

# *OECD Guidelines for Multinational Enterprises and AusNCP processes*

Presentation to *International Human Rights Law*  
UWA (Perth)

7 August 2024

# Session outline

- 1. OECD Guidelines**
  - a) origins & basic obligations
  - b) content & human rights detail
  - c) implementation through National Contact Points (NCPs)
- 2. OECD guidance material**
  - a) Sectoral guides - expectations of enterprises
  - b) Materials about NCP and government processes
- 3. AusNCP processes and examples**
- 4. Relevance for 'Business & Human Rights'**

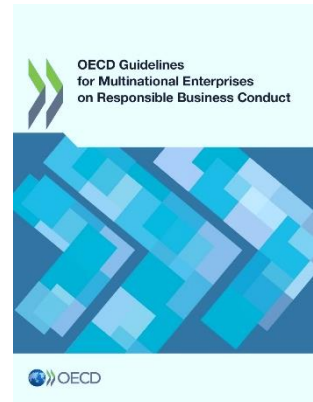
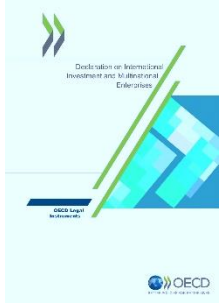
# Guidelines: origins & obligations

Contained in 1976 [Declaration on International Investment and Multinational Enterprises](#) (amended 2023).

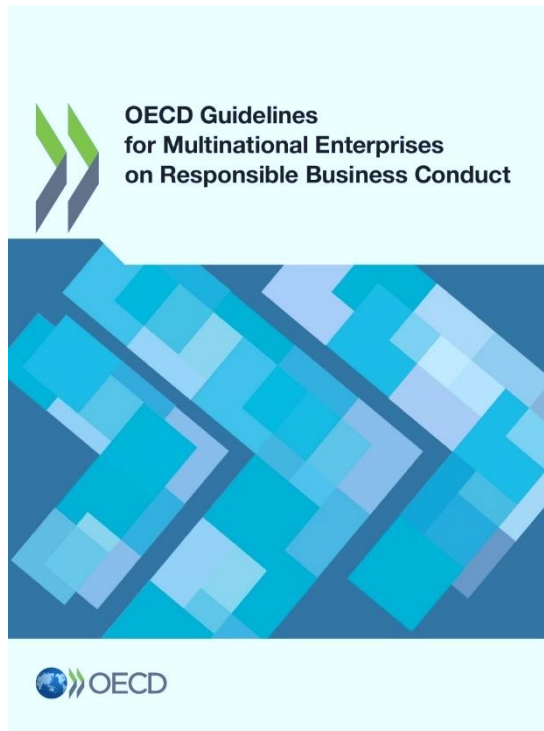
- In the Declaration, governments ‘recommend to multinational enterprises operating in or from their territories the observance of the Guidelines’: I

OECD members and others (51 nations) ‘adhere to’ the [Guidelines](#), including:

- ‘**encourage the enterprises operating in or from their territories to observe the Guidelines** wherever they operate’: I, [3];
- ‘**...set up National Contact Points** ...to... (a) promote awareness ...[and] support coherence of policies to promote responsible business conduct’: Decision, I, [1]
- ‘The NCP will...contribute to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances’: Procedures, I, C.



# Guidelines: obligations



## Preface

1. The OECD *Guidelines for Multinational Enterprises on Responsible Business Conduct* (the *Guidelines*) are recommendations addressed by governments to multinational enterprises. The common aim of the Adherents to the *Guidelines* is to encourage the positive contributions enterprises can make to economic, environmental, and social progress and to minimise the adverse impacts on the matters covered by the *Guidelines* that may be associated with an enterprise's operations, products and services. Responsible business conduct can enable the creation of a level playing field across global markets, foster a dynamic and well-functioning business sector, and enhance the business contribution to sustainable development outcomes, including solutions to address and respond to climate change.
2. The *Guidelines* are part of the OECD *Declaration on International Investment and Multinational Enterprises* [OECD/LEGAL/0144]. The Adherents to the *Guidelines* make a binding commitment to further their effectiveness in accordance with the *Decision of the Council on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* [OECD/LEGAL/0307]. National Contact Points for Responsible Business Conduct play a central role in this regard.
3. The *Guidelines* are intended to encourage responsible trade and investment and thereby multiply the benefits of trade and investment through continuous engagement and improvement in all markets of the world. International trade and investment strengthen and deepen ties between countries and regions of the world and generate substantial benefits that are needed for societies to achieve sustainable development outcomes, including the creation of more and better jobs, skills development, provision of products and services that improve living standards, and access to finance and technology needed for the digital and green transitions.
4. The *Guidelines* express the shared expectation of the Adherents for responsible business conduct of enterprises operating in or from their countries and provide an authoritative point of reference for enterprises and for other stakeholders. They recommend that enterprises undertake risk-based due diligence to identify, prevent, mitigate and account for how they address actual and potential adverse impacts on matters covered by the *Guidelines*. In this regard, the *Guidelines* both complement and reinforce private and public efforts to define and implement responsible business conduct.
5. The *Guidelines* provide voluntary principles and standards for responsible business conduct consistent with applicable laws and internationally recognised standards. Matters covered by the *Guidelines* may be the subject of domestic law and international commitments. The *Guidelines* outline recommendations on responsible business conduct that may go beyond what enterprises are legally required to comply with. The recommendation from governments that enterprises observe the *Guidelines* is distinct from matters of legal liability and enforcement.
6. The ability of multinational enterprises to promote sustainable development is greatly enhanced when trade and investment are conducted in a context of open, competitive and appropriately regulated markets with rule of law and protection of civic space. Governments have an important role to play in supporting effective implementation of the *Guidelines*, including by creating an enabling policy environment to drive, support, and promote responsible business practices. Policy coherence at the national and international level can foster alignment and harmonisation of responsible business conduct initiatives. A smart mix of government approaches and measures, which may include mandatory as well as voluntary

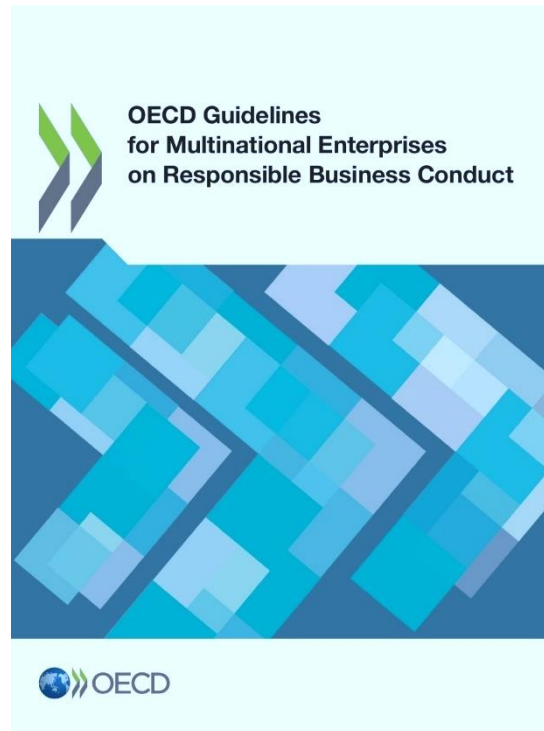
the benefits of trade and investment through continuous engagement and improvement in all markets of the world. International trade and investment strengthen and deepen ties between countries and regions of the world and generate substantial benefits that are needed for societies to achieve sustainable development outcomes, including the creation of more and better jobs, skills development, provision of products and services that improve living standards, and access to finance and technology needed for the digital and green transitions.

4. The *Guidelines* express the shared expectation of the Adherents for responsible business conduct of enterprises operating in or from their countries and provide an authoritative point of reference for enterprises and for other stakeholders. They recommend that enterprises undertake risk-based due diligence to identify, prevent, mitigate and account for how they address actual and potential adverse impacts on matters covered by the *Guidelines*. In this regard, the *Guidelines* both complement and reinforce private and public efforts to define and implement responsible business conduct.

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# Guidelines: content



Chapters or 'matters covered by the Guidelines' = expectations of enterprises

NCP implementation arrangements

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# Guidelines: human rights detail

## IV. Human Rights

States have the duty to protect human rights. Enterprises should, within the framework of internationally recognised human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations:

1. Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.
2. Within the context of their own activities, avoid causing or contributing to adverse human rights impacts and address such impacts when they occur.
3. Seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts.
4. Have a publicly available policy commitment to respect human rights.
5. Carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.
6. Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.

### Commentary on Chapter IV: Human Rights

41. This chapter opens with a chapeau that sets out the framework for the specific recommendations concerning enterprises' respect for human rights. It draws upon the United Nations 'Protect, Respect and Remedy Framework for Business and Human Rights' and is in line with the Guiding Principles on Business and Human Rights for its implementation as well as the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

42. The chapeau and the first paragraph recognise that States have the duty to protect human rights, and that enterprises, regardless of their size, sector, operational context, ownership and structure, should respect human rights wherever they operate. Respect for human rights is the global standard of expected conduct for enterprises independently of States' abilities and/or willingness to fulfil their human rights obligations, and does not diminish those obligations.

43. A State's failure either to enforce relevant domestic laws, or to implement international human rights obligations or the fact that it may act contrary to such laws or international obligations does not diminish the expectation that enterprises respect human rights. In countries where domestic laws and regulations conflict with internationally recognised human rights, enterprises should seek ways to honour them to the fullest extent which does not place them in violation of domestic law, consistent with paragraph 2 of the Chapter on Concepts and Principles.

44. In all cases and irrespective of the country or specific context of enterprises' operations, reference should be made at a minimum to the internationally recognised human rights expressed in the International Bill of Human Rights, consisting of the Universal Declaration of Human Rights and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights and the

Each chapter has:

'chapeau' or introductory text

Numbered para's (1-n) of the Guidelines' expectation of enterprises

Additional commentary/explanation (continued # from previous).

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incorporates UNGP concepts

supported in other chapters:

- DD detail ch II, [11]-[15]
- disclosure aspects in ch III, [3]
- environment contexts in ch VI, chapeau & [1]-[5]



# OECD sectoral guidances: expectations of company

 <p>OECD DUE DILIGENCE GUIDANCE FOR RESPONSIBLE BUSINESS CONDUCT</p> <p>OECD</p>	 <p>RESPONSIBLE BUSINESS CONDUCT</p> <p>Due Diligence for Responsible Corporate Lending and Securities Underwriting</p> <p>Key considerations for banks implementing the OECD Guidelines for Multinational Enterprises</p> <p>OECD</p>	 <p>OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector</p> <p>OECD</p>	 <p>OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector</p> <p>OECD</p>
<p><u>General</u></p>	<p><u>Lenders</u></p>	<p><u>Extractives</u></p>	<p><u>Textiles &amp; Footwear</u></p>
 <p>RESPONSIBLE BUSINESS CONDUCT</p> <p>Responsible business conduct for institutional investors</p> <p>Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises</p> <p>OECD</p>	 <p>OECD-FAO Guidance for Responsible Agricultural Supply Chains</p> <p>OECD</p> <p>Food and Agriculture Organization of the United Nations</p>	 <p>OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas</p> <p>THIRD EDITION</p> <p>OECD</p>	 <p>G20/OECD Principles of Corporate Governance</p> <p>OECD</p>
<p><u>Investors</u></p>	<p><u>Agriculture</u></p>	<p><u>Mining</u></p>	<p><u>Corp. Governance</u></p>

# Due diligence from OECD Guidelines & guidances

## Guidelines, ch II

- *'Enterprises should: Carry out risk-based due diligence ...*
- *to identify, prevent and mitigate actual and potential adverse impacts ... ,*
- *and account for how these impacts are addressed.*
- *The nature and extent of due diligence depend on the circumstances...': A, [11]*

## Guidelines, ch II Commentary

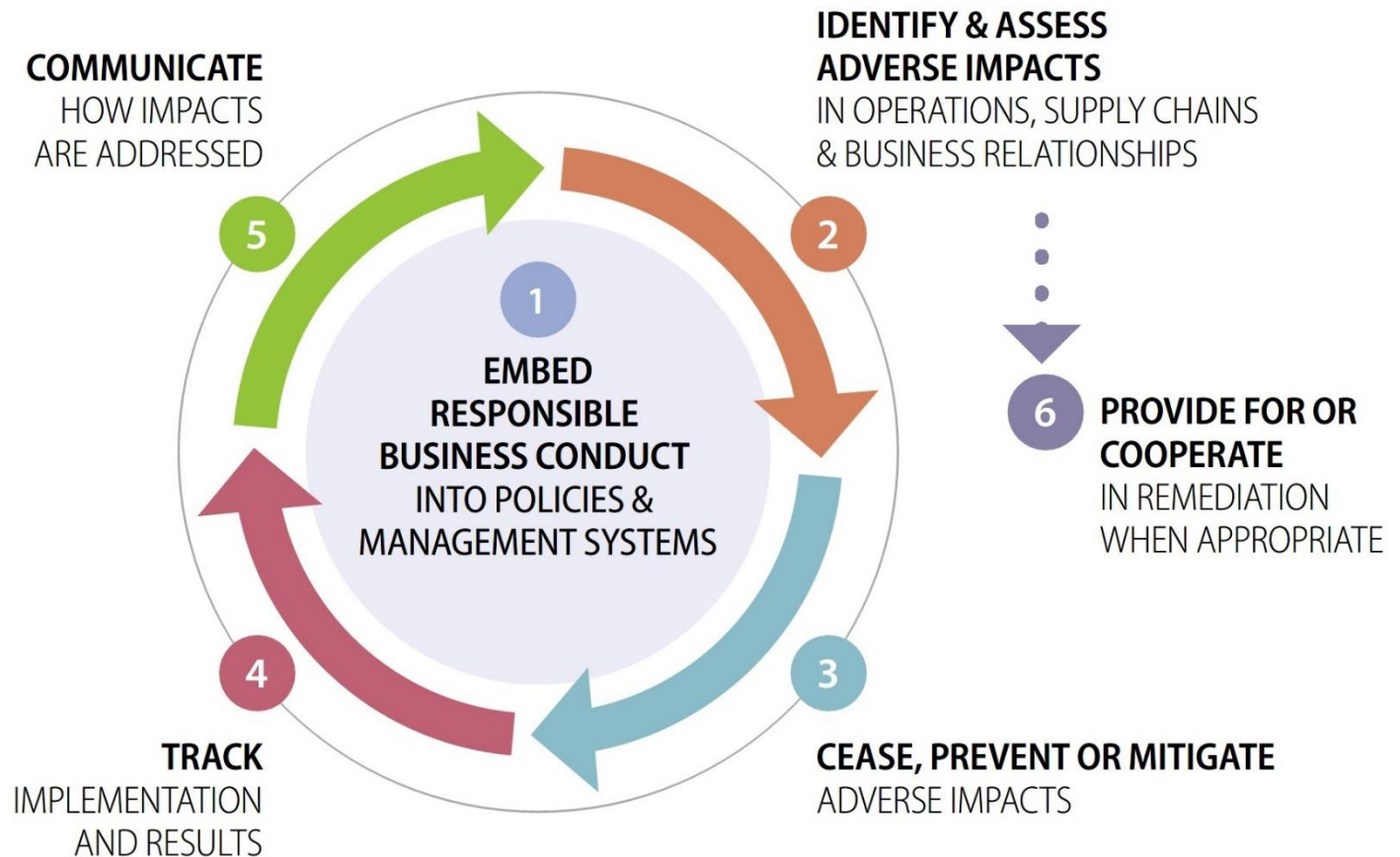
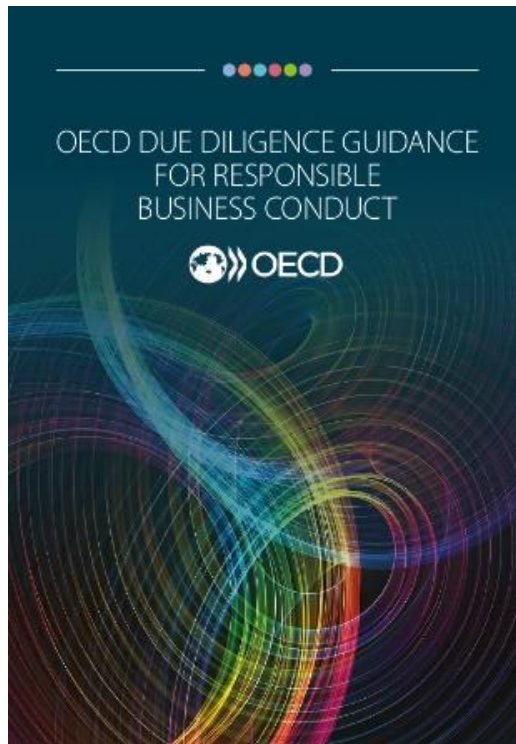
- *'...the OECD Due Diligence Guidance for Responsible Business Conduct sets out a due diligence framework that governments have committed to actively support and monitor.*
- *It outlines the following measures: 1. embedding responsible business conduct into policies and management systems; 2. identifying and assessing actual and potential adverse impacts associated with the enterprise's operations, products or services; 3. ceasing, preventing and mitigating adverse impacts; 4. tracking implementation and results; 5. communicating how impacts are addressed; and 6. providing for or co-operating in remediation when appropriate': [15]*

# OECD sectoral guidances: expectations of company

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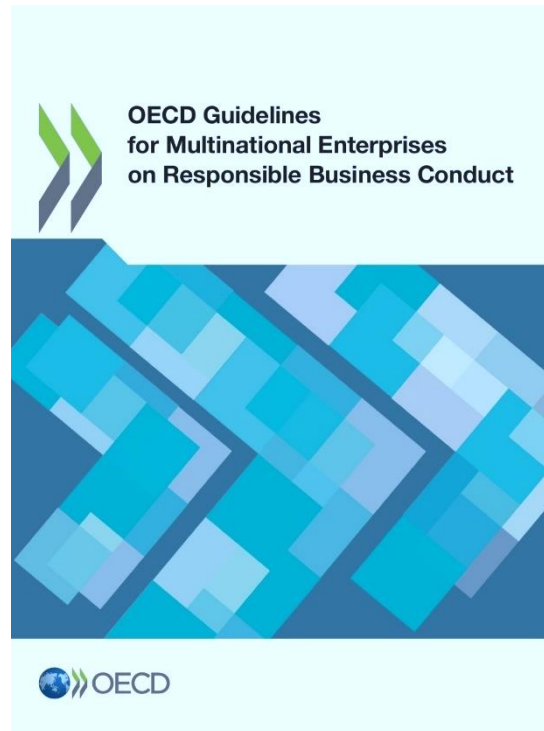
# Due diligence and OECD guidance

## DUE DILIGENCE PROCESS & SUPPORTING MEASURES



page 21 of <https://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm>

# Guidelines & domestic regulation<sup>12</sup>

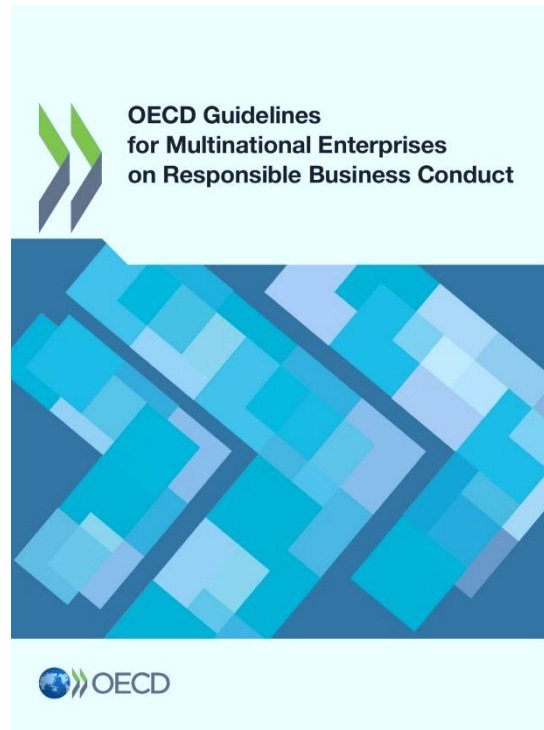


## I. Concepts and Principles

1. The *Guidelines* are recommendations jointly addressed by governments to multinational enterprises. They provide principles and standards of good practice consistent with applicable laws and internationally recognised standards. Observance of the *Guidelines* by enterprises is voluntary and not legally enforceable. Nevertheless, some matters covered by the *Guidelines* may also be regulated by national law or international commitments.
2. Obeying domestic laws is the first obligation of enterprises. The *Guidelines* are not a substitute for, nor should they be considered to, override domestic law and regulation. Failure of governments to uphold the principles and standards consistent with the *Guidelines* or their associated international commitments does not diminish the expectation that enterprises observe the *Guidelines*. While the *Guidelines* extend beyond the law in many cases, they should not and are not intended to place an enterprise in situations where it faces conflicting requirements. However, in countries where domestic laws and regulations conflict with the principles and standards of the *Guidelines*, enterprises should seek ways to honour such principles and standards to the fullest extent which does not place them in violation of domestic law.
3. Since the operations of multinational enterprises extend throughout the world, international co-operation in this field should extend to all countries. Adherents to the *Guidelines* encourage the enterprises operating in or from their territories to observe the *Guidelines* wherever they operate, while taking into account the particular circumstances of each host country.
4. A precise definition of multinational enterprises is not required for the purposes of the *Guidelines*. While the *Guidelines* allow for a broad approach in identifying which entities may be considered multinational enterprises for the purposes of the *Guidelines*, the international nature of an enterprise's structure or activities and its commercial form, purpose, or activities are main factors to consider in this regard. These enterprises operate in all sectors of the economy. They usually comprise companies or other entities established in more than one country and so linked that they may co-ordinate their operations in various ways. While one or more of these entities may be able to exercise a significant influence over the activities of other entities in a group, their degree of autonomy within the group may vary widely from one multinational enterprise to another. Ownership may be private, State, or mixed. The *Guidelines* are addressed to all the entities within the multinational enterprise (parent companies and/or local entities). According to the actual distribution of responsibilities among them, the different entities are expected to co-operate and to assist one another to facilitate observance of the *Guidelines*.
5. The *Guidelines* are not aimed at introducing differences of treatment between multinational and domestic enterprises; they reflect good practice for all. Accordingly, multinational and domestic enterprises are subject to the same expectations in respect of their conduct wherever the *Guidelines* are relevant to both.
6. Governments wish to encourage the widest possible observance of the *Guidelines*. While it is acknowledged that small- and medium-sized enterprises may not have the same capacities as larger enterprises, Adherents to the *Guidelines* nevertheless encourage them to observe the *Guidelines*' recommendations to the fullest extent possible.

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# Guidelines: implementation<sup>56</sup> through NCPs



## Decision of the Council on the Guidelines for Multinational Enterprises on Responsible Business Conduct

### THE COUNCIL,

**HAVING REGARD** to Article 5 a) of the *Convention on the Organisation for Economic Co-operation and Development* of 14 December 1960;

**HAVING REGARD** to the *OECD Declaration on International Investment and Multinational Enterprises* (the "Declaration") [OECD/LEGAL/0144], in which the Members and non-Members having adhered ("Adherents") jointly recommend to multinational enterprises operating in or from their territories the observance of *Guidelines for Multinational Enterprises on Responsible Business Conduct* (the "Guidelines");

**RECOGNISING** that, since operations of multinational enterprises extend throughout the world, international co-operation on issues relating to the Declaration should extend to all countries;

**CONSIDERING** it desirable to enhance procedures by which consultations may take place on matters covered by these *Guidelines* and to promote the effectiveness of the *Guidelines*;

**On the proposal of the Investment Committee:**

**DECIDES:**

### I. National Contact Points for Responsible Business Conduct

1. Adherents shall set up National Contact Points for Responsible Business Conduct (NCPs) to further the effectiveness of the *Guidelines*. NCPs shall have the following responsibilities:

- a) Promote awareness and uptake of the *Guidelines*, including by responding to enquiries;
- b) Contribute to the resolution of issues that arise in relation to the implementation of the *Guidelines* in specific instances.

In addition, where appropriate and in coordination with relevant government agencies, NCPs may also provide support to efforts by their government to develop, implement, and foster coherence of policies to promote responsible business conduct.

The business community, worker organisations, other non-governmental organisations and other interested parties shall be informed of the availability of NCPs.

2. NCPs in different Adherents shall co-operate, if such need arises, on any matter related to the *Guidelines* relevant to their activities. As a general procedure, discussions at the national level should be initiated before contacts with other NCPs are undertaken.

3. NCPs shall meet regularly to share experiences and report to the Investment Committee.

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# Guidelines: implementation in ‘specific instances’

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organisations, and/or other interested parties that are able to contribute to the effectiveness of the *Guidelines*.

## B. Information and Promotion

The NCP will:

1. Make the *Guidelines* known and available by appropriate means, including through on-line information, and in national languages. NCPs should also promote related OECD due diligence guidance on responsible business conduct, taking into account the specific nature of the guidance as mentioned in the *Guidelines* Chapter II, Commentary paragraph 15. Relevant stakeholders, including prospective investors (inward and outward), should be informed about the *Guidelines*, as appropriate.
2. Raise awareness of the *Guidelines*, their implementation procedures, and the NCP itself, including through co-operation, as appropriate, with relevant government agencies, the business community, worker organisations, other non-governmental organisations, and the interested public.
3. Respond to enquiries about the *Guidelines* and OECD due diligence guidance, as well as the NCP itself, including from:
  - a) other NCPs;
  - b) the business community, worker organisations, other non-governmental organisations and the public; and
  - c) governments of non-Adherents.

## C. Specific Instances

The NCP will, serving as a non-judicial grievance mechanism, contribute to the resolution of issues that arise relating to the implementation of the *Guidelines* in specific instances in a manner that is consistent with the core effectiveness criteria listed in Section I.A. above. NCPs will publish their case-handling procedures, i.e. procedures they follow in handling specific instances, which will be consistent with these Procedures. NCPs are encouraged to consult their stakeholders in developing their case-handling procedures. The NCP will offer a forum for discussion and its expertise on the *Guidelines* to assist the business community, worker organisations, other non-governmental organisations, and other interested parties concerned to resolve the issues raised in an efficient and timely manner and in accordance with applicable law and the *Guidelines*. Depending on the characteristics of each case, this assistance may include supporting constructive dialogue, facilitating agreements between the parties and/or issuing recommendations. The aims of such assistance may include furthering the implementation of the *Guidelines* in the future and/or addressing adverse impacts in a way consistent with the *Guidelines*.

In providing this assistance, the NCP will:

1. Where other NCPs are concerned due to the characteristics of the Specific Instance, coordinate in good faith with them to choose the lead and supporting NCPs.
2. Consult the parties on the issues raised and make an initial assessment of whether these issues warrant further examination and respond to the parties involved.
3. Where, based on an initial assessment, the NCP decides that the issues raised warrant further examination, offer good offices to help the parties involved to resolve the issues. For this purpose, the NCP will consult with these parties and where relevant:
  - a) seek advice from relevant authorities, and/or representatives of the business community, worker organisations, other non-governmental organisations, and relevant experts;
  - b) consult the NCP or NCPs in any other Adherent or Adherents concerned;
  - c) seek information on similar specific instances from the Secretariat or guidance from the WPREC if it has doubt about the interpretation of the *Guidelines*. Such information and

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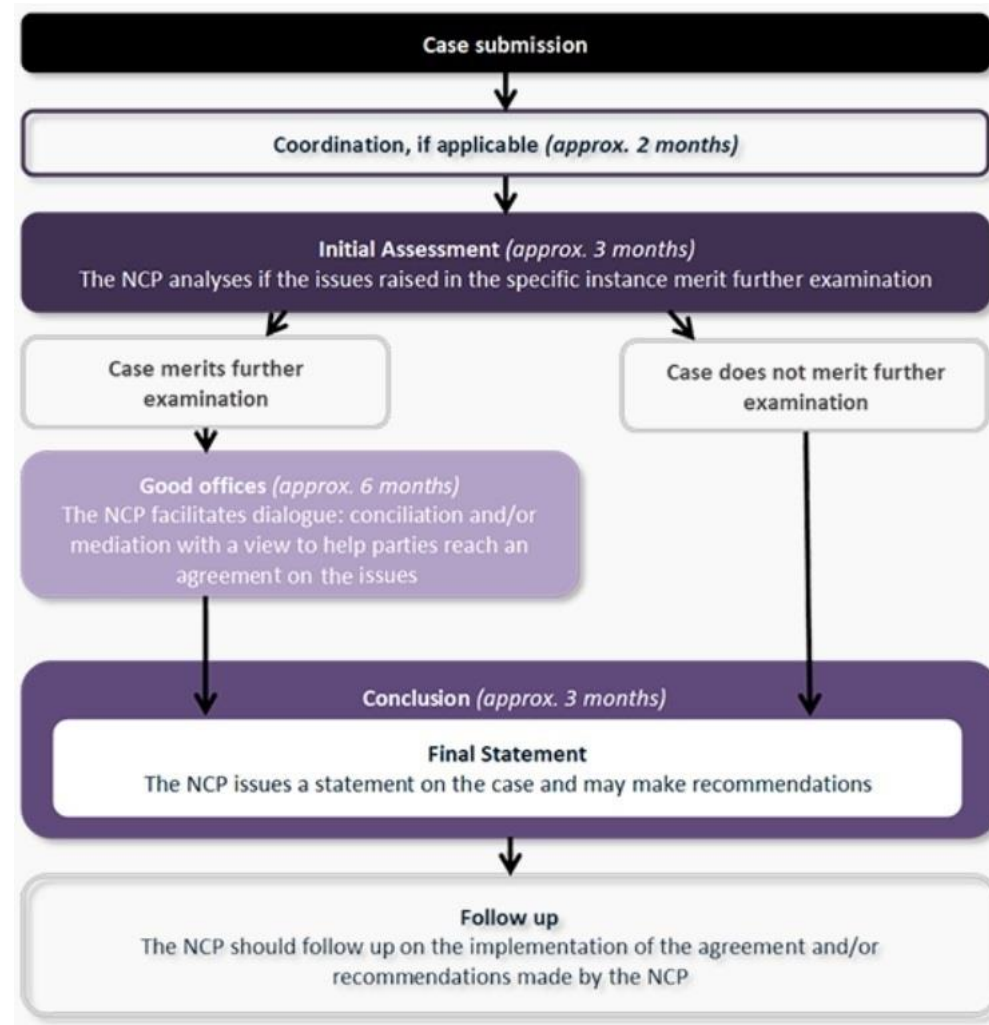
“The NCP will, serving as a non-judicial grievance mechanism, contribute to the resolution of issues that arise relating to the implementation of the *Guidelines* in specific instances ... consistent with the core effectiveness criteria...”

“core effectiveness criteria ... NCPs will operate in a manner that is:

1. visible,
2. accessible,
3. transparent,
4. accountable,
5. impartial and equitable,
6. predictable, and
7. compatible with the Guidelines”

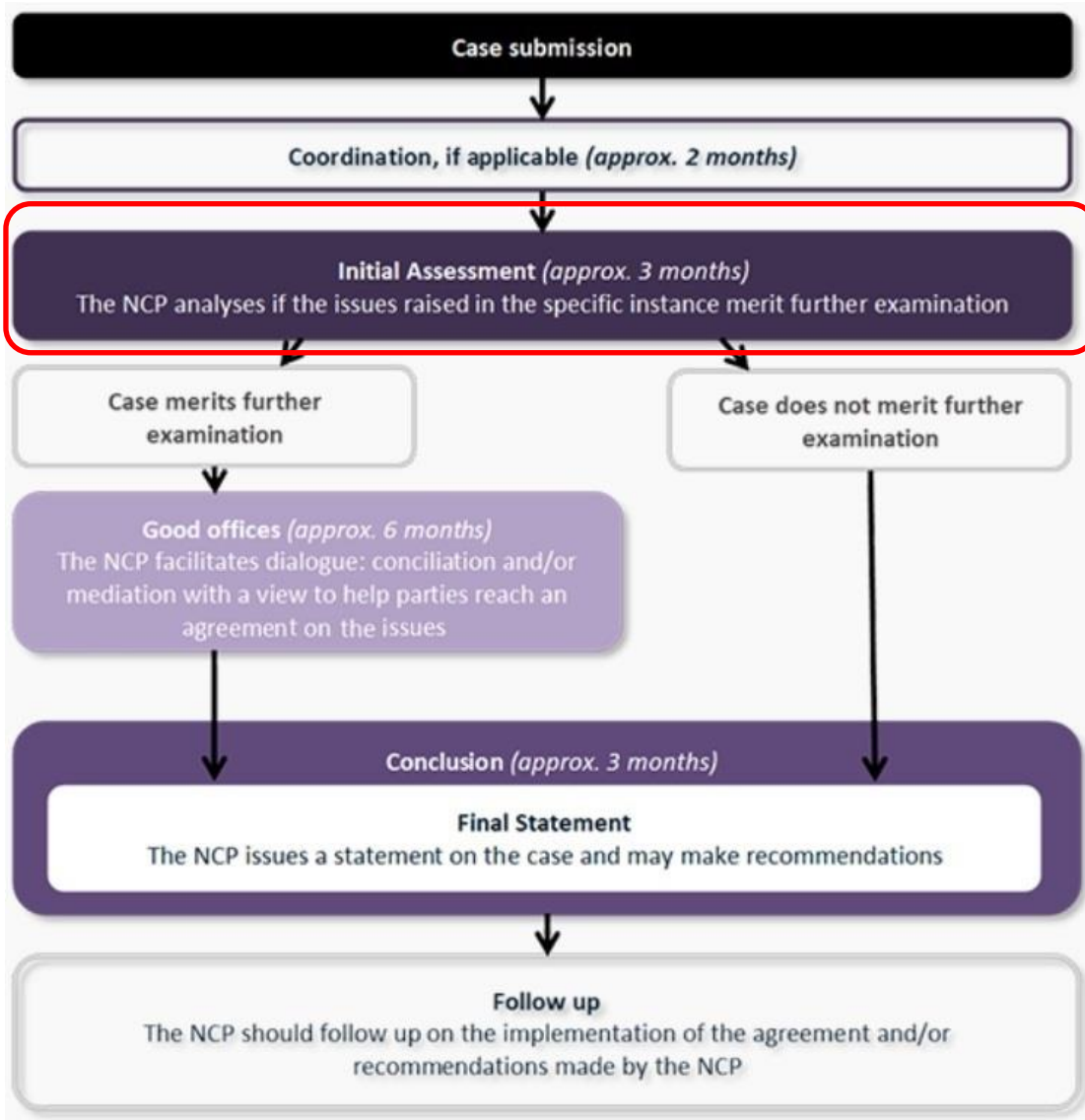
Procedures I

# Guidelines: specific instance process



From OECD [‘How do NCPs handle cases ?’](#)

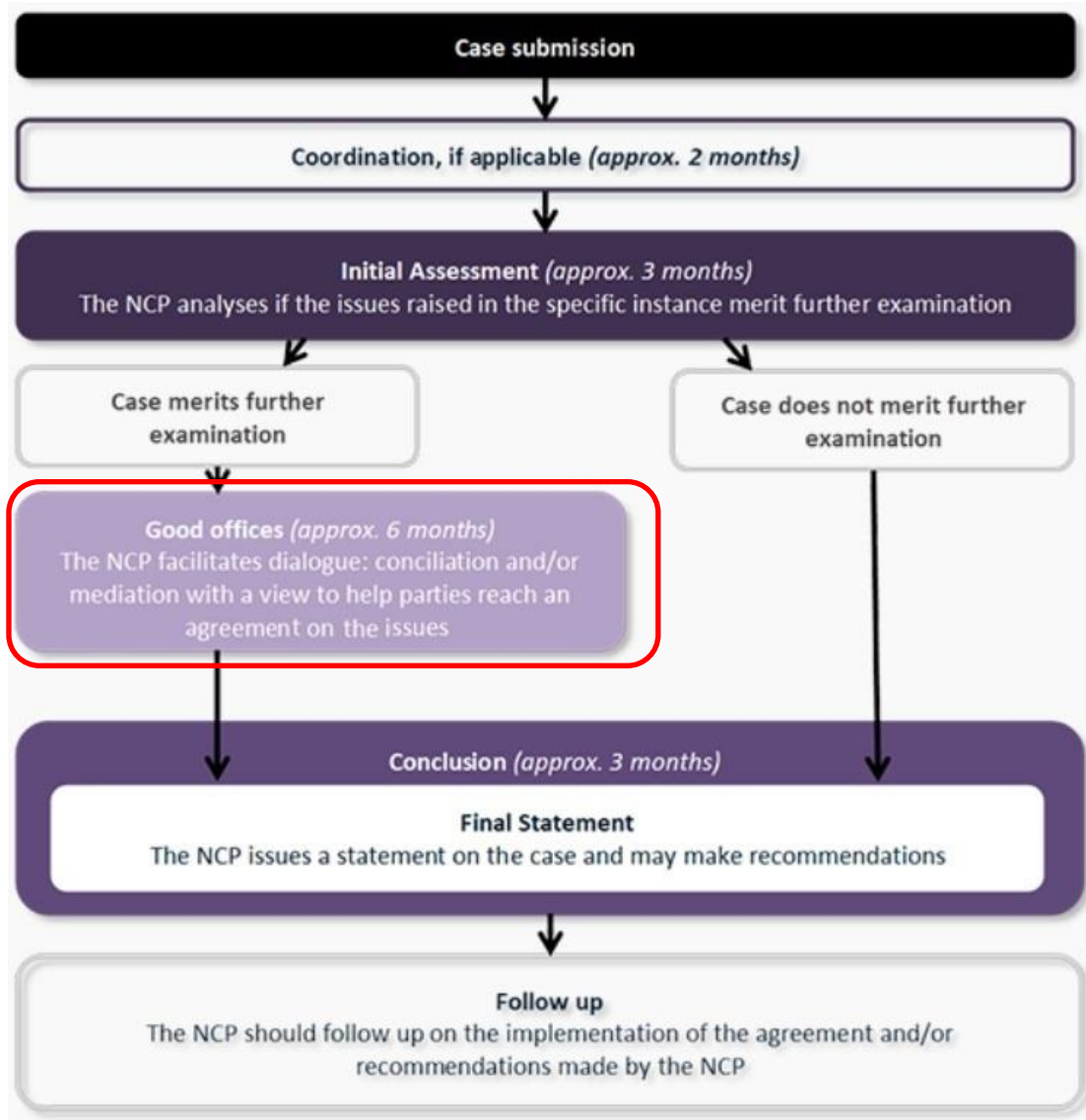
# Guidelines: specific instance process



**Initial Assessment: does case merit further examination?** Procedures Commentary, [33]

1. identity of [notifier] and its interest in the matter;
2. whether issue is material (relevant to *Guidelines*) and substantiated (sufficient and credible information);
3. whether enterprise is covered by the *Guidelines*;
4. whether there [is] link between the enterprise's activities and the issue raised;
5. [does] applicable law / parallel proceedings limit NCP's ability to [help] resolution;
6. [would] examination contribute to the purposes and effectiveness of the *Guidelines*.

# Guidelines: specific instance process

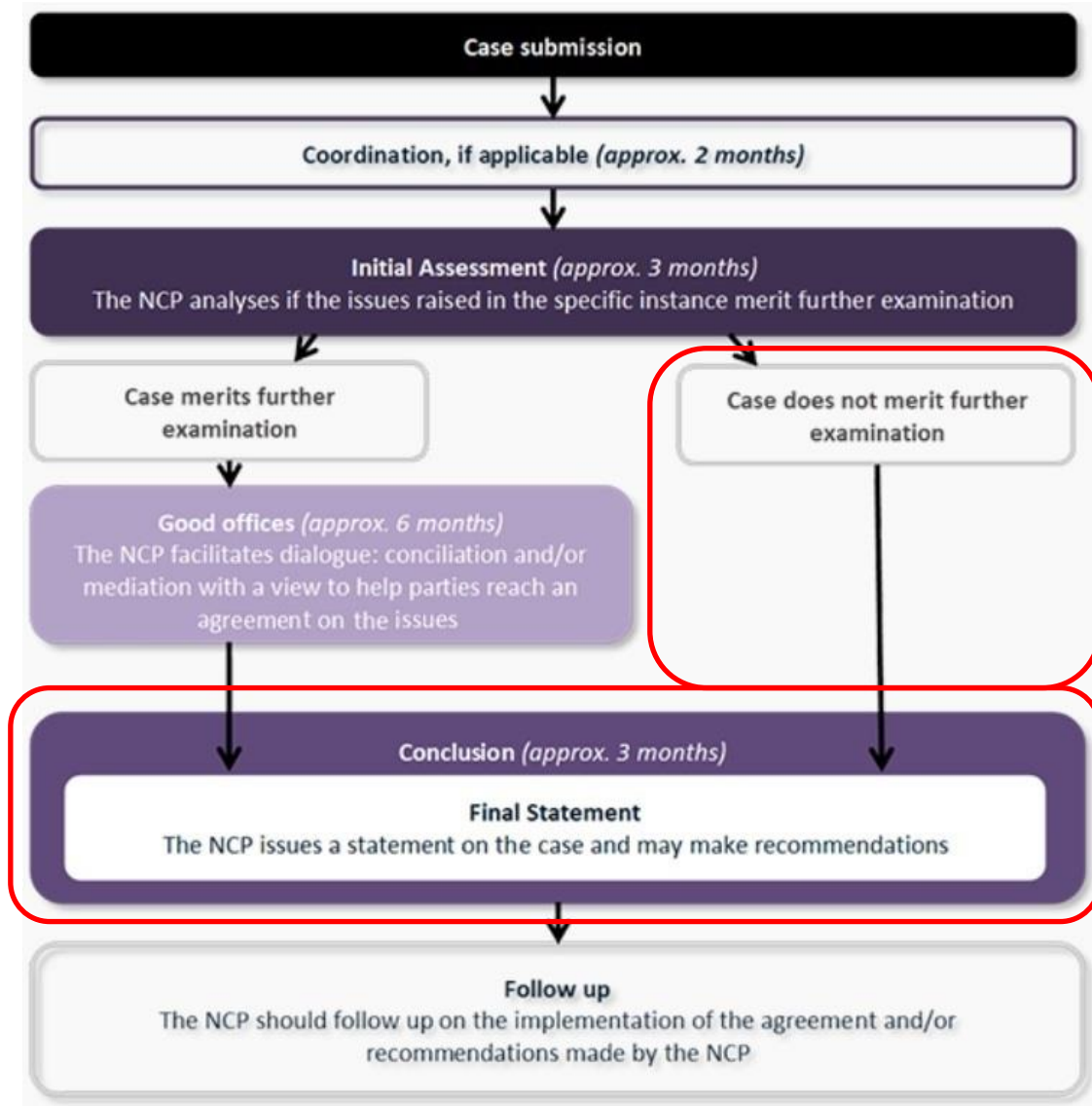


If Initial Assessment accepts: **NCP offers 'good offices'**

'The NCP will ...offer and, with the agreement of the parties involved, facilitate access to consensual and non-adversarial means, such as mediation or conciliation, to assist the parties in resolving the issues' Procedures I C [3] (d)

- significant flexibility on how any 'good offices' might proceed
- often navigated/directed through procedural agreement NCP arranges with parties

# Guidelines: specific instance process



At conclusion **NCP must always issue PUBLIC final statement**

Procedures I C [4]

Content will depend on previous course:

- If not accepted in Initial Assessment: Final Statement will explain why
- If parties agree in good offices: content largely depends on them (some aspects may remain confidential)
- If parties don't agree in good offices: NCP makes statement on case; may include recommendations

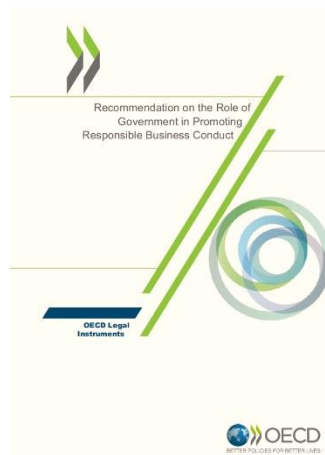
# OECD guidance re NCP and government processes



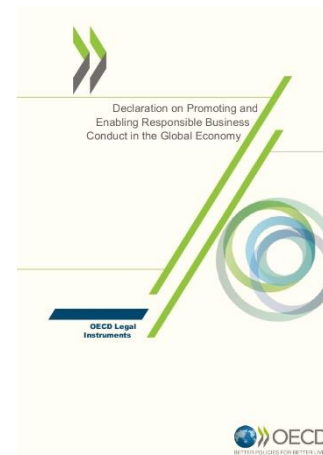
[NCP conducting initial assessments](#)



[NCP recommendations & determinations](#)



[Government promoting RBC](#)



[Government enabling global RBC](#)

# Australia

## Application of OECD Guidelines in & by Australia

# Australian NCP



*(within The Treasury, where responsibility resides for managing the Australian Government's obligations under the declaration)*

## **Secretariat**

Overall management, support services, promotion and international representation.

## **Independent Examiners**

Manage complaints against multinational enterprises and promotes the Guidelines.

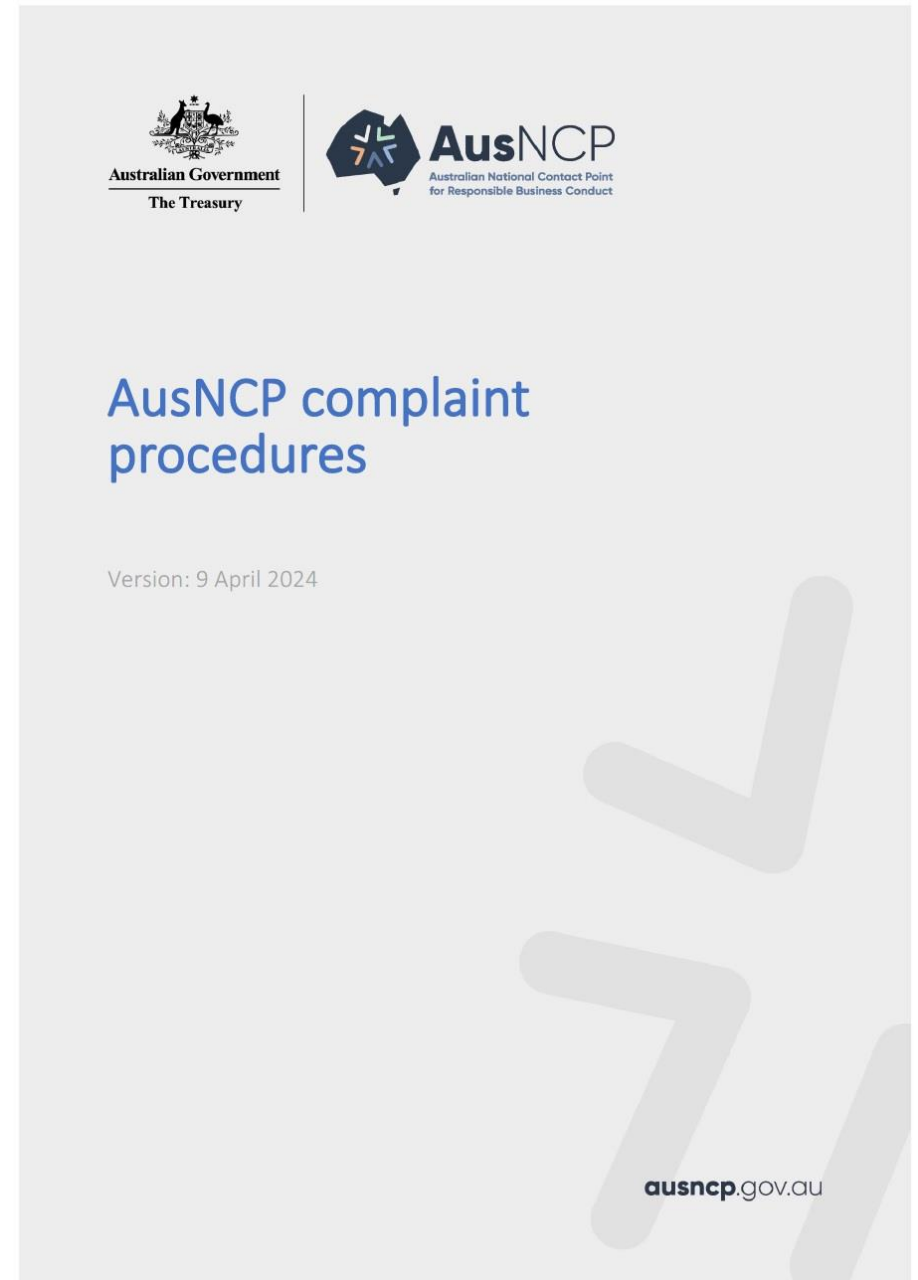
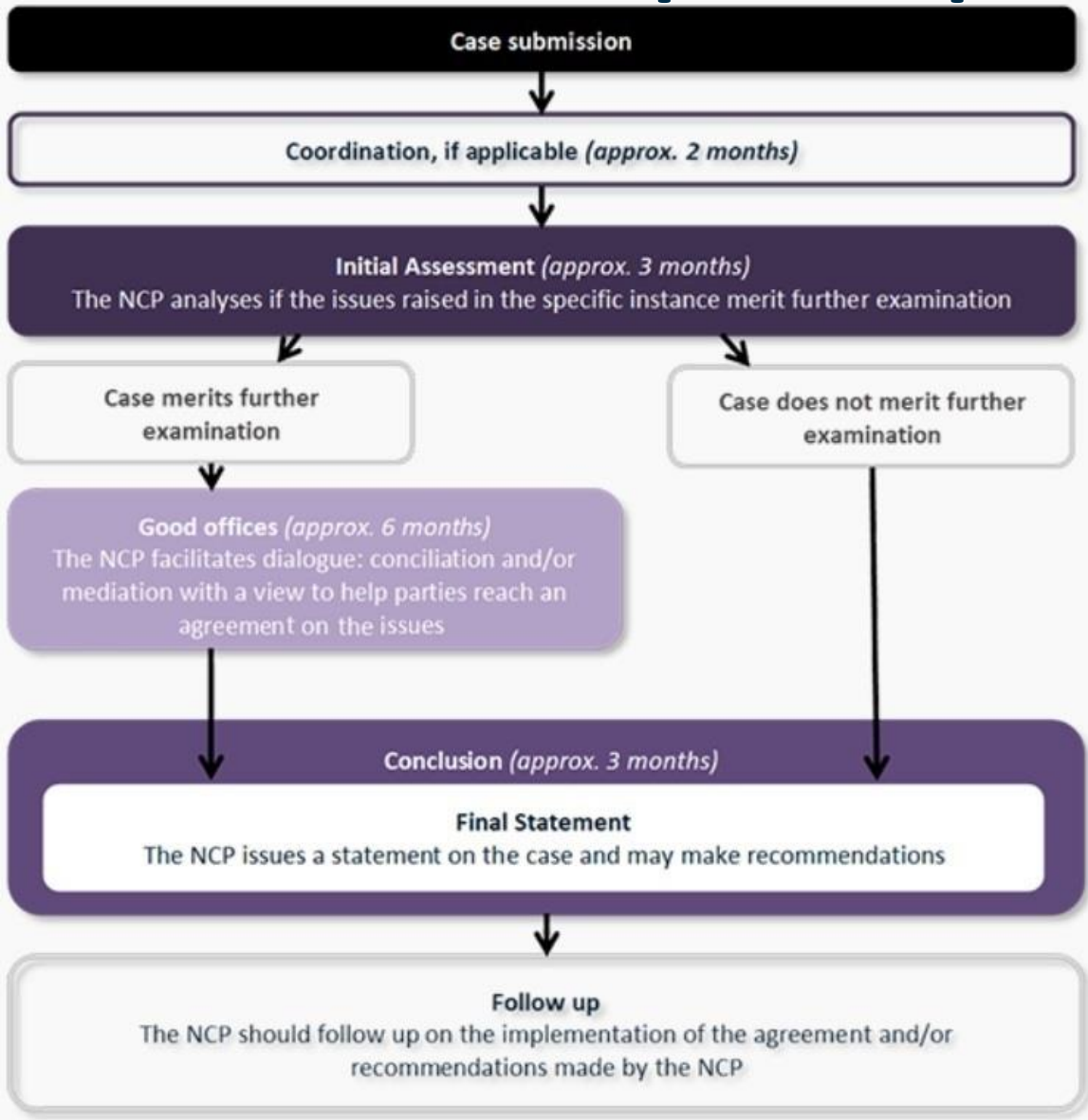
May draw instances of inappropriate conduct to the attention of other government agencies through the Secretariat.

## **Governance and Advisory Board**

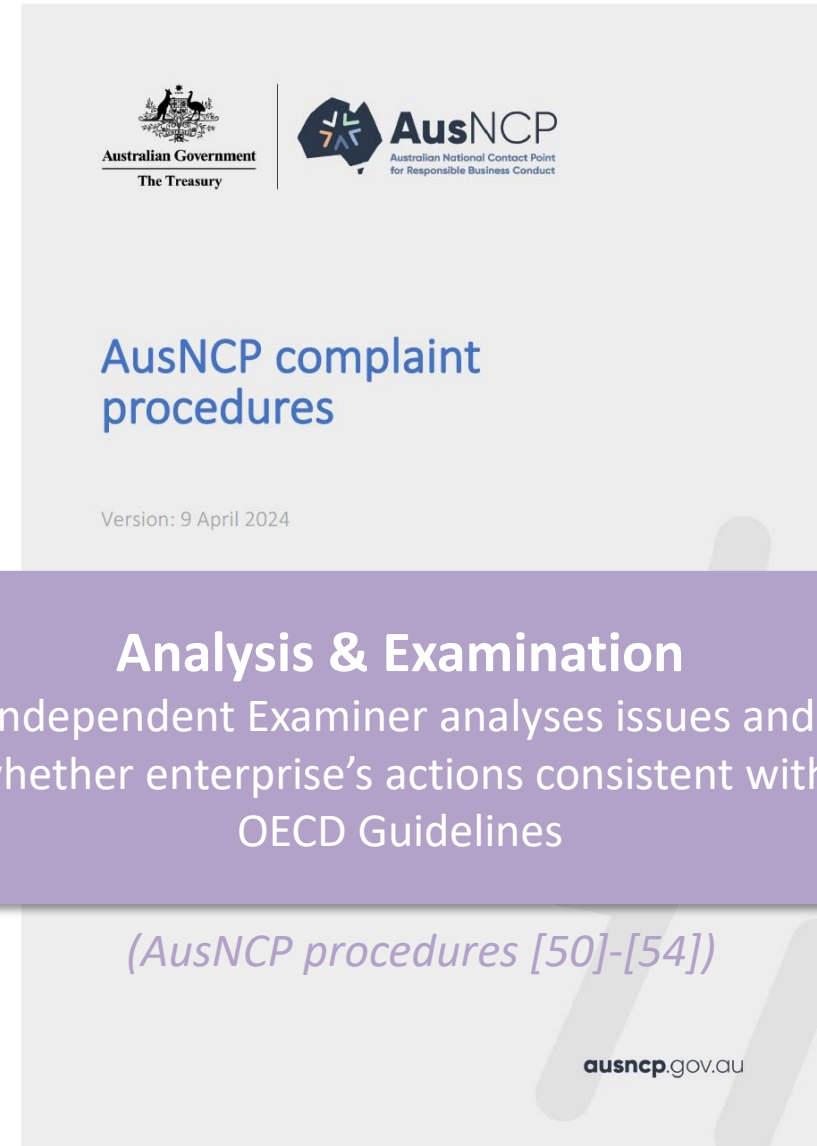
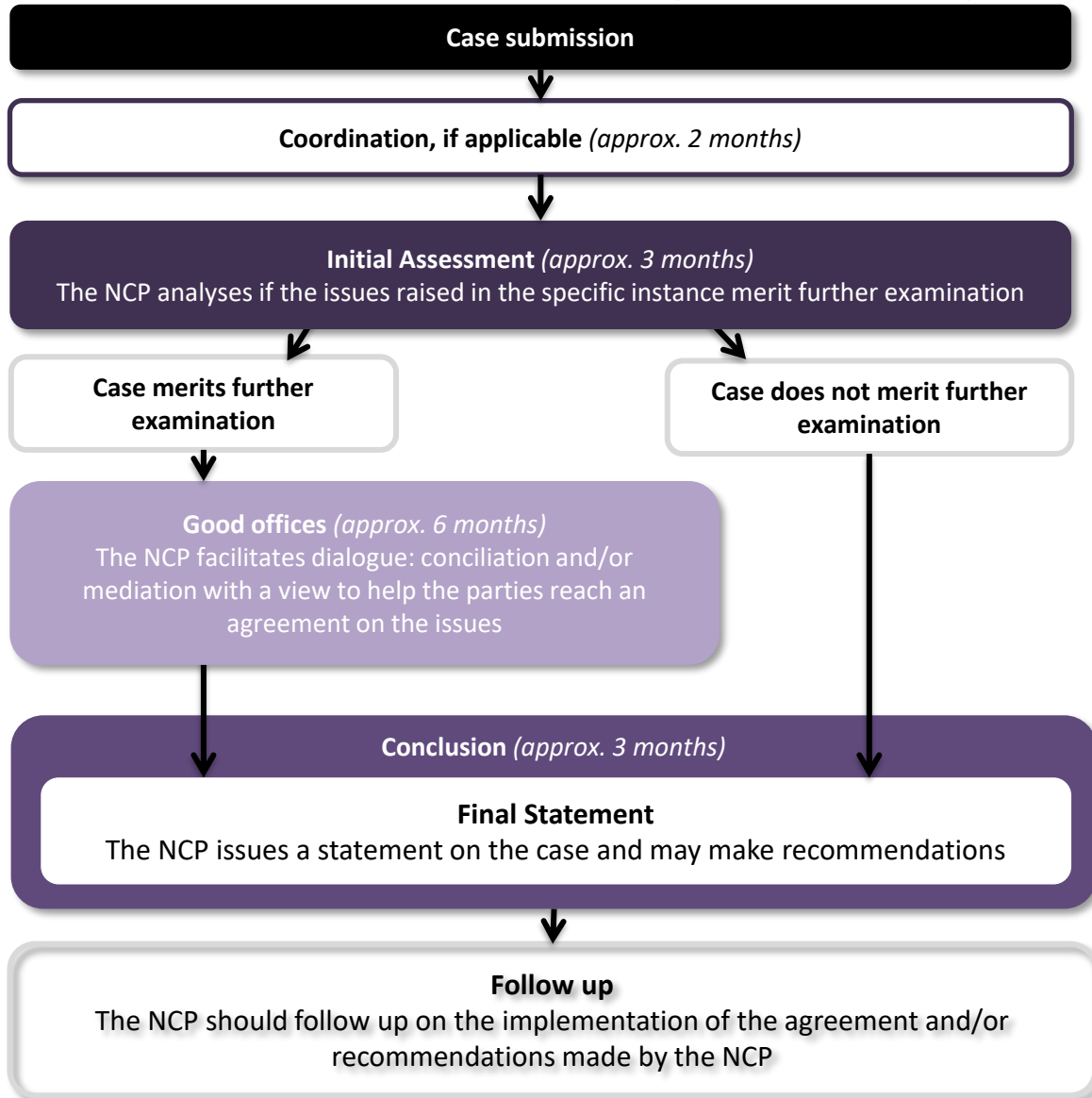
external and government members provide advice on management of complaints and promote the Guidelines.



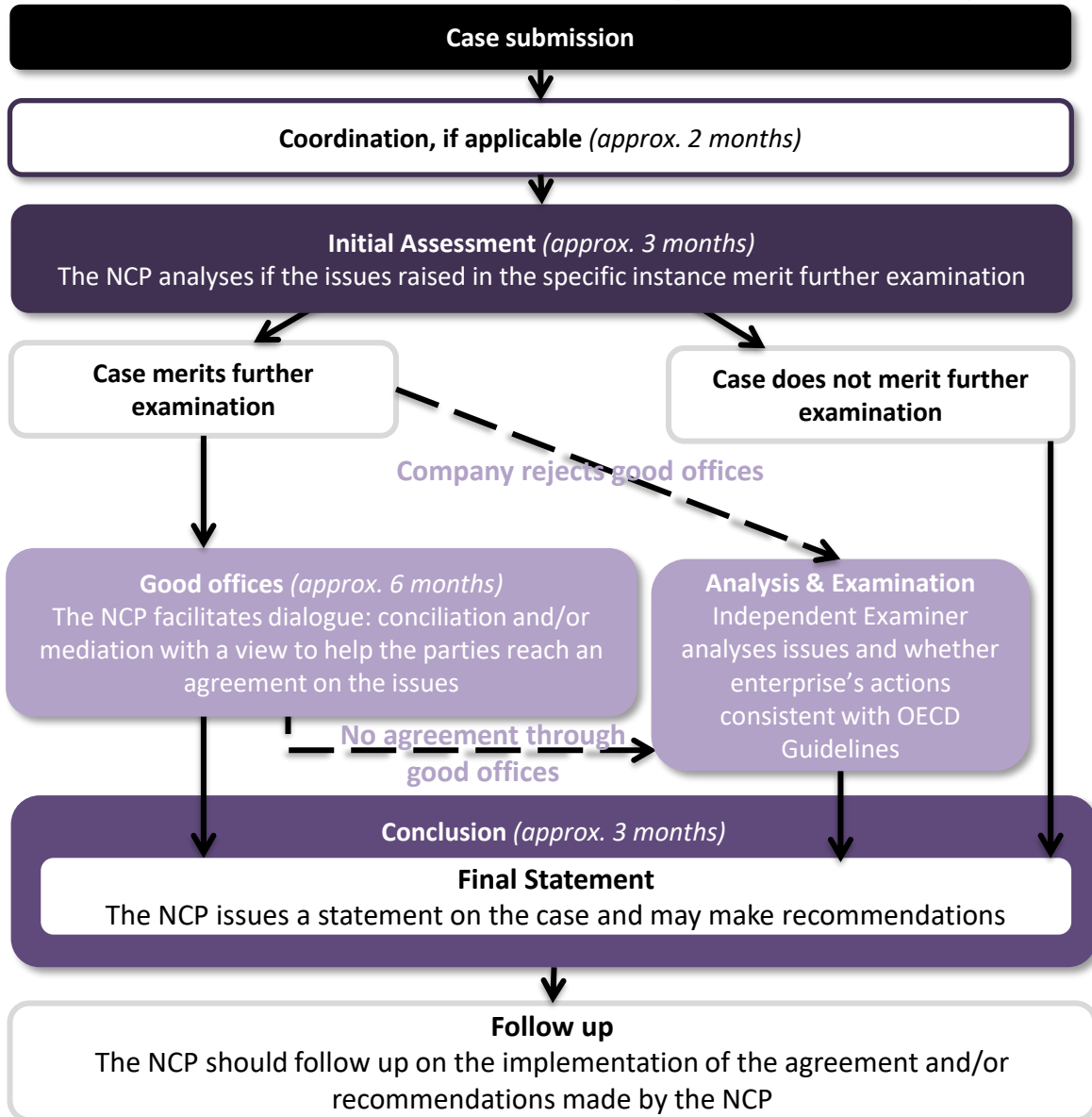
# AusNCP 'complaint' process



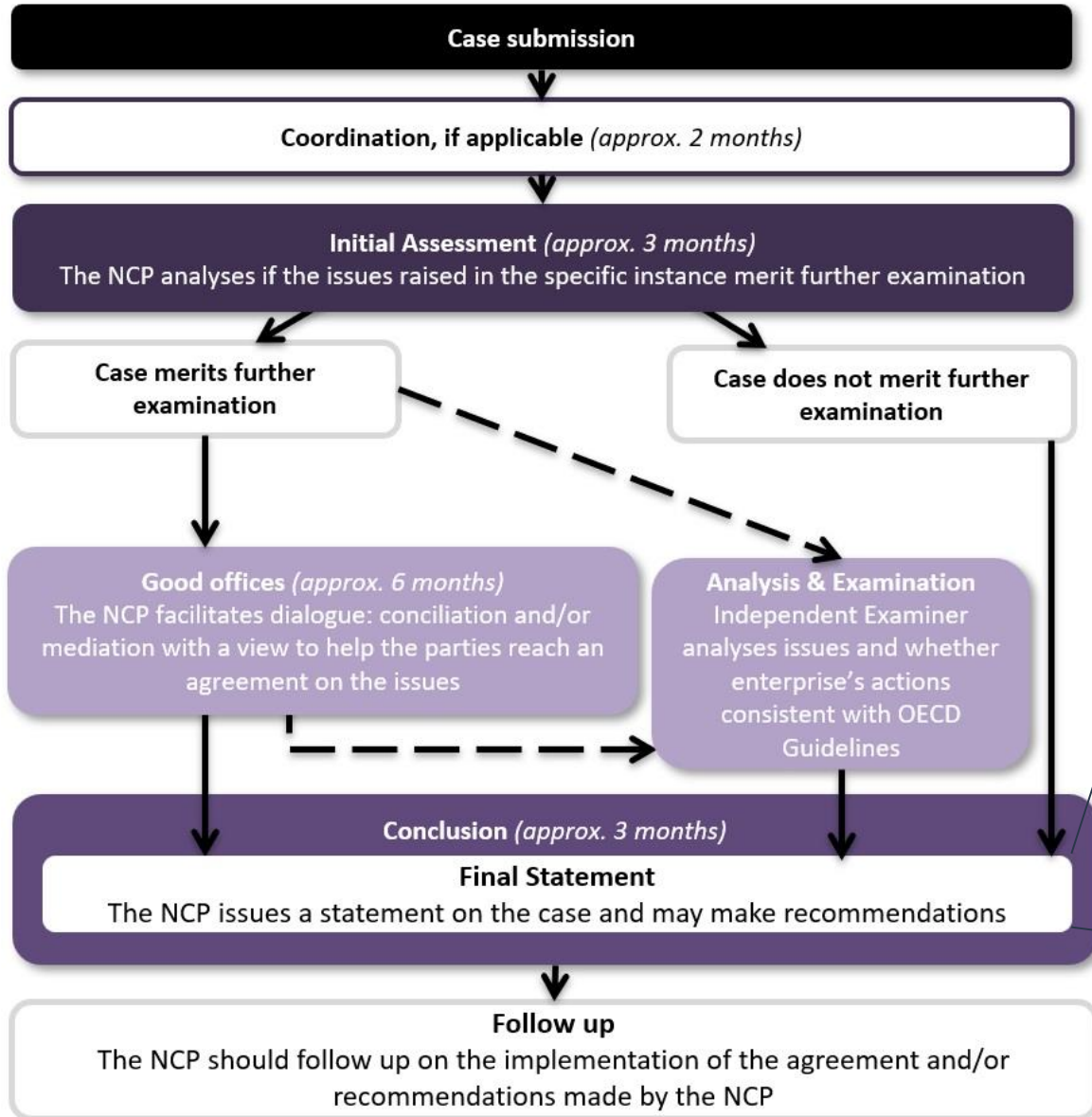
# AusNCP 'complaint' process



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## AusNCP complaint procedures

**Final Statement**

- explain issues raised, parties' engagement, agreement (if any)
- may include examiner's views on whether enterprise observed the Guidelines
- recommendations on the implementation of the Guidelines
- where appropriate, may inform other government agencies about relevant matters and conduct

*(AusNCP procedures [56]-[69])*

# AusNCP examples

Parties reach **agreement outside NCP process**:

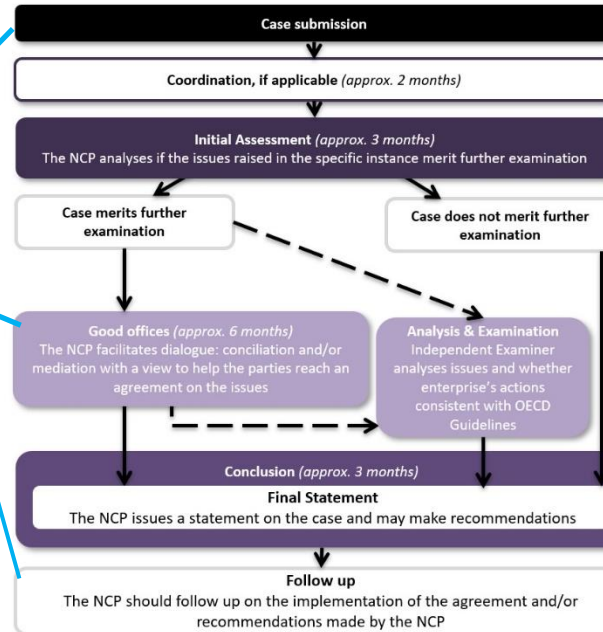
- [Parella Law](#), [33]-[35]
- [Justicia y Reparación](#), [17]-[23]

Parties reach **agreement within 'good offices'**:

- [Ansell Ltd](#), p9
- [ANZ \(Cambodia\) FuS](#), [17]-[23]

Final Statement (where GO don't agree) can include observations, eg:

- **recommend company improve governance & procedures**: [ANZ \(Cambodia\) FS](#), [46]-[48]
- **Company's actions were consistent with Guidelines**: [ANZ \(FoE\) FS](#), [64] & [70]-[72]; [AusLabS](#), [54]-[57]
- Other information contrary to complaint, so no conclusions re co'y compliance: [ElectraNet FS](#), [62]



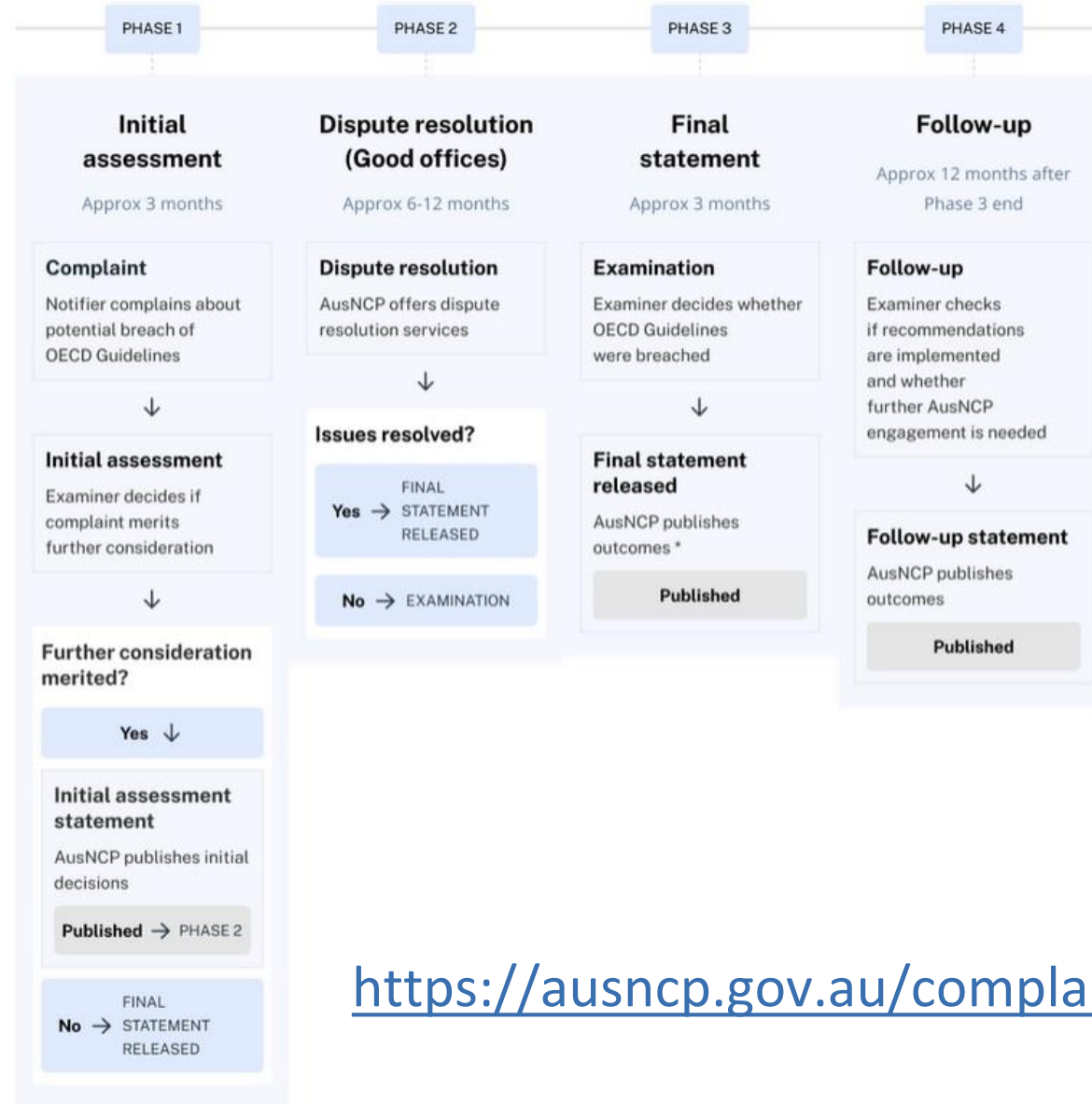
Reasons against further examination can include:

- Notifier not shown how company caused harm: [Deutsche Bank](#), [7.3.1]
- Position and statements of notifier: [BHP \(Hedland\)](#), [52]
- Notifier **not demonstrated adequate interest/connection with issues under Guidelines**, or not substantiated them: [BHP \(Hedland\)](#), [17], [19], [23] & [52]
- **Company is addressing everything within Guidelines, so little relevant for GO**: [BHP \(Hedland\)](#), [27] & [36]
- **Notifier does not agree to good offices**: [BHP \(GLAN\)](#), [26]-[27], or withdraws complaint: [SAVEducation \(India\)](#), [25]
- Notifier not raised issues materially different from previous NCP matter: [Coca Cola](#), [25]-[28]

Final Statement (where company not engage) can include observations, eg:

- **company's actions inconsistent with Guidelines (eg. no HR policy, inadequate DD)**: [Mallee Resources](#), [128]; or **identified actions not inconsistent with Guidelines**: [PanAust](#), [3] & [94]
- **failure to engage/show Guidelines compliance is problematic**: [ElectraNet FS](#), [54] & [61]
- encourage company apology & compensation: [Mercer PR](#), [49]
- **recommend company action** eg. (1) **develop HR policy, and use leverage/influence on others to address impacts** [Mallee Resources](#), [130]; (2) **develop training & procedures** [Mercer PR](#), [49]; (3) **disseminate relevant information**: [PanAust](#), [69]-[73]; (4) **familiarisation with Guidelines** [ElectraNet FS](#), [63]

# AusNCP complaints process overview

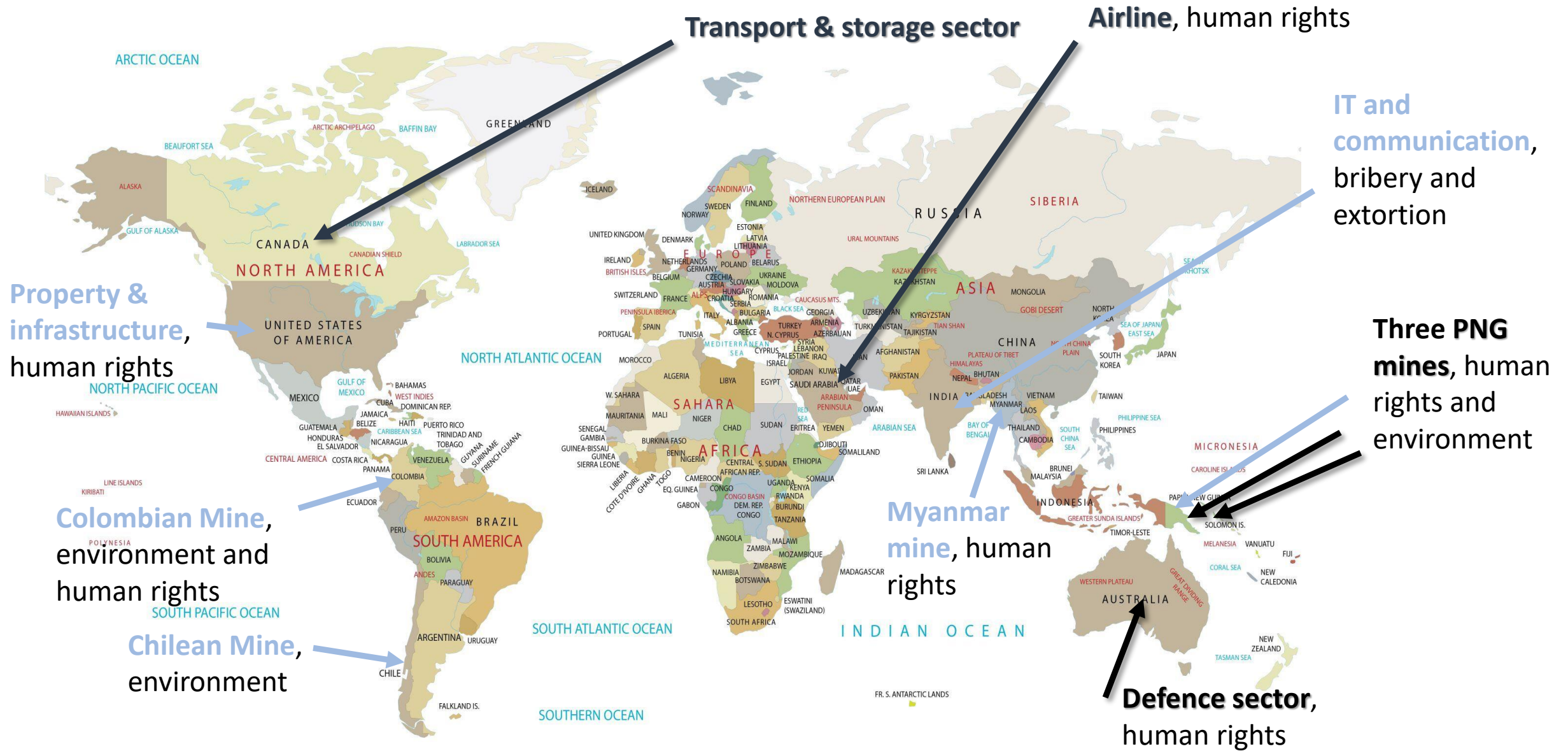


<https://ausncp.gov.au/complaints/complaints-process>

# Overview of AusNCP complaints received since 2005



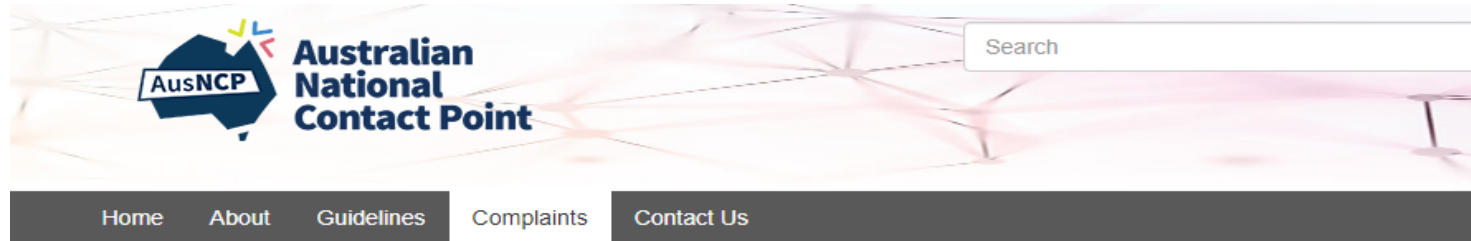
# Current and recent AusNCP Complaints





# Complaint tracking

<https://ausncp.gov.au/complaints/track-complaints>



[Complaints](#) / [Track an open complaint](#)

## Track an open complaint

The AusNCP handles complaints about alleged non-observance of the OECD Guidelines for Multinational Enterprises. A list of active cases currently being handled by the AusNCP is available below. [View closed complaints](#).

### Active Complaints

ID	Received	Notifier	Enterprise	Location of activity	Status (September 2022)	Statements
21	September 2020	Human Rights Law Centre on behalf of affected individuals	Rio Tinto	Papua New Guinea	Good Offices – Panguna mine impact assessment  Examiner: John Southalan	<a href="#">AusNCP Update Statement December 2021</a>  <a href="#">AusNCP Update &amp; Parties' Joint Statement July 2021</a>
23	January 2021	Global Legal Action Network	Anglo American Plc, BHP Group Ltd and Glencore International AG	Colombia	Preparing final statement  Examiner: John Southalan	<a href="#">Initial Assessment – January 2022</a>

# Databases of NCP cases

Database of specific instances

Use the keyword and/or filtering options below to access a list of all specific instances of alleged misconduct brought to NCPs.

The specific instances mechanism has been part of the Guidelines since the 2000 review. Over 450 specific instances have been treated by country NCPs in over 100 countries and territories since then. Download an overview of cases handled from 2000-2019.

Access a full description of how the specific instances mechanism works and how the database is constructed.

Select any or all of the fields below for results containing:

NCP  
 All  
 Argentina  
 Australia

Theme  
 All  
 Combating bribery, bribe solicitation and extortion  
 Competition

Date  
 All  
 2022  
 2021

Host country  
 All  
 Albania  
 Algeria

Source of case  
 All  
 Businesses  
 Individuals

Status  
 All  
 Concluded  
 In progress

Industry sector  
 All  
 Accommodation and food service  
 Activities of extraterritorial organisations and bodies

search clear

<https://mneguidelines.oecd.org/database/>

[Home](#) > [Complaints database](#)

## Complaints database

Please scroll down and use the search box and/or filters below to find a specific Complaint.

### Search for a complaint

Search...

Filter ▼

### 355 complaints

Date filed: 4 April 2022

**FOCSIV and others vs. Stellantis Italy**

Rejected

#### Issue

*Stellantis Italy fails to disclose information about its DRC cobalt suppliers*

Date filed: 9 December 2021

**Rohingya refugees supported by Victim Advocates International vs. Facebook**

Filed

#### Issue

*Facebook acts and omissions in Myanmar contribute to persecution, human rights violations of Rohingya*

Date filed: 9 December 2021

**Project Sepik Inc. and Jubilee Australia Research Centre vs PanAust Limited**

Filed

#### Issue

*PanAust Limited and subsidiary violate environmental and human rights in Sepik River, PNG*

<https://www.oecdwatch.org/complaints-database/>

# Relevance for ‘business and human rights’

- Guidelines expectations include UNGPs and risk-based due-diligence
- NCP process focus on company, not government.
- Companies should ensure consistency with Guidelines. May occur through:
  - national regulation (eg. legal requirements, permits/processes, policy encouragement, court/regulator enforcement)
  - company’s own action (procedures, policies, grievance mechanism)
- Where company action not evidently consistent with Guidelines:
  - exposes company to NCP complaint and Final Statement
  - AusNCP statement may include observations on company, and recommendations to other relevant bodies

# Thank you

E: [Secretariat@ausncp.gov.au](mailto:Secretariat@ausncp.gov.au)

W: <https://ausncp.gov.au/>

OECD: <https://mneguidelines.oecd.org>