed to inform and consult with employee representatives prior to the closure of its Villemur-sur-Tarn site.

The *French* NCP could not contact or meet with the company as it was undergoing judicial liquidation. Nevertheless, in the final statement released 20 September 2012, the NCP concluded that Molex has not fulfilled the information and co-operation obligation under the *Guidelines* for the following reasons: (1) the decision to close the site was already taken when the process of information and consultation was initiated;

(2) the information provided could not lead to an appropriate job protection plan; and (3) the company did not co-operate to mitigate the negative impacts of the closure.

[www.tresor.economie.gouv.fr/File/375195](http://www.tresor.economie.gouv.fr/File/375195)

- **Final statement from the *French* NCP regarding a specific instance raised by Confédération Générale du Travail regarding Sodexo operations in the United States, Colombia, Morocco and Dominican Republic**

On 4 August 2010, the Confédération Générale du Travail (CGT) submitted a specific instance to the *French* NCP regarding Sodexo operations in the United States and Colombia. On July 2011, the complaint was extended to operations in Morocco and Dominican Republic. The complainant alleged the non-observance of the employment and industrial relations provision of the *Guidelines* (Chapter V) regarding freedom of association.

Subsequently, discussions were held with all parties. An agreement was reached between the U.S. Service Employees International Union and the subsidiary of Sodexo Group in the United States which promotes and confirms free and informed choice in union matters. The NCP welcomed the conclusion of this agreement, which resolved the specific instance submitted. The final statement was released 20 September 2012.

[www.tresor.economie.gouv.fr/File/375193](http://www.tresor.economie.gouv.fr/File/375193)

- **Conclusion from the *French* NCP on a specific instance from UITA regarding société Roquette America operations in the United States (See entry by the *U.S.* NCP)**

The specific instance related to the disclosure Chapter of the *Guidelines*. It was decided that the *U.S.* NCP would take the lead in this case, but the *French* NCP collaborated. An agreement was concluded in the United States.

[www.tresor.economie.gouv.fr/File/372063](http://www.tresor.economie.gouv.fr/File/372063)

## ***Germany***

- **Initial assessment and conclusion by the *German* NCP concerning an Indonesian citizen complaint against a German multinational enterprise**

On 17 September 2012, an Indonesian citizen submitted a specific instance to the *German* NCP accusing a German multinational enterprise of operating in noncompliance with the human rights and employments and industrial relations provisions of the *Guidelines*. Until 2008, the claimant was working for a subsidiary of the German enterprise in Indonesia. Due to an internal reorganisation, the company where the claimant was employed was closed and subsequently, the company offered him employment in a new established subsidiary in Indonesia. As a result of these circumstances, the company wanted the claimant to sign a settlement agreement as well as a new employment agreement. However, in his complaint submitted to the German NCP, the claimant stated that specific clauses of these agreements violated the Universal Declaration of Human Rights, the ILO - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Constitution of Indonesia and Indonesian labor law.

After comprehensively evaluating the complaint with several Federal Ministries, the NCP declared the complaint inadmissible to the mediation process on 7 December 2012. The NCP was of the opinion that the issues raised by the claimant did not merit further examination. Neither the settlement agreement nor the new employment agreement violated human rights or rules of non-discrimination. In addition, the NCP found no indication of a violation of chapter V (employment and industrial relations) of the *Guidelines*.

[www.bmwi.de/EN/Topics/Foreign-trade/oecd-Guidelines-for-multinational-enterprises.did=430536.html](http://www.bmwi.de/EN/Topics/Foreign-trade/oecd-Guidelines-for-multinational-enterprises.did=430536.html)

### *Italy*

- **Final statement by the *Italian* NCP on a specific instance submitted by FIOM-CGIL against Eaton s.r.l.**

On 24 February 2011, the *Italian* NCP received a specific instance by FIOM-CGIL, a trade union, against EATON s.r.l. for closing down the plant of Massa (town of Tuscany) and starting the lay-off procedure regarding 345 workers, allegedly in violation of the employment and industrial relations provisions of the *Guidelines*.

By virtue of an agreement reached by the parties in the course of court parallel proceedings, the complainant waived the specific instance. The NCP continued nevertheless to offer its good offices since some issues still remained between the parties

The *Italian* NCP issued its final statement on 14 March 2013, recommending that the parties work together in good faith in order to find the best solution in this complex case which affects many workers and the economy of an entire region. The NCP further recommended that Eaton s.r.l. involves workers in the future when a major organisational change is under consideration.

<http://pcnitalia.sviluppoeconomico.gov.it/en/how-we-manage-instances>

### *Japan - US*

- **Follow-up by the *Japanese* NCP on a specific instance relating to mining exploration activities in Alaska**

On 9 May 2011, the *U.S.* and *Japanese* NCPs received a request for review from an NGO regarding mining exploration activities in the United States. The NCPs evaluated the specific instance filing and determined the *Guidelines* did not pertain because the U.S. firm was a solely domestic enterprise and the nature of the business relationship between the Japanese and U.S. firms did not meet the conditions for application of the *Guidelines*. The specific instance was submitted at a time when the *U.S.* NCP's procedures called for final statements to be released only to the interested parties.

### *Korea*

- **Initial assessment and conclusion by the *Korean* NCP on a specific instance raised by multiple NGOs with respect to the activities of Posco India in India**

On 10 October 2012, Lok Shakti Abhiyan (India), Korean Trans National Corporation Watch (Korea), Fair Green Global Alliance (Netherlands and ForUM (Norway) filed a specific instance to the *Korean* NCP regarding the activities of Posco India in India, alleging that the general policies, human rights and environment provisions of the *Guidelines* were breached. More specifically, the complainants alleged that Posco India did not undertake sufficient measures to protect the human rights of the residents affected by the steel mills project from violence perpetrated by the Indian authority, did not carry out human rights and environmental due diligence and did not take into account the voices of stakeholders in relation with the significant impacts of the project.

The *Korean* NCP concluded that the specific instance did not merit further consideration. The NCP considered the complaint to be related to the administrative activities of the provincial government of India rather than the business activities of Posco India. Therefore, the Indian Court, and not the NCP, is responsible for determining the legality and legitimacy of such activities.

- **Statement by the *Korean* NCP on a specific instance regarding fine chemicals in Korea**

On 16 August 2012, Hwan-sup Shin, the head of the Korean Chemical and Textile Workers' Union (KCTWU) under the Korean Confederation of Trade Unions (KCTU), and Hyun-chul Park, the head of the Adeka Korea Chapter of the KCTWU, filed a complaint to the *Korean* NCP against Adeka Korea, alleging a breach of the human rights and employment and industrial relations provisions of the *Guidelines*.

Since collective bargaining and legal proceedings were under way at the time the specific instance was submitted, the *Korean* NCP found its intervention would be confusing and not help to resolve the case. The NCP therefore decided to conclude the specific instance.

### ***Mexico***

- **Initial assessment and conclusion by the *Mexican* NCP on a specific instance against a mining company operating in Mexico** (See entry by the *Canadian* NCP)

On 29 May 2012, an NGO wrote to the *Mexican* NCP on behalf of various trade unions, a common land owner unit (“Ejido”) and other interested parties raising a number of concerns with respect to the operations of a mining company in Mexico. The *Canadian* NCP received the same specific instance on 28 May 2012 and both NCPs agreed that the *Mexican* NCP will take the lead.

The complainants alleged that the disclosure, human rights, employment and industrial relations and environment provisions of the *Guidelines* were breached. More specifically, they alleged the following: (1) breach of a lease contract, (2) lack of disclosure of relevant information to shareholders, (3) human rights violations and anti-union practices, and (4) water and environmental pollution.

In undertaking its initial assessment, the *Mexican* NCP consulted with relevant authorities regarding the issues at stake and held meetings with the relevant parties to the case. The NCP decided not to offer its good offices, referring to the following: (1) various legal procedures were taking place, which was highly relevant for the development and eventual outcome of the dispute, (2) the issues brought before the NCP were in general material but insufficiently substantiated, (3) the mining company firmly rejected any possible mediation process, (4) due to their nature, most conflicts could not be resolved through mediation, but had to find a solution through the action of competent authorities, and (5) parallel negotiation efforts at high political levels were taking place, and the participation of the NCP was not deemed as feasible nor meaningful.

- **Statement by the *Mexican* NCP on a specific instance raised by a labour union against a metallurgist company operating in Mexico**

On 17 October 2012, the *Mexican* and *Finnish* NCPs received a request for review by a trade union alleging that a metallurgist company operating in Mexico had breached the employment and industrial relations provisions of the *Guidelines* due to allegations of favouritism over a trade union controlled by the company. The complainant also alleged that workers were illegally fired. The request was submitted to both *Finish* and *Mexican* NCPs. According to the OECD Procedural Guidance, the parties decided that the *Mexican* NCP would take the lead in this case.

After meetings were held with the parties and consultations were conducted with relevant authorities, the *Mexican* NCP decided not to offer its good offices, referring to the following reasons: (1) Various legal procedures were taking place, which were highly relevant for the development and eventual outcome of the dispute; (2) the issues brought before the NCP were in general material but insufficiently substantiated; and (3) the issues could not be resolved through mediation but had to find a solution through the decision of the competent labour authorities. The final statement was released on 17 May 2013.

#### *Netherlands*

- **Initial assessment and conclusion by the *Dutch* NCP regarding a specific instance submitted by Stroitel/Sakhalin Environmental Watch against Royal Dutch Shell**

On 31 July 2012, the Non-Commercial Gardening Association ‘Stroitel’ and the Non-Governmental Organisation ‘Sakhalin Environment Watch’ (SEW) submitted a specific instance to the UK and Dutch NCPs regarding the involvement of Netherlands-based Royal Dutch Shell (Shell) and a number of UK-based financial institutions in the Sakhalin II Project (Russia). The *UK* and *Dutch* NCPs agreed to treat the complaints against each company separately.

The complainants cited the non-observance of the concept and principles, general policies, human rights and environment provisions of the 2011 updated *Guidelines*. More specifically, the complainants alleged that the enterprise operations threatened individuals’ health, livelihood and cultural heritage, as well as led to the displacement of datcha community members without resettlement measures or just compensation.

Even though the complaint referred to events that took place from 2001 to 2012, the *Dutch* NCP assessed the case according to the 2011 updated *Guidelines* in order to consider whether a mediation-type process could further the implementation of the *Guidelines*. In its initial assessment released on 20 March 2013, the *Dutch* NCP concluded that this specific instance does not merit further examination since the issues raised are neither material nor substantiated.

[www.oecdguidelines.nl/wp-content/uploads/nl\\_ncp\\_initial\\_assessment\\_stroitel\\_sakhalinenvironmentwatch\\_shell\\_200313.pdf](http://www.oecdguidelines.nl/wp-content/uploads/nl_ncp_initial_assessment_stroitel_sakhalinenvironmentwatch_shell_200313.pdf)

- **Statement by the *Dutch* NCP regarding a specific instance against Shell**

The notification contains an alleged breach of the human rights provisions of the *Guidelines* by Shell Plc. In their complaint received by the *Dutch* NCP on 27 March 2013, the notifying parties submit that Shell published personal and business data related to the complainants without a permit, resulting in the termination of a contract between the complainants and a third party.



The *Dutch* NCP has not taken the notification into consideration since the alleged issues relate to the activities of Shell Plc. in the United States and the *U.S.* NCP is the right entity. The *U.S.* NCP is responsible for the initial assessment and any further possible procedures under the *Guidelines*. The *U.S.* NCP already responded to the complainants.

- **Statement from the *Dutch* NCP regarding communications by Royal Dutch Shell on the cause of oil spills in the Niger Delta**

The complaint against Royal Dutch Shell regarding oil spills in the Niger Delta was received by the *Dutch* NCP on 25 January 2011. The *UK* NCP was also notified and it was decided that the *Dutch* NCP will take the lead in this case, with support and assistance from the *UK* NCP if required. Friends of the Earth and Amnesty International alleged that Shell breached the disclosure, environment and consumer interests provisions of the *Guidelines* with respect to its communication on oil spills in the Niger Delta. According to the complainants, the company provided misleading information and omitted relevant facts about the causes of oil spills. They claimed that Shell based its communications on biased and unverified information, thus failing to provide reliable and relevant details to external stakeholders. In addition, incorrect and conflicting messages about the causes of oil spills further contributed to the low quality of non-financial information.

The process was conducted as a dialogue between the parties involved, and although helpful discussions took place during the meetings, parties have not reached an agreement. During those meetings, the issue of confidentiality was discussed at length as Shell was asking a guarantee from the complainants that these cases would not be part of a campaign or appear in a public domain. Friends of the Earth and Amnesty International could not guarantee such thing since campaigning is at the heart of their actions. The NCP regrets that no solution for this dilemma could be found.

As a result, the specific instance is concluded. Nevertheless, the statement released in March 21, 2013 contains recommendations on due diligence in the supply chain and transparency, among other things.

[www.oecdguidelines.nl/wp-content/uploads/shell-final-statement-210313.pdf](http://www.oecdguidelines.nl/wp-content/uploads/shell-final-statement-210313.pdf)

### *Norway*

- **Statement by the *Norwegian* NCP on a specific instance against the Norwegian Bank Investment Management (NBIM) of the Government Pension Fund Global regarding financial human rights due diligence**

On 9 October 2012, the *Norwegian*, *Dutch* and *Korean* NCPs received a complaint from four non-governmental organisations (NGOs): Lok Shakti Abhiyan (India), KTNC Watch (South Korea), Fair Green and Global Alliance (Netherlands) and Forum for environment and development (Norway) (the “notifiers”) on 9 October 2012. The notification concerned alleged breaches of the *Guidelines* by South Korean Pohang Iron and Steel Enterprise (Posco) in its joint venture Posco India Private Limited. The notification was also directed at two of Posco’s investors; (1) the Dutch pension Fund ABP and its pension administrator APG; and (2) the Norwegian Bank Investment Management (NBIM) of the Government Pension Fund Global. In accordance with the OECD *Guidelines*’ Procedural Guidance, the *Dutch*, *Norwegian* and *Korean* NCPs agreed to coordinate, but also to handle the notification against the enterprise registered in their respective country.



The notifiers claimed that NBIM has failed to take the appropriate steps to prevent or mitigate negative human rights and environmental impacts in connection with its investment in Posco. They alleged that the general policies, disclosure and human rights provisions of the *Guidelines* were breached.

The *Norwegian* NCP issued its final statement on 27 May 2013. The NCP noted that it did not assess the claims or carried out any fact finding concerning Posco's operations in India since it was not necessary in the assessment of NBIMs compliance with the *Guidelines*. The assessment by the *Norwegian* NCP was thus specifically limited to whether NBIM has acted in accordance with the *Guidelines*. As the complainants have raised issues with respect to the human rights Chapter of the *Guidelines*, the NCP examined two dimensions of the application of this Chapter to NBIM: (1) the extent to which NBIM has integrated the *Guidelines* provisions on human rights, including due diligence, into its policies and processes; and (2) the steps NBIM has taken or omitted in response to the allegations in this Specific instance, including issues related to Chapter III (Disclosure) of the *Guidelines*.

First of all, the *Norwegian* NCP did not share the view of NBIM that the *Guidelines* do not apply to the financial sector and minority shareholders. The *Norwegian* NCP consulted with the *Dutch* and *UK* NCPs and all three NCPs have come to the conclusion that the *Guidelines* apply to minority shareholders. The question is thus not whether the *Guidelines* apply to the financial sector and minority shareholding but how they apply.

The *Norwegian* NCP also concluded that NBIM violated the *Guidelines* by refusing to co-operate with the NCP and by not having any strategy on how to react if it becomes aware of human rights risks related to companies in which NBIM is investing, apart from child labour violations. NBIM rejected the *Norwegian* NCP offer of dialogue and refused to provide any information on whether they were engaging with Posco in any other forum. By refusing to co-operate with the NCP and to communicate its human rights due diligence strategy, especially regarding the current case, NBIM also breached Chapter III (Disclosure) of the *Guidelines*.

[www.regjeringen.no/en/sub/styrer-rad-utvalg/ncp\\_norway/instances.html?id=669919](http://www.regjeringen.no/en/sub/styrer-rad-utvalg/ncp_norway/instances.html?id=669919)

## *Spain*

- **Specific instances regarding preferred stocks in Spain which involved financial institutions**

From July to December 2012, the *Spanish* NCP received 16 requests for review regarding an alleged breach of the consumer interests provisions of the *Guidelines*. The specific instances alleged that multiple financial institutions did not provide all relevant information before the sale of complex financial products to their clients. The NCP closed all specific instances since the issues at stake were dealt with by national authorities.

- **Specific instance regarding preferred stocks in Spain which involved a multinational enterprise**

In July 2012, the *Spanish* NCP received a request for review regarding an alleged breach of the consumer interests provisions of the *Guidelines* by a multinational enterprise. The specific instance refers to the sale of complex financial products and the possibility that all relevant information might not have been provided to the clients before the sale. The NCP closed the specific instance since the issues at stake were dealt with by national authorities.

### *Switzerland*

- **Final statement by the Swiss NCP regarding taxation policy by Mopani Copper Mines Plc., Glencore International AG and First Quantum Minerals Ltd. in Zambia**

On 12 April 2011, the *Swiss* and *Canadian* NCPs received a request to consider a specific instance regarding the possible violation of Chapter II (general policies) and Chapter X (taxation) of the *Guidelines*. The complaint, raised by a coalition of five NGOs (Declaration of Berne, SHERPA, MiningWatch Canada, L'Entraide missionnaire and The Centre for Trade Policy and Development CTPD), involves the Zambian extractive enterprise Mopani Copper Mines Plc. ("Mopani") and its majority owner, the Swiss enterprise Glencore International AG ("Glencore"), as well as a minority owner, the Canadian enterprise First Quantum Minerals Ltd. ("First Quantum"). Both NCPs agreed that the Swiss NCP will take the lead regarding this specific instance.

Based on a leaked draft report, the NGOs claimed that Mopani is utilizing various techniques to transfer taxable revenues out of Zambia in order to avoid paying taxes in the country. This draft report has not been endorsed by its authors Grant Thornton and Econ Pöyry and a final version of the report has not yet been published. Glencore submitted a written statement to the NCP dated 2 June 2011 denying the allegations and emphasizing that the draft report was a preliminary and incomplete version, which was unofficially circulated in Zambia. Some fundamental and factual errors were also identified in the report on which the allegations in the submission to the NCP are based. Glencore furthermore pointed to the fact that Mopani is audited every year by Deloitte, a major international audit firm.

Upon receiving the specific instance, the *Swiss* NCP separately invited representatives of both parties involved for informal, bilateral meetings. The NCP also created an ad-hoc group with other departments of the Swiss federal administration concerned by the specific instance. On 5 October 2011, the Swiss NCP concluded its confidential initial assessment and informed parties concerned that it found the issues being raised to be relevant and to merit further examination. The NCP then offered its good offices to facilitate a dialogue between both parties with the aim of reaching a mutually acceptable outcome.

A framework (Terms of Reference) for a dialogue on the issues raised was prepared by the NCPs, who also suggested contracting a professional external mediator to help facilitate this dialogue. The parties met on 11 July 2012 in the presence of the mediator and an NCP representative, and a mutual agreement was reached. Parties agreed to disclose the following points of their mutual agreement: (1) The parties reached a certain level of mutual understanding on the issues raised and clarification of issues raised; (2) The parties had a thorough exchange of information and open and very constructive discussions; (3) Both sides agreed to an exchange of information with the other parties, within the limits of applicable laws; (4) Both parties will explore ways how to engage in further dialogue; and (5) The parties discussed and agreed on certain further steps.

[www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en](http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en)

### *United Kingdom*

- **Initial assessment and conclusion by the UK NCP on a specific instance from an individual in India against a UK company in respect of employment in the United Arab Emirates**

On 1 February 2013, an individual wrote to the *UK* NCP raising concerns under the *Guidelines* relating to his employment in the United Arab Emirates' (UAE) office of an insurance company headquartered in the

United Kingdom. The complainant alleged that his treatment during his employment and on his redundancy was based on racial discrimination and breached his human rights. He referred to the human rights and employment and industrial relations provisions of the *Guidelines*.

The *UK NCP* concluded that while the complainant may reasonably have grievances about his treatment, the issues are not substantiated in respect of the company's responsibilities under the *Guidelines*.

<https://www.gov.uk/government/publications/uk-ncp-initial-assessment-complaint-against-a-uk-company-in-the-uae>

- **Initial assessment and conclusion by the *UK NCP* regarding a specific instance from a civil society organisation against a UK Bank (C) with respect to a business relationship with a company in Russia**

On 31 July 2012, a Russian civil society organisation wrote to the *UK* and the *Dutch NCPs* raising concerns related to the impacts on local property owners of an oil and gas production complex in Russia. The complaint named UK Bank C and two other UK banks, as well as a Netherlands based enterprise. The *UK NCP* and the *Dutch NCP* subsequently agreed to treat the complaints against each company separately.

The complainants alleged that these banks had business relationships with the Russian company operating the oil and gas complex (Company R), and that the banks had failed to comply with the responsibilities placed on them by the *Guidelines* to address impacts to which they were linked by a business relationship. The impacts resulted from actions of Company R that were allegedly inconsistent with many of the *Guidelines* standards, including responsibilities under Chapter II (general policies\_ of the pre-2011 *Guidelines* and responsibilities under the updated 2011 *Guidelines* (concepts and principles, general policies, disclosure, human rights and environment). More specifically, the complainants alleged that UK Bank C has a business relationship with Company R as one of a group of financial enterprises providing a Project Finance Facility for the construction and commissioning of the production complex. In this context, the complainants said that UK Bank C made a corporate loan to Company R in 2008 and this loan had not yet matured.

From August to October 2012 and as requested by the *UK NCP*, the complainants clarified their complaint and UK Bank C responded. Each party was offered a meeting with the *UK NCP* but only UK Bank C took up the offer.

The *UK NCP* decided to conclude the initial assessment and to reject the complaint against UK Bank C because the issue is not substantiated in respect of UK Bank C's obligations under the *Guidelines*. The *UK NCP* applied the 2011 *Guidelines* as the complaint referred to events that took place between 2002 and 2012. As the complaint has not been substantiated, no offer of mediation has been made. The statement was released by the *UK NCP* on 10 January 2013.

<https://www.gov.uk/government/publications/uk-ncp-initial-assessment-complaint-by-a-russian-non-government-organisation-against-a-uk-bank-c>

- **Initial assessment and conclusion by the *UK NCP* regarding a specific instance from a civil society organisation against a UK Bank (B) with respect to a business relationship with a company in Russia**

On 31 July 2012, Sakhalin Environment Watch wrote to the *UK NCP*, raising concerns related to the impacts on local property owners (the Stroitel Association) of an oil and gas production complex in Russia.

The complaint named Royal Bank of Scotland (RBS) and two other UK banks, as well as a Netherlands-based enterprise. The *UK NCP* and the *Dutch NCP* subsequently agreed to treat the complaints against each company separately.

The complainants alleged that these banks had business relationships with the Russian company operating the oil and gas complex (Company R), and that the banks had failed to comply with the responsibilities placed on them by the *Guidelines* to address impacts to which they were linked by a business relationship. The impacts resulted from actions of Company R that were also allegedly inconsistent with many of the *Guidelines* standards. More specifically, the complainants alleged that RBS had a business relationship with Company R through RBS's acquisition in autumn 2007 of a Netherlands-based bank. In 2007, prior to being purchased by RBS, the Netherlands-based bank arranged loans that the complainants alleged allowed a Russian multinational to acquire a controlling interest in Company R. The complainants alleged that this gave RBS a financial interest in Company R and direct influence over it.

From August to October 2012 and as requested by the *UK NCP*, the complainants clarified their complaint and UK Bank C responded. Each party was offered a meeting with the *UK NCP* but the complainants did not take up the offer. The *UK NCP* spoke to representatives of RBS on 2 October 2012.

The *UK NCP* decided to conclude the initial assessment and to reject the complaint against RBS because the link with the bank's responsibilities under the *Guidelines* was not substantiated. The *UK NCP* applied the 2011 *Guidelines* since the complaint referred to events taking place between 2002 and 2012, but noted that no evidence is offered to establish a business relationship between RBS and Company R from September 2011 that would trigger the enhanced requirements of the updated 2011 *Guidelines*. As the complaint has not been substantiated, no offer of mediation has been made. The statement was released by the *UK NCP* on 21st December 2012.

<https://www.gov.uk/government/publications/uk-ncp-initial-assessment-a-complaint-by-a-russian-non-governmental-organisation-against-a-uk-bank-b>

- **Initial assessment and conclusion by the *UK NCP* regarding a specific instance from a civil society organisation against a UK Bank (A) with respect to a business relationship with a company in Russia**

On 31 July 2012, a Russian civil society organisation wrote to the *UK* and the *Dutch NCPs* raising concerns related to the impacts on local property owners of an oil and gas production complex in Russia. The complaint named UK Bank A and two other UK banks, as well as a Netherlands-based enterprise. The *UK NCP* and the *Dutch NCP* subsequently agreed to treat the complaints against each company separately.

The complainants alleged that these banks had business relationships with the Russian company operating the oil and gas complex (Company R), and that the banks had failed to comply with the responsibilities placed on them by the *Guidelines* to address impacts to which they were linked by a business relationship. The impacts resulted from actions of Company R that were allegedly inconsistent with many of the *Guidelines* standards. More specifically, the complainants alleged that UK Bank A had a business relationship with Company R through loans made in 2007 and 2010. The 2007 loan was made by UK Bank A and other lenders to Company R's controlling shareholder, and supported that company's acquisition of its controlling interest.

From August to November 2012 and as requested by the *UK NCP*, the complainants clarified their complaint and UK Bank C responded. UK Bank A pointed out that the report cited by the complainants as evidence of the loan was based on inaccurate information and this report was subsequently corrected. Each party was offered a meeting with the *UK NCP* but neither took up the offer.

The UK NCP decided to conclude the initial assessment and to reject the complaint against UK Bank A because the link with UK Bank A's activities was not substantiated. The UK NCP applied the 2011 *Guidelines* since the complaint referred to events that took place between 2002 and 2012. As the complaint has not been substantiated, no offer of mediation has been made. The statement was released by the UK NCP on 21 December 2012.

<https://www.gov.uk/government/publications/uk-ncp-initial-assessment-a-complaint-by-a-russian-non-government-organisation-against-a-uk-bank-a>

➤ **Initial assessment and conclusion from the UK NCP regarding a complaint from an individual in India against a UK registered company**

On 16 January 2012, Ms. Z's advocate wrote to the UK NCP on behalf of his client stating that she had worked on several cruise ships owned by X plc between November 1999 to August 2008. During that time it is alleged that she contracted diabetes and other health related conditions as a result of negligent medical treatment by X plc. X plc disputes these allegations.

The specific complaint raised by Ms. Z relates to X plc's operations under Chapter II (general policies) paragraphs 2, 6 and 7 and Chapter IV, (human rights) in particular paragraphs 1(d) and 4(a), of the 2000 version of the *Guidelines*.

After X plc responded on 21 February 2012 and Ms. Z's advocate provided additional comments on 28 February 2012, the UK NCP sent a draft initial assessment to both parties on 15 May 2012 asking for factual comments. Further comments and submission were later made by Ms. Z's advocate. After new evidence was provided by the complainant, the assessment was finalized in August 2012.

The UK NCP has decided to reject the complaint on the grounds that the allegations made in the complaint have not been supported by sufficient evidence and therefore have not been substantiated. The UK NCP also notes that complaint under the *Guidelines* is not the proper forum for a personal injury claim. However, had there been sufficient supporting evidence to deem the allegations material and substantiated, the UK NCP agreed that it could have tried to facilitate a mediated solution to the complaint. The statement was released by the UK NCP on 30 August 2012.

***Review by the UK NCP Steering Board of the NCP's procedure in the Initial Assessment of a complaint from an individual in India against a UK registered company***

On 2 September 2012, Ms. Z's advocate has made an application to the Review Committee regarding procedural errors in the NCP's decision-making. The issue raised is whether the NCP in making the initial assessment should have considered the opinions of expert bodies not submitted by the complainant. The Review Committee does not consider the NCP bound to take account of information not submitted by a party and is furthermore of the opinion that the additional information not considered by the NCP would not have had any bearing on the decision made.

<https://www.gov.uk/government/publications/initial-assessment-by-the-uk-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises-complaint-from-an-individual-in-india-against-a-uk-registered-company>

➤ **Final statement from the UK NCP regarding a complaint from Justiça Ambiental et al. against BHP Billiton PLC (on Mozal SARL) in Mozambique**

The UK NCP received a request for review from Justiça Ambiental (JA), on behalf of a coalition of institutions, against BHP Billiton PLC alleging that Mozal SARL (Mozal), a joint venture operating an aluminium smelter near Maputo (Mozambique), breached the general policies, disclosure and environment provisions of the *Guidelines*. BHPB owns a 47.1% stake in the joint venture. The concerns raised by JA relate more specifically to the establishment and maintenance of an appropriate environmental system, disclosure of adequate and timely information, consultation with local communities and respect of human rights. JA filed similar complaints with the *Australian* NCP and both NCPs agreed that the UK NCP will take the lead in the complaint process under the *Guidelines*.

On 2 February 2011, the UK NCP finalized the Initial Assessment on the complaint from JA and decided to accept for further consideration the alleged breach by BHPB of various provisions of the 2000 version of the *Guidelines*. The alleged breach of Chapter II (5) (general policies) of the *Guidelines* was not accepted for further consideration.

Between 2 February and 28 November 2011, the UK NCP suspended the complaint process in order to take into account the parties' decision to undergo conciliation/mediation outside of the UK NCP's process. On 28 November 2011, and after taking into account that the parties had not reached an agreement, the UK NCP offered conciliation/mediation to the parties. BHPB accepted the offer but JA declined it. Therefore, on 16 December 2011, the UK NCP informed the parties that it would undertake an examination of JA's allegations and prepare a Final Statement.

The UK NCP examined the allegations contained in the complaint from Justiça Ambiental and concluded that BHP Billiton PLC did not breach the general policies, disclosure and environment provisions of the 2000 version of the *Guidelines*, in respect of Mozal SARL's operations in Mozambique. However, the UK NCP encouraged both BHP Billiton PLC and Mozal SARL to build upon their existing procedures for engagement with local communities and be forthcoming in disclosing to interested parties (particularly the affected communities and their representatives) information on projects that may have an impact on the environment and the health and safety of the communities. The statement was released by the UK NCP on 13 September 2012.

<https://www.gov.uk/government/publications/final-statement-by-the-uk-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises-complaint-from-justi-a-ambiental-et-al-against-bhp-billiton-plc-on-mozal-sarl-in-mozambique>

### ***United States***

- **Final statement by the U.S. NCP on a specific instance raised by Community Legal Education Center of Cambodia (CLEC)/Earth Rights International (ERI) against American Refining Inc. (ASR) regarding human rights due diligence in supply chain relationship in Cambodia**

On 13 October 2012, CLEC and ERI, a Cambodian and a U.S. based NGOs, jointly filed a specific instance with the U.S. NCP raising concerns over alleged human rights violations related to operations of the Koh Kong sugar plantation and refinery in Cambodia. More specifically, it was alleged that villagers were forcibly evicted with no public consultation, social or environmental impact assessment or settlement plan. The NGOs contended that American Sugar Refiners Inc. (ASR), by virtue of its supply chain relationship with the Koh Kong plantation, had an obligation to avoid contributing to conduct inconsistent



with the *Guidelines* and had the opportunity and responsibility to use its leverage to mitigate such conduct by the operators of the plantation. The NGOs alleged that ASR's actions were inconsistent with the general policies and human rights provisions of the *Guidelines*.

CLEC and ERI stated that American Sugar Refiners Inc. (ASR), through UK-based T&L Sugars, Ltd. (T&L), purchased sugar produced at the Koh Kong plantation. The U.S. NCP therefore informed the UK NCP of the specific instance and both NCPs agreed that the United States should take the lead because ASR and T&L shared a common U.S.-based corporate parent.

The U.S. NCP found sufficient reasons to offer its good offices to facilitate a discussion between the two sides. All parties agreed to the NCP's proposal that the U.S. Federal Mediation and Conciliation Service (FMCS) lead any facilitated dialogue, including a pre-mediation consultation. However on March 2013, CLEC, on behalf of affected communities, filed a civil suit against T&L Sugars in the UK Commercial Court. ASR thus informed the NCP that it would not participate in the mediated dialogue unless CLEC withdrew its UK civil suit.

The U.S. NCP closed the specific instance on 4 June 2013 when it became clear the parties could not reach an agreement to proceed, even though all parties came to the process in good faith. However, the NCP recommends that ASR evaluate the issues raised by the NGOs and consider how to address them, even if the conditions may not exist now to address them through the NCP process. In particular, the NCP recommends that ASR conduct a corporate human rights policy review process.

[www.state.gov/e/eb/oece/usncp/links/rls/210970.htm](http://www.state.gov/e/eb/oece/usncp/links/rls/210970.htm)

- **Initial assessment and conclusion by the U.S. NCP regarding employment issues with a U.S. MNE in Cameroon in electric utility sector**

On 27 August 2011, a Cameroonian citizen submitted a specific instance to the UK NCP regarding concerns over alleged labor-related actions by AES Sonel, Cameroon's main electrical utility supplier. The complainant alleged that AES Sonel's actions were inconsistent with the principles in Chapter V (employment and industrial relations) of the *Guidelines*, and more specifically that he suffered salary discrimination based on his race. Later in the process, the complainant submitted additional information, stating that AES Sonel's actions were also inconsistent with the general policies and disclosure provisions of the *Guidelines*.

The UK and U.S. NCPs consulted and agreed that the U.S. NCP will take the lead on the specific instance because the AES Corporation, the parent company for AES Sonel, is a U.S.-based MNE.

In its submission, the complainant stated that AES Sonel replaced a number of Cameroonian management staff with expatriate staff. Even though the new managers had less professional experiences, they were offered substantially higher salaries. In the opinion of the complainant, the difference in wages was based on racial discrimination. The complainant also pursued related complaints in separate and ongoing parallel proceedings in Cameroon.

After consideration, the U.S. NCP declined to offer its good offices to seek a mediated resolution between the parties and a statement was released on 13 September 2012. The NCP found that the complainant provided insufficient substantiation for a possible race-related discrimination. Differentiated wage scale policies for expatriate and local employees are common practice among multinational enterprises and are not in themselves inconsistent with the *Guidelines*. The existence of parallel proceedings was not a factor in the NCP's decision not to offer its good offices.

<http://www.state.gov/e/eb/oeed/usncp/specificinstance/assessments/index.htm>

- **Initial assessment and conclusion by the U.S. NCP on environmental issues with manufacturers from the Netherlands, the UK, and the USA.**

On 23 August 2011, Individual A, a resident in Hungary, and Company X, a U.S.-registered company (“the complainants”), submitted four specific instances to the *U.S.* and *UK* NCPs raising concerns that four enterprises did not comply with U.S. environmental laws. The complainants alleged that they suffered financial loss as a result of the enterprises’ alleged non-conformance with environmental standards.

The *UK* and *U.S.* NCPs consulted and agreed that the *U.S.* NCP will take the lead on the specific instance because the concerns raised in the specific instance occurred in the United States. The *U.S.* NCP also consulted with the *Hungarian* NCP.

After several exchanges and examination of the documentation provided by the parties, it appeared to the *U.S.* NCP that the principal motive for the complainants was to obtain a financial settlement, which is outside the scope of the NCP responsibilities. The complainants also showed serious breach of appropriate conduct, substantial lack of co-operation and misuse of confidential information obtained via the specific instance process, which undermined the establishment of an environment of trust necessary for facilitating a mediated resolution of the dispute. The *U.S.* NCP thus decided that it will not further the effectiveness of the *Guidelines* to offer its good offices in relation to this specific instance and four statements were released on 28 August 2012.

[www.state.gov/e/eb/oeed/usncp/specificinstance/assessments/index.htm](http://www.state.gov/e/eb/oeed/usncp/specificinstance/assessments/index.htm)

- **Conclusion by the U.S. NCP regarding water utility services in various locations in the United States**

The trade union and the MNE reached agreement through a parallel proceeding under which the union would withdraw its specific instance filing. Separately, the civil society organisation decided not to continue the specific instance process but did not wish to withdraw its filing. Given the union and civil society organisation’s positions, the NCP concluded the specific instance.

The filing parties submitted the specific instance at a time when the *U.S.* NCP’s procedures called for final statements to be released only to the interested parties.

- **Conclusion by the U.S. NCP regarding telecommunications services in various locations in the United States**

A trade union raised concerns about labor practices in relation to an MNE’s operations in the United States. Following a pre-mediation meeting between the parties, which was facilitated by the *U.S.* NCP, it was determined that the *U.S.* NCP was no longer able to contribute to a positive resolution of the dispute, and the *U.S.* NCP withdrew its good offices. The *U.S.* NCP’s statement has not yet been issued.