

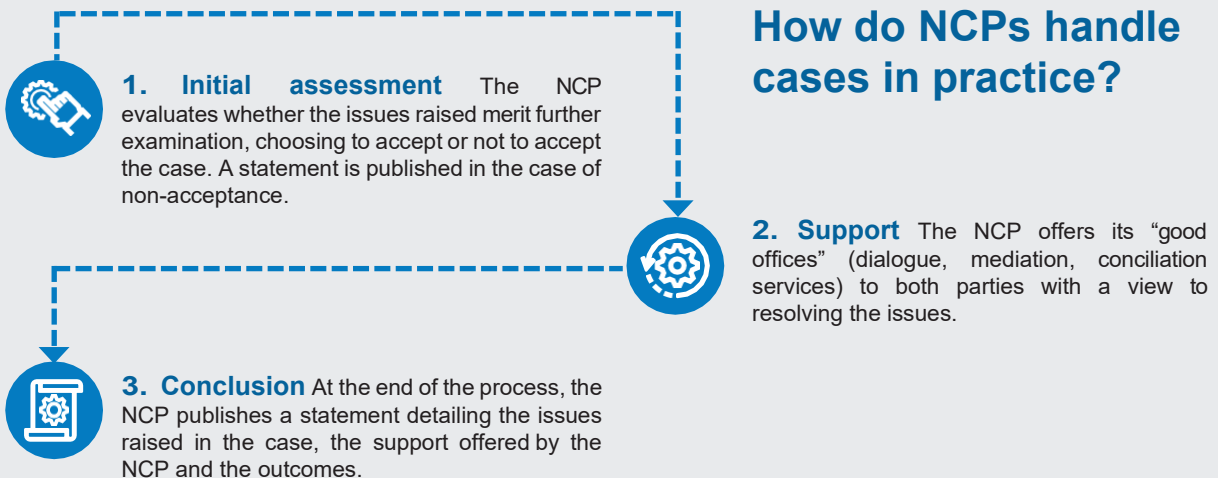
Cases handled by the National Contact Points for Responsible Business Conduct

The OECD Guidelines for Multinational Enterprises (Guidelines) represent a global framework for responsible business conduct covering all areas of business responsibility including disclosure, human rights, employment and industrial relations, environment, anti-corruption, consumer interests, science and technology, competition and taxation.

Countries adhering to the Guidelines are required to set up National Contact Points (NCPs). The role of NCPs is twofold: promote the Guidelines, and handle cases (referred to as “specific instances”) related to the Guidelines. NCPs provide a mediation and conciliation platform for helping to resolve specific instances on the alleged non-observance of the Guidelines.

More information on NCPs can be obtained at mneguidelines.oecd.org/NCPs/

How do NCPs handle cases in practice?



A unique grievance mechanism



SCOPE: Since 2000, NCPs have handled more than 650 cases relating to company operations in over 105 countries and territories.



OUTCOMES: Since 2011, over one third of all cases which were accepted for further examination by NCPs resulted in some form of agreement between the parties. Approximately half of cases with an agreement resulted in an internal policy change by the company in question.



SECTORS: NCPs have handled issues in a variety of sectors. Manufacturing has been the most cited sector in specific instances, followed by mining and quarrying, and financial and insurance activities.

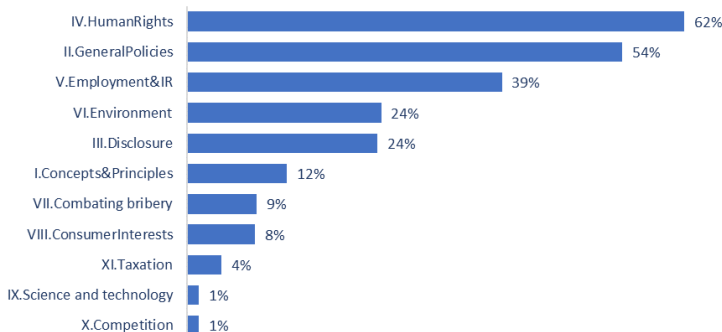


SUBMITTERS: Any person with a legitimate interest in the issue in question can file a case with an NCP. Non-governmental organisations (NGOs), individuals, and trade unions have each been responsible for around one-third of the cases submitted to NCPs since 2000.



THEMES: The majority of cases since 2011 deal with human rights (62%), and general policies, which include expectations related to due diligence (54%). Employment and worker issues (39%), environment (24%) and disclosure (24%) are cited frequently. See figure below.

Chapters of the OECD Guidelines referenced in cases (since 2011)



[Browse all NCP cases on the OECD NCP case database](#)

SPOTLIGHT ON CASES



Decreasing risk to public health and safety

[Individual & LLC Omniva Latvia](#)

A private individual residing in Latvia submitted a specific instance to the Estonian NCP alleging that a Latvian subsidiary of an Estonian company had not observed the Guidelines relating to the practices of the courier drivers of the logistics company, which posed a threat to public health and safety. The Estonian and Latvian NCP coordinated, deciding that the Latvian NCP would lead the handling of the case. Following mediation between the parties, the NCP published a final statement with an agreement reached by the parties. The company provided new trainings for their drivers, software-led supervision of driving habits, and new guidelines for drivers. The measures additionally resulted in a 12% decrease in fuel consumption by the company fleet. The Latvian NCP further recommended the introduction of risk-based due diligence and environmental management in the company procedures.



Due diligence by a membership organisation

[Inclusive Development International \(IDI\), Equitable Cambodia \(EC\) Cambodian League for the Promotion and Defense of Human Rights \(LICADHO\), & Bonsucro](#)

Three NGOs submitted a specific instance to the UK NCP regarding Bonsucro Limited, a multi-stakeholder membership organisation. The NGOs alleged human rights violations by Bonsucro Limited member Mitr Phol Group – Thailand, operating in Cambodia, and a related lack of due diligence by Bonsucro. Following mediation, the parties were unable to reach an agreement. The NCP issued a formal determination, finding that Bonsucro had breached the Guidelines with regards to a lack of due diligence on its member company. Despite a lack of formal agreement, according to the NCP, Bonsucro already took steps towards greater adherence to the Guidelines by creating a new grievance mechanism and updating their Code of Conduct, referencing the OECD sectoral guidance and the UN Guiding Principles on Business and Human Rights.



Awareness & policy changes on gender

[Four trade unions \(IUF, EFFAT-IUF, SEIU, UGT\) & APG Asset Management](#)

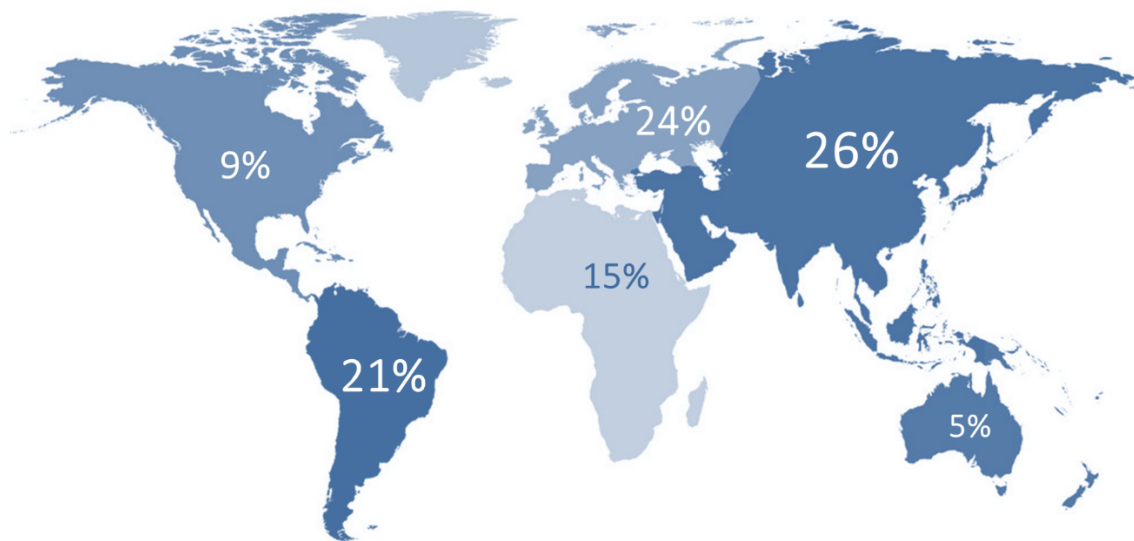
Four trade unions submitted a specific instance to the Dutch NCP regarding gender-based violence and harassment (GBVH) in the global operations of the McDonald's Corporation and a related lack of due diligence by the Dutch institutional investor, APG Asset Management. Following mediation, the parties reached agreement in December 2021. The NCP concluded that the dialogue led to increased awareness of GBVH within companies. The parties agreed to increase meaningful stakeholder engagement, particularly regarding corporate policies and training. The parties declared that they would continue to address the need for safe working conditions, including implementation of effective and publicly available policies on GBVH. The [US NCP](#) and the [Norwegian NCP](#) handled related cases.

NCPs for RBC: Global reach

In total, 51 countries adhere to the Guidelines and have established an NCP, but the geographical coverage of NCPs as non-judicial grievance mechanisms is global in scope.

Between 2000 and 2022, NCPs have handled more than 650 cases relating to company operations in over 100 countries and territories in all five continents.

Percentage of cases by region (host countries) since 2011



This global scale of cases handled by NCPs is due to two factors:

- ▶ Firstly, countries with NCPs cover a large share of global investment (see box to the right), as many multinationals operating globally are located in these countries.
- ▶ Secondly, NCPs handle cases involving companies operating 'in or from' their countries.

This means that NCPs can address issues taking place in their country involving multinational enterprises from anywhere in the world, and issues taking place in any other country, involving companies headquartered in their country.

Adherent countries and Foreign Direct Investment (FDI)

- ▶ 73% of global FDI outward flows
- ▶ 53% of global FDI inward flows
- ▶ 83% of global FDI outward positions
- ▶ 74% of global FDI inward positions

Source: OECD and IMF, OECD Directorate for Financial and Enterprise Affairs – Investment Division, 2017-2021

Strengthening the NCP Network

There is strong political commitment to ensure that National Contact Points are an effective non-judicial grievance mechanism, and that they keep improving.

Providing access to remedy: 20 years and the road ahead

2020 marked the 20th anniversary of the National Contact Points for RBC as non-judicial grievance mechanism under the Guidelines. Starting with 33 adherent countries and just one case received in 2000, the NCP Network has grown to 51 with over 620 cases handled and an upward trend in submissions that is expected to continue.



The NCPs and RBC remain essential as globalised corporate activities intensify and RBC priorities shift, particularly in light of climate change and increasing global inequality. However, NCPs are faced with challenges such as resources, accessibility for all, procedural consistency, and increased effectiveness.

Targeted updates of the NCP mechanism were underway in 2023 to ensure it can be continually strengthened, facing new priorities in a changing RBC landscape.

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OECD MCM on Responsible Business Conduct 2023

We stress the unique role of national contact points (NCPs) in promoting implementation of the guidelines by companies. We recognise their achievements in this regard as well as in informing public policies on RBC. [...] We recognise the pressing need to further strengthen the ncp system to realise its full potential in furthering the effectiveness of the Guidelines in light of the urgent need to scale up responsible business conduct as an enabler of sustainable development.

G20 Leaders' Declaration 2017

We support access to remedy, and where applicable, non-judicial grievance mechanisms, such as the National Contact Points for the OECD MNE Guidelines (NCPs).

G7 Trade Ministers' Statement on Forced Labour 2021

We commit to further enhancing clarity and predictability for businesses. We further commit to promote guidance on human rights due diligence, including but not limited to responsible recruitment practices, in line with the OECD Guidelines for Multinational Enterprises and Due Diligence Guidance on Responsible Business Conduct, including at sector levels [...]. We highlight the role of our National Contact Points for the OECD Guidelines for Multinational Enterprises in this regard.

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Adherent countries approved the third [Action Plan to Strengthen National Contact Points](#), which covers the period 2022-2024. The Action Plan contains four overarching objectives:

OBJECTIVE ONE: Peer Review the entire NCP Network

OBJECTIVE TWO: Improve visibility, stakeholder relations and confidence

OBJECTIVE THREE: Ensure efficient and effective handling of Specific Instances

OBJECTIVE FOUR: Increase expertise within the NCP Network

*All objectives are supported by the activities of regional networks of NCPs

For more information please visit: mneguidelines.oecd.org/ncps