

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, competition and taxation.

Countries adhering to the Guidelines are required to set up National Contact Points (NCPs) which are tasked with furthering the effectiveness of the Guidelines. As part of their mandate, NCPs provide a mediation and conciliation platform for helping to resolve cases (referred to as “specific instances”) on the alleged non-observance of the Guidelines.

How do NCPs handle cases in practice?



1. Initial assessment The NCP evaluates whether the issues raised merit further examination and either accepts the case or publishes a statement explaining why it has not accepted the case.



2. Support The NCP offers its “good offices” (dialogue, mediation, conciliation services) to both parties with a view to resolving the issues.



3. Conclusion At the end of the process, the NCP publishes a statement regarding the issues raised in the case, the support offered by the NCP and the outcomes.

A unique grievance mechanism



SCOPE: Between 2000 and 2019, NCPs have handled more than 500 cases relating to company operations in over 100 countries and territories.



THEMES: The majority of cases since 2011 deal with human rights (57%), followed by general policies, which include expectations related to due diligence (53%), followed by employment and worker issues (40%) and environment (21%).



SECTOR: 29% of cases since 2000 relate to issues arising from multinational enterprises operating in the manufacturing sector.

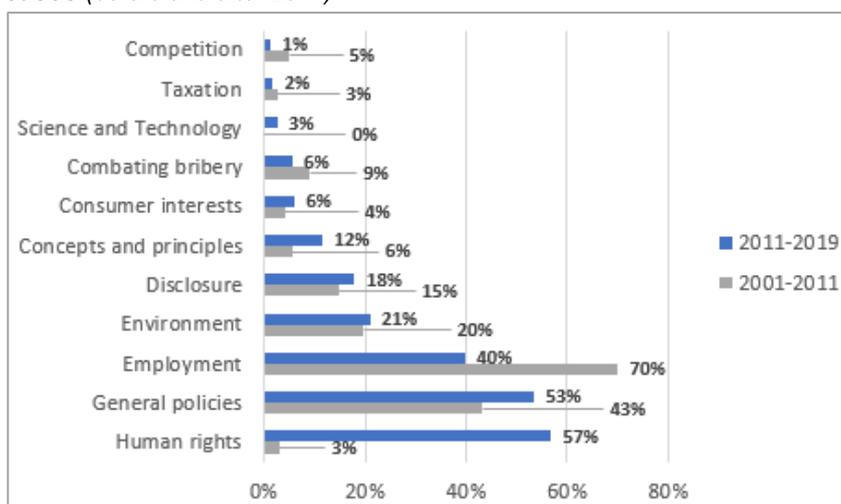


SUBMITTERS: Trade unions and non-governmental organisations (NGOs) each account for 40% and 38%, respectively, of the cases submitted to NCPs since 2000.



OUTCOMES: Between 2011 and 2019, over a third of all cases which were accepted for further examination by NCPs (36%) resulted in some form of agreement between the parties; approximately 33% resulted in an internal policy change by the company in question.

Chapters of the OECD Guidelines referenced in cases (before and after 2011)



For more information please visit:
mneguidelines.oecd.org/ncp.htm

SPOTLIGHT ON CASES

ENI S.p.A., ENI International BV, and CWA and ACA

Following mediation organised by the NCP of Italy in July 2019, ENI S.p.A, a major Italian oil and gas multinational enterprise, and a group of NGOs in Nigeria, signed a Terms of Settlement. In the agreement, the parties concluded that the company would construct a drainage system that would remedy impacts caused by violent flooding. The violent flooding was allegedly linked to the company's construction and road infrastructure development, which supported its oil drilling operations in 1970.

Crédit Suisse and Society for Threatened Peoples Switzerland (North Dakota Access Pipeline)

Following mediation organised by the Swiss NCP in September 2019, Credit Suisse and Society for Threatened Peoples (STP) reached an agreement related to Credit Suisse's business relationship with construction companies involved in the development of the Dakota Access Pipeline in the United States. According to the agreement, Credit Suisse will include the concept of Free Prior Informed Consent of indigenous peoples (FPIC), in its internal sector specific policies for Oil & Gas, Mining and Forestry & Agribusiness.

Grupa OLX and Frank Bold Foundation

Following mediation organised by the Polish NCP April 2019, a letter of intent was signed by the Frank Bold Foundation, an NGO, and Grupa OLX, an internet service company, in which the parties agreed that company would delete advertisements allegedly violating environmental protection provisions from its web platform.