



TAKING STOCK OF NATIONAL CONTACT POINT ACTIVITIES

Thursday 9 June 2016, 11:30am-1:00pm, OECD Conference Centre CC10, Paris

SESSION NOTE

The Guidelines are the only international instrument for responsible business conduct with a built-in implementation mechanism – the National Contact Points (NCPs).

To date over 360 specific instances have been handled by NCPs, addressing impacts from business operations in over 100 countries and territories. Between 2011 and 2015, approximately half of all specific instances which were accepted for further examination by NCPs resulted in an agreement between the parties. Agreements reached through NCP processes were often paired with other types of outcomes such as follow-up plans and have led to significant results, including changes to company policies, remediation of adverse impacts, and strengthened relationships between parties. In some instances which did not result in agreement between the parties some positive outcomes were nevertheless achieved such as clarification of expectations under the Guidelines and increased use of leverage by companies and investors to promote RBC.

Advantages of the NCP mechanism:

- **Broad in scope:** The NCPs provide a venue for resolution of a wide range of issues including those related to business and human rights, labour, and the environment across business operations and global value chains.
- **Accessible:** NCP processes are less expensive and more accessible than formal legal proceedings or arbitration.
- **Non-adversarial:** NCPs facilitate access to consensual and non-adversarial means of dispute resolution, such as conciliation or mediation. The process is meant to be constructive, identify potential improvements and strengthen relationships between parties.

Ongoing challenges identified:

- **High rate of non-acceptance at the initial assessment stage:** Approximately a third of all closed specific instances were not accepted for further consideration at the initial assessment stage.
- **Delays:** Between 2011-2015, the initial assessment stage of the specific instance process has exceeded two years in five cases and one year in seven cases.
- **Lack of impactful statements:** Between 2011-2015 approximately 50% of concluded specific instances included recommendations within their final statements. Determinations were included in final statements for approximately 25% of concluded specific instances.
- **Resource constraints:** A lack of human and financial resources is frequently cited by NCPs and stakeholders as a barrier in fulfilling their mandate.

As part of this session, the role of National Contact Points will be considered, taking into account the variety of specific instances that have been handled over the years. In addition, the session will hear perspectives from a National Human Rights Institution (NHRI) with regards the handling of complaints and the scope for collaboration between NHRIs and NCPs. The session will also hear perspectives from civil society, business, trade unions and NCPs regarding challenges faced and ways to address them collectively.

The following questions will be addressed:

- What are the expectations of civil society, trade unions and business with regards the NCP system? How have these expectations evolved?
- What steps have been taken by NCPs to respond to the variety of cases received?
- What opportunities are there for sharing experiences between NCPs and NHRIs?