



Annual Report on the OECD Guidelines for Multinational Enterprises 2020

Update on National Contact Point Activity



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Executive summary

Governments adhering to the OECD Guidelines for Multinational Enterprises (the Guidelines)¹ are required to set up a National Contact Point (NCP) to further the implementation of the Guidelines. NCPs have two main functions: 1) to promote the Guidelines and handle enquiries, which means that NCPs ensure that the Guidelines and the role of the NCP are known among relevant stakeholders and across government agencies; and 2) provide a grievance mechanism to resolve cases ("specific instances") relating to non-observance of the Guidelines by companies. NCPs report annually to the OECD's Investment Committee, and this report compiles and analyses the key data reported by NCPs regarding their activities in 2020.

The year 2020 has been a notable one for NCPs for two main reasons. First, it marked the 20th anniversary of NCPs as non-judicial grievance mechanisms. Several activities were organised on this important milestone. The Secretariat published a report highlighting the many strengths and achievements of NCPs in addressing corporate impacts in an increasingly complex and globalised world, but also some enduring challenges and weaknesses that may hinder their contribution to remedy. In this regard, the report identifies a number of avenues for governments to strengthen their NCPs and maximise their contribution to remedy. The Global Forum on Responsible Business Conduct was also partly dedicated to access to remedy and NCPs as part of their 20th anniversary.

Second, NCP activity was strongly impacted by the COVID-19 pandemic, as office closures, meeting restrictions and travel bans disrupted their ability to deliver on their mandates. Like for most government services, this led to events cancellations and delayed work. However, NCPs were progressively able to adjust and ensure that promoting the Guidelines and handling could continue largely remotely.

In terms of specific instances, 2020 was in fact the record year in terms of cases received (54), bringing the grand total of cases handled by NCPs since 2000 to over 575. Half of cases submitted in 2020 were done so by individuals, whereas the share of cases submitted by NGOs or trade unions was smaller than in previous years. NCPs also closed 38 cases in 2020, in line with previous years. Fourteen cases were not accepted and 24 were concluded, delivering nine agreements. This means that the rate of non-accepted cases, which had been a concern of some stakeholder groups in recent years, dropped below average levels in 2020. Importantly, the trend towards a generalisation of recommendations in final statements has continued in 2020. NCPs have also kept following up more systematically on cases, which allowed them to achieve new results or to evidence positive impacts in 2020. Finally, 42 NCPs now have publicly available rules of procedure, the highest recorded number.

In terms of institutional arrangements, NCPs have continued to seek to include stakeholders in their structures, but also to struggle with human and financial resources. Like in 2019, the overall number of NCP officials dropped in 2020. Only 19 NCPs reported having full-time staff and over half of them experiencing staff turnover in 2020. Shortage of staff and excessive turnover have long been identified as one of the biggest challenges for NCPs.

¹ The Guidelines are annexed to the Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)].

In terms of promotion, 2020 was characterised by a massive shift towards online promotional events. The number of NCPs that promoted the Guidelines remained stable in 2020, and while events organised by NCPs have dropped sharply, the number of events in which NCPs participated remained within average levels. NCPs have also invested in online promotional tools during 2020, as all reporting NCPs now have a website and 26 of them renewed or improved their website in 2020. This shift towards online promotion will present both opportunities and threats for NCPs as COVID-19 restrictions ease out, which NCPs will have to navigate strategically.

Finally, in 2020, NCPs continued with peer learning activities with the support of the OECD Secretariat in the framework of the Action Plan to Strengthen NCPs (2019-2021), working in particular on tools such as an online training tool for NCPs or templates and guidance for initial and final statements. No peer reviews were launched in 2020 due to a lack of commitments from governments. Twenty-one governments are currently committed to undergo a peer review of their NCP by 2023, leaving 10 governments (including five OECD Members) yet to commit. In 2017, the MCM committed to having all NCPs peer reviewed by 2023.

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Introduction

Governments adhering (Adherents) to the OECD Guidelines for Multinational Enterprises (the Guidelines)² are required to set up a National Contact Point (NCP) to further the implementation of the Guidelines.³ NCPs have two main functions: 1) to promote the Guidelines and handle enquiries, which means that NCPs ensure that the Guidelines and the role of the NCP are known among relevant stakeholders and across government agencies; and 2) provide a grievance mechanism to resolve cases ("specific instances") relating to non-observance of the Guidelines by companies.⁴ The Council Recommendations relating to the due diligence guidance tools provide that NCPs should contribute to their dissemination and active use by enterprises.⁵ This unique implementation mechanism distinguishes the Guidelines from other international RBC instruments and continues to play a critical role in ensuring that commitments under the Guidelines are met. There were 49 NCPs in all adherent countries in 2020. In December 2020, the OECD Council invited Uruguay to adhere the Declaration on International Investment, which includes adherence to the Guidelines [[C\(2020\)149](#)], Uruguay became the 50th Adherent in February 2021.⁶

Handling specific instances is a core pillar of the mandate of NCPs and a key feature of what makes the Guidelines unique.⁷ By end 2020, NCPs had received over 575 specific

² The Guidelines are annexed to the Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)].

³ Decision of the Council on the OECD Guidelines for Multinational Enterprises [[OECD/LEGAL/0307](#)] (Decision on the Guidelines).

⁴ Procedural Guidance, Decision on the Guidelines.

⁵ For example, the 2018 Recommendation of the Council on the Due Diligence Guidance for Responsible Business Conduct [[OECD/LEGAL/0443](#)] recommends "that Adherents and where relevant their NCPs, with the support of the OECD Secretariat, ensure the widest possible dissemination of the Guidance and its active use by enterprises, as well as promote the use of the Guidance as a resource for stakeholders such as industry associations, trade unions, civil society organisations, multi-stakeholder initiatives, and sector-initiatives, and regularly report to the Investment Committee on any monitoring, dissemination and implementation activities."

⁶ Uruguay adhered to the Guidelines on 25 February 2021. As part of its commitment to fulfil the requirements under the Guidelines, the government has committed to establishing an NCP. As of March 2021, all 37 OECD Member countries had adhered to the Declaration, as had 12 non-Member countries: Argentina (22 April 1997), Brazil (14 November 1997), Costa Rica (30 September 2013), Egypt (11 July 2007), Jordan (28 November 2013), Kazakhstan (22 June 2017), Morocco (23 November 2009), Peru (25 July 2008), Romania (20 April 2005), Tunisia (25 May 2012), Ukraine (10 March 2017), Croatia (17 October 2019) and Uruguay (25 February 2021).

⁷ The Procedural Guidance, a part of the Decision on the Guidelines, provides that "NCP[s] will offer a forum for discussion and assist the business community, worker organisations, other non-governmental organisations, and other interested parties concerned to deal with [...] issues raised [...]." Procedural Guidance, I (C).

instances in total.⁸ This mechanism has been part of the mandate of NCPs since the 2000 review of the Guidelines. 2020 therefore marked the 20th anniversary of NCPs as non-judicial grievance mechanisms. Several activities were organised on this occasion, such as the Global Forum on RBC, which was partly dedicated to access to remedy and the role of NCPs in this regard, and a Secretariat report highlighting achievements and challenges in delivering this role, and identifying avenues for policy action to strengthen NCPs.

The year 2020 was also marked by the outbreak of the COVID-19 pandemic, which affected businesses and their stakeholders around the world, but also the ability of NCPs to deliver on their mandate. NCPs have shown resilience in adapting to these circumstances, and most of them have put in place remote mechanisms to continue promoting the Guidelines and handle cases.

This report outlines the main activities of NCPs in relation to their mandate, and generally the main developments around NCPs. This report is based essentially on annual reports by NCPs to the OECD Secretariat, and on the OECD database of specific instances.

Section 2 provides an overview of the report on the 20th anniversary of NCPs as non-judicial grievance mechanisms. Section 3 presents the key statistics of specific instances closed and received in 2020 and discusses trends emerging from the numbers. Section 4 presents information on NCP structures and activities, with a focus on promotion and peer-learning, and discusses trends emerging from developments in the past year. Annexes contain an overview of the data reported by NCPs in relation to their institutional arrangements and activities.

⁸ Currently 500 cases are listed on the public OECD specific instance database. The remaining specific instances have not yet been reported to the OECD for inclusion in the database as they were still in progress or recently closed.

1. 20 years of NCPs as non-judicial grievance mechanisms

The year 2020 marked the 20th anniversary of the mandate of NCPs to act as grievance mechanisms under the Guidelines. On this occasion, the Secretariat published a report entitled ‘National Contact Points for Responsible Business Conduct – Providing access to remedy: 20 years and the road ahead.’ The report was informed by extensive consultations with NCPs themselves, delegates to the OECD Working Party on Responsible Business Conduct, stakeholders, academics and RBC experts. It was launched during a public event on 14 December 2020. The report also includes an annex highlighting 20 recent and notable cases handled by NCPs, each time analysing their distinct contribution to remedy.⁹



The report notes that, in the last 20 years, globalised corporate activity had intensified and related developments, such as climate change and global inequalities had accelerated, making RBC and access to remedy more relevant than ever. In that context, the report examines NCP practice over that period and concluded that, as remedy mechanisms, NCPs have been a widely available remedy platform, as cases can be filed with little formalities, at relatively limited cost and without the need of legal help. Numerous types of submitters, from trade unions and civil society organisations, to indigenous communities, individuals and businesses, have used the NCP mechanism. The report also evidences that NCPs have actively facilitated concrete remedies for the persons affected, including through financial or in-kind compensation or changes in companies’ policies and operations. The outcomes of cases handled by NCP have also contributed to shape processes for the development of government policies, and to promote stronger policy coherence for RBC.

The report then analyses challenges that have hampered NCPs’ ability to contribute to remedy. These challenges include lack of visibility and accessibility, but also difficulties in handling and managing cases efficiently. As a result, the resolution of many cases has been delayed or has not led to a positive outcome. Another important challenge is ensuring that parties can engage fairly and safely in the process, particularly in light of reports that in some cases, submitters face undue pressure.

The report concludes that these challenges reflect weaknesses that not only affect the operations of individual NCPs, but also their design as a grievance mechanism. In light of this, NCPs’ important achievements are all the more remarkable. However, to keep pace with today’s challenges and to respond to the increased calls for responsible business conduct, it is critical that adhering governments continue to strengthen their NCPs, and address their operational and structural weaknesses. The report identifies several possibilities to do so. At individual NCP level, possible actions by governments include increasing human and financial resources allocated to NCPs and ensuring that NCP structures are fit for purpose. At the level of the network, possible actions include improving coordination of practices and procedures and better monitoring of NCP effectiveness.

⁹ More information on this milestone is available at <http://mneguidelines.oecd.org/npcs/npcs-at-20/>

2. Specific instances

2.1. Overview of specific instances handled in 2020

In 2020, NCPs closed 38 specific instances and received 54 new specific instances. This is the highest figure for cases received over a single year, the second being 2018 (50). ‘Closed specific instances’ refers both to concluded cases and those that are not accepted for further examination (see Box 2.1). The sections below give an overview of the outcomes of closed specific instances and trends identified for the new ones.

Box 2.1. Terminology for the status of specific instances

Specific instances closed during the year include both specific instances that have been concluded during the year and those that were not accepted during the year.

- Specific instances **concluded** during the year are those that the NCP found to merit further examination after the initial assessment and that have subsequently been closed. For such specific instances the NCP will have offered its “good offices” (e.g. mediation/conciliation) to both parties.
- Specific instances **not accepted** during the year are those that the NCP found not to merit further examination, or cases that have been withdrawn prior to the completion of the initial assessment and that have therefore been closed.
- Specific instances that are **in progress** are those that are not yet closed. These include submissions received by the NCP and under consideration, as well as those accepted by the NCP.

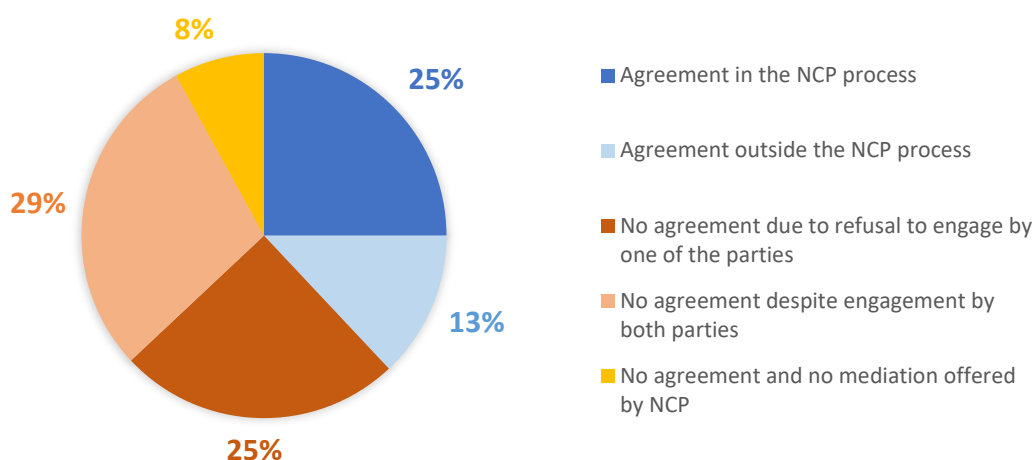
2.1.1. Key outcomes of specific instances

Among the 38 specific instances that were closed in 2020, 29 were already in progress as of 1 January 2020 and nine were submitted during the year. Of the specific instances in progress at the end of 2020, 34 were submitted prior to 2019. Table 2.1 provides an overview of closed specific instances in 2020. Out of the 38 specific instances closed in 2020, 24 were concluded and 14 were not accepted.

Of the 24 concluded specific instances, 13 underwent mediation (54%). In six concluded specific instances mediation was offered but did not take place as one or both parties declined to participate, and in five no mediation was offered by the NCP. In two cases, mediation was not offered because an agreement was reached by the parties during the initial assessment phase, and in three cases, no mediation was offered because the NCP reconsidered the link between the company and the issues after initial assessment.

Six concluded cases resulted in full or partial agreement between the parties within the NCP process and three resulted in full or partial agreement between the parties outside of the NCP process. Agreement between the parties was therefore reached in 38% of all concluded cases (Figure 2.1) and 54% of all cases where mediation occurred, compared to 86% in 2019 and 36% in 2018.

Figure 2.1. Outcomes of specific instances concluded in 2020



Box 2.2. Examples of agreement attained through the NCP mechanism

IUF & AB-InBev: On 2 April 2019, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Worker's Associations (IUF) representing the local union in India (HBLMU), submitted a specific instance to the Belgian NCP, alleging that AB InBev, a Belgian-Brazilian brewing company, had not observed the OECD Guidelines by interfering in trade unions activities, refusing to recognize the HBLMU president as a union representative and engaging into anti-union practices that led to suspensions of unionists and workers. Mediation set up by the Belgian NCP and conducted by a professional mediator initially did not lead to an agreement but the parties resumed their dialogue focusing on the central issue of the dismissal of four employees. The NCP continued to support the process by overseeing a conciliation session lasting several days between the parties. This led to an agreement whereby the company notably provided the workers with a direct remedy by committing to reintegrate the dismissed workers and recognise their role of trade union representatives. The workers representatives, for their part, agreed to cease their protests and local actions.

Teck-Quebrada Blanca Mining Company and Mineworkers Union: On 29 November 2017, the Mineworkers Union n°1 of the Teck-Quebrada Blanca Mining company submitted a specific instance to the Chilean NCP alleging that the company Teck-Quebrada Blanca did not observe the OECD Guidelines during a 2017 collective bargaining agreement due to environmental non-compliance in the company's operations. The issues particularly concerned equal opportunities for the workers, non-discrimination processes, transparency and health and safety in the workplace. The company refuted the claim but nonetheless engaged constructively in the mediation procedure overseen by the NCP, which eventually resulted in an agreement structured in ten points. As part of the agreement, the company notably committed to improve communication with workers in a transparent manner and to hold meetings with trade unions and the human resources department on a monthly basis. The company further agreed to strengthen mechanisms for reporting harassment in the workplace. It also includes follow-up actions by the NCP.

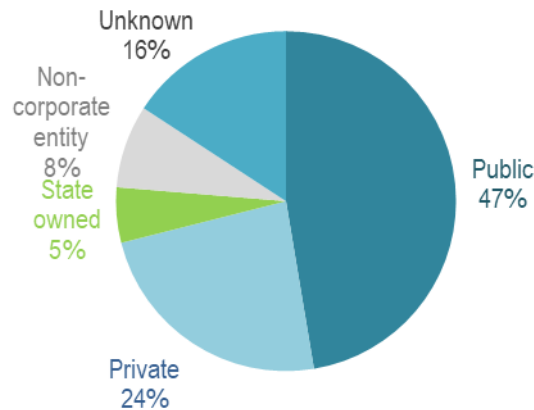
2.1.2. Type of companies involved in specific instances

All 29 specific instances closed in 2020 and for which the size of the company is known involved large enterprises (defined as companies employing over 250 employees).¹⁰ Final statements do not contain sufficient information about the companies involved to determine their size in six specific instances, while in three other specific instances, non-corporate parties were involved (a government-based export credit agency and two trade unions).

Publicly listed entities were involved in 18 (46%) closed specific instances, while privately held companies were involved in nine (23%). Two companies involved in specific instances were state-owned (5%). Information on the ownership of six companies involved in specific instances is unavailable (see Figure 2.2).

Fortune Global 500 companies were involved in eight specific instances (28% of known companies, compared to 47% in 2019).¹¹ The known headquarter locations of companies involved in specific instances cover 16 countries (Table 2.1).

Figure 2.2. Type of companies/organisations involved in specific instances in 2020



¹⁰ The most frequent upper limit designating an SME is 250 employees. See OECD Glossary of Statistical Terms, "Small and Medium Sized Enterprises." <https://stats.oecd.org/glossary/detail.asp?ID=3123>

¹¹ Fortune Global 500 is a list compiled by Fortune magazine ranking the world's 500 largest companies as measured by their gross revenue. <https://fortune.com/global500/2019/methodology/>

Table 2.1. Known headquarter locations of companies/organisations involved in specific instances closed in 2020

Headquarter location of company/organisation	Number of specific instances	Headquarter location of company/organisation	Number of specific instances
United Kingdom	6	France	1
Netherlands	5	Germany	1
Italy	4	Korea	1
United States	3	Luxembourg	1
Finland	2	Morocco	1
Argentina	1	Norway	1
Belgium	1	Turkey	1
Canada	1		
Democratic Republic of the Congo	1		

2.1.3. Final statements

The Procedural Guidance of the Guidelines provides that NCPs will "at the conclusion of the [specific instance] procedures and after consultation with the parties involved, make the results of procedures publicly available [...]"¹². In particular, the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises provides that when the NCP "decides that the issues raised in the specific instance do not merit further consideration, it will make a statement publicly available after consultations with the parties involved"¹³ and "if the parties fail to reach agreement or if the NCP finds that one or more of the parties to the specific instance is unwilling to engage or to participate in good faith the NCP will make recommendations as appropriate in the public statement."¹⁴ Determinations (to indicate that a company has or has not observed the recommendations of the Guidelines) can also be made by NCPs.

Statements constitute an important tool to support the effectiveness of the Guidelines and enhance transparency, accountability and visibility of NCPs. Substantiated decisions, recommendations and determinations by the NCP can help companies and stakeholders better understand the Guidelines and what steps, actions, policy measures they can take to fully observe them. Some NCPs have also shared that, in certain contexts, the prospect of the NCP issuing a determination could be a disincentive for companies to engage with the NCP.

At the time of writing, final statements had been published for 34 of the 38 (89%) specific instances that were closed in 2020. This is a decrease compared to 2019, when final statements had been published for 97% of closed cases.

Seventeen of the 21 final statements published for concluded cases include recommendations (81%), representing an increase over 2019, when only 67% of final statements contained recommendations.¹⁵ Recommendations were primarily issued in

¹² Decision on the Guidelines, Procedural Guidance, I. C (3).

¹³ Para 32.

¹⁴ Para 35.

¹⁵ Recommendations were issued by the NCPs of Brazil, Canada, Chile, France, Germany, Hungary, Italy, Korea, Morocco, Netherlands, Norway, United Kingdom

cases where parties have not been able to engage or reach agreement (14). Examples of recommendations are available in Box 2.3.

Box 2.3. Examples of recommendations in NCP final statements

Imperial Metals Corporation and SEACC: On 23 December 2016, the Southeast Alaska Conservation Council (SEACC) submitted a specific instance to the Canadian NCP alleging that Imperials Metals Corporation had failed to disclose and conduct human rights and environmental due diligence with respect to the impacts of their mining operations on Alaskan ecosystems and fisheries. The mediation organised by the Canadian NCP did not result in an agreement, prompting the NCP to make several specific recommendations, including to put in place a stakeholder consultation strategy drawing upon the OECD Due Diligence for Meaningful Stakeholder Engagement in the Extractive Sector that identifies communities potentially affected by its activities and ensures those communities are adequately consulted and informed.

Adidas and Südwind: On 19 March 2018, NGOs Südwind Institute, Sedane Labour Resource Centre and Clean Clothes Campaign, submitted a specific instance to the German NCP alleging that Adidas had failed to adequately use its leverage in relation to alleged anti-union behaviour, layoffs, and wage matters at a subcontractor factory in Indonesia. The mediation organised by the German NCP did result in a mutually accepted understanding regarding the wage issue, but not the right to work and freedom of association issue, prompting the NCP to recommend that the company reviews its reporting and complaint channels in this context and that the submitters contribute to this. More specifically, the NCP encouraged the company to assess possible obstacles for whistle-blowers to come forward.

EDF / EDF Renewables and Prodesc / Union Hidalgo Agrarian and Indigenous Sub-Community: On 12 February 2018, a group of NGOs based in Mexico submitted a specific instance in relation to plans for a windfarm project by EDF Energies Nouvelles, a subsidiary of EDF in charge of renewable energy, located in an area of Mexico where agrarian as well as indigenous communities are present. The specific instance raises issues related to respect of local law, due diligence, human rights and disclosure with regard to indigenous people rights. The submitters withdrew their participation during the mediation phase, prompting the NCP to make three specific recommendations to the companies:

- Adapt their policy of engagement with stakeholders, in particular with regard to indigenous peoples and communities potentially affected by its different projects, and with regard to social and cultural interests, by reference to the OECD Due Diligence Guidance for Responsible Business Conduct
- Establish an RBC committee composed of external stakeholders and the designate a person responsible to manage relations with these external stakeholders.
- When projects raise land-tenure issues linked with indigenous peoples, consult with various stakeholders, including in relation to the project at hand.

A determination that the company did not observe the Guidelines was included in one final statement (Box 2.4) and a determination that the company did observe the Guidelines was included in one final statement.¹⁶

Box 2.4. Example of determination made by an NCP

Shell Petroleum Development Company of Nigeria Limited (SPDC), Royal Dutch Shell (RDS) and Obelle Concern Citizens (OCC): On 29 January 2018, Obelle Concern Citizens (OCC), an indigenous people’s group in Nigeria, submitted a specific instance to the Dutch NCP concerning the links of Shell Petroleum Development Company of Nigeria Limited (SPDC), a subsidiary of Royal Dutch Shell (RDS), with the impacts of a gas fire eruption in 1998 on farmland and the environment. OCC had initially been advised to use SPDC’s operational-level grievance mechanism (OLGM), but no agreement could be reached. This led the Dutch NCP to offer its good offices, which the company declined. The NCP then proceeded to examine the case, and determined that SPDC had “failed to demonstrate that its grievance mechanism functions in a manner that can be considered to be consistent with the OECD Guidelines and the UNGPs.” As a result, the NCP recommended that SPDC provide more transparency regarding its grievance mechanism, and that RDS use its leverage to ensure that SPDC develop its grievance mechanism in a way that complies with the OECD Guidelines and UNGPs.

2.1.4. Follow-up

Following up on recommendations in final statements can be a valuable exercise in ensuring agreements reached through specific instance proceedings are implemented and in tracking whether recommendations are being implemented. Follow up was identified as good practice by NCPs in a ‘Guide for NCPs on follow up to specific instances’, published in 2020.¹⁷

In 2020, the final statements in 14 of the 24 concluded cases (58%) included plans to follow up on the outcomes of the case (agreement and/or recommendations), representing a decrease over 2019 (67%). Additionally, in 2020, the NCPs of Australia, Brazil, Chile, France, Germany, Italy, the Netherlands, Poland and Switzerland issued follow-up statements relating to 13 specific instances. For several cases, follow up allowed to achieve new positive results or to evidence the concrete impacts of the outcomes secured as a result of the NCP’s intervention (see Box 2.5).

¹⁶ Determinations were issued by the NCPs of the Netherlands and Finland.

¹⁷ OECD (2019), *Guide for National Contact Points on Follow Up to Specific Instances*, OECD Guidelines for Multinational Enterprises.

Box 2.5. Examples of positive developments evidenced by follow-up

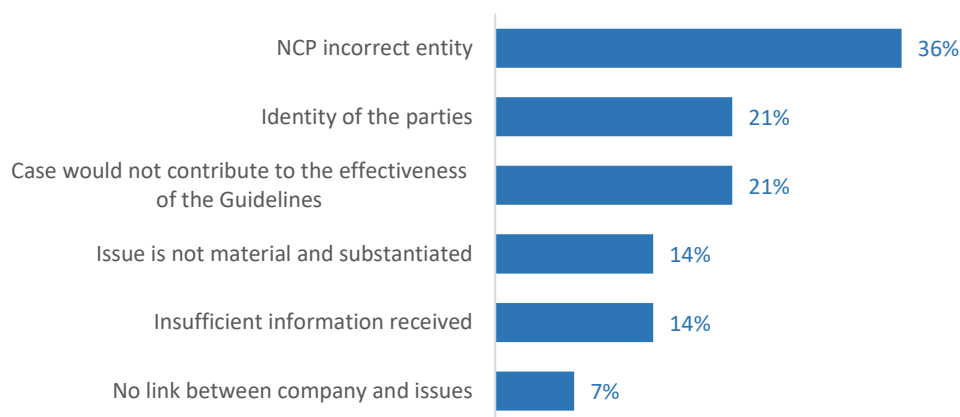
ANZ Banking Group, and Inclusive Development International and Equitable Cambodia: In June 2018, in the absence of an agreement following mediation in this specific instance, the Australian NCP had made recommendations to ANZ Banking Group in relation to its provision of a loan for a sugar plantation and refinery project in Cambodia, which was alleged to have forcibly displaced the families and dispossessed them of their land and productive resources. Civil society actors on the ground continued to raise the issue of compensation and provided essential support to the NCP to facilitate this during the follow up phase. As a result, during the follow up conducted by the NCP in 2020, the parties engaged constructively again and reached an agreement whereby the bank recognised the continuing hardships faced by the affected communities, and agreed to pay them profit it earned from the loan. This is the first example of an NCP case leading to compensation by a bank towards harms associated with the activities of one of its clients.

Grupa OLX and Frank Bold Foundation: In 2019, the Polish NCP had fostered an agreement whereby Grupa OLX, an internet service company, committed to remove from its online sales platform advertisements for environmentally harmful products. The follow up conducted by the Polish NCP in 2020 showed that the company had removed 16,629 advertisements for furnaces advertised to burn processed oil a harmful product. In the case of 6,656 additional advertisements, the company had informed its users that their content did not comply with their advertising expectations, and advertisements that were not subsequently corrected were removed by the company.

2.1.5. *Specific instances not accepted for further examination*

As noted above, 14 specific instances (37%) closed in 2020 were not accepted for further examination. This represents the second consecutive yearly decrease in the non-acceptance rate (in 2019, this rate had decreased from 50% to 46%), which is now below the average non-acceptance rate since 2000 (39%).

The main reason for not accepting specific instances in 2020 was that the NCP considered that it was not the correct entity to handle the case. This reason was raised in 5 specific instances (36%). The identity of the parties was also an issue in a number of cases, as three specific instances involved entities that were not considered as covered by the Guidelines (Figure 2.3).

Figure 2.3. Reasons for non-acceptance of specific instances in 2020**Box 2.6. Cases involving entities not covered by the Guidelines**

UK Export Finance (UKEF) and Global Witness: On 16 March 2020, the NGO Global Witness submitted a specific instance to the UK NCP alleging that the UK's export credit agency, UKEF, had not observed the Guidelines by failing to support the 2015 Paris Agreement climate objectives. The UK NCP did not accept the case, as it considered that UKEF was not an entity covered by the Guidelines, as it does not strictly engage in commercial activity but provides financial products that are not otherwise available on the private market, and does not have a corporate legal personality, but rather exists as a government department.

(K)SBSI & ITUC and ACV: On 6 and 8 May 2020, an individual, declaring to act as the chair of an Indonesian trade union called (K)SBSI, submitted two specific instances to the Belgian NCP alleging that the International Trade Union Confederation (ITUC), on the one hand and Algemeen Christelijk Vakverbond - Confédération des syndicats chrétiens (ACV-CSC), a Belgian trade union, on the other hand, had not observed the Guidelines in relation to issues of copyright infringement and a dispute about the ownership of (K)SBSI. The Belgian NCP did not accept the case as it considered that these trade unions did not have any commercial purpose or activity, and therefore did not fall under the scope of the Guidelines.

2.1.6. Duration of procedures

The Commentary to the Procedural Guidance provides an indicative timeframe of three months for completing the initial assessment.¹⁸ Of the specific instances closed in 2020 for which the date of the initial assessment is known, the statement was published within three months in only six cases (16%). In 16 specific instances (42%) the initial assessment took between 3-6 months. In seven specific instances (18%) it exceeded one year.

¹⁸ Para. 40.

The Commentary to the Procedural Guidance provides that “as a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country.”¹⁹ In 2020, only two specific instances were concluded within a year (13%). In 21 specific instances (91%), proceedings lasted for over a year, and in 12 of these cases (31 %) they lasted more than two years.

The timely handling of cases was flagged as a challenge for NCPs in the Report on the 20th anniversary of NCPs. Causes identified were the complexity of cases and the availabilities of the parties, but also issues internal to NCPs such as a lack of human resources or lengthy coordination processes when several NCPs are involved in cases. In 2020, whereas the average duration of initial assessment phases is consistent with previous years, the average duration of the good offices and conclusion phases has significantly increased. One of the explanatory factors for these additional delays may be the COVID-19 pandemic (see Box 2.7).

Box 2.7. Impacts of the COVID-19 crisis on the handling of specific instances

As noted in the Report on the 20th anniversary of NCPs (see section 1), the COVID-19 crisis stretched NCPs’ resources and their ability to conduct promotion and handle cases in a timely manner. As a result, many NCPs had to inform current and future parties that their cases would be delayed. Due to lack of resources, some NCPs were forced to close temporarily while others reported a decrease in human and financial resources.

Most NCPs were however able to adjust progressively to the situation and continue to deliver their mandate while working remotely. NCPs notably had to rethink the modalities for holding mediation sessions to take account of the global travel bans and meeting restrictions while still addressing issues on a global scale (a strength of NCPs highlighted by the Report on the 20th anniversary of NCPs). An example of this approach can be found in the case **International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Worker’s Associations (IUF) & AB-InBev**, in which the Belgian NCP and its professional mediator organised several online mediation sessions. This required to amend the terms of reference of the mediation, in particular as regards guarantees of confidentiality, but also to adopt new strategies to maximise the involvement of the numerous participants in an online environment.

2.1.7. Summary of closed specific instances

An overview of all closed specific instances including the leading NCP, host countries, duration and final outcomes is available in Table 2.2 below.

¹⁹ Para. 41.

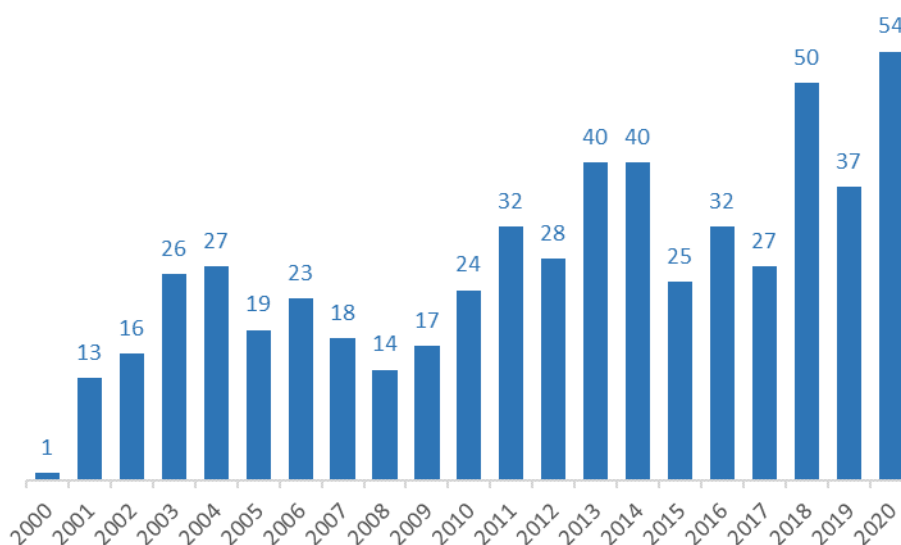
Table 2.2. Status of closed specific instances in 2020

	Specific instance	Lead NCP	Host country(ies)	Year submitted-closed	Status
1	VEON and UNI Global Union in Bangladesh	Netherlands	Bangladesh	2016-2020	Concluded without agreement between the parties.
2	Imperial Metals Corporation and the Southeast Alaskan Conservation Council	Canada	Canada	2016-2020	Concluded without agreement between the parties.
3	PricewaterhouseCoopers Global Network (PwC) and UK Lawyers for Israel (UKLFI)	United Kingdom	Palestinian Administered Areas	2017-2020	Concluded without agreement between the parties.
4	Sitraterium Guatemala/IndustriAll Union and Ternium Guatemala & Ternium Luxembourg SA	Luxembourg	Guatemala	2017-2020	Concluded with agreement between the parties.
5	Teck-Quebrada Blanca Mining Company and Mineworkers Union	Chile	Chile	2017-2020	Concluded with agreement between the parties
6	Shell Petroleum Development Company of Nigeria Limited (SPDC), Royal Dutch Shell (RDS) and Obelle Concern Citizens (OCC)	Netherlands	Nigeria	2018-2020	Concluded without agreement between the parties.
7	EDF / EDF Energies Nouvelles and Prodesc / Union Hidalgo Agrarian and Indigenous Sub-Community	France	Mexico	2018-2020	Concluded without agreement between the parties.
8	Ali Enterprises Factory Fire Affectees Association (AEFFAA) and other associations & RINA Services S.p.A	Italy	Pakistan	2018-2020	Concluded without agreement between the parties.
9	DNO ASA, and Industri Energi and the Coordination Council of DNO Yemen	Norway	Yemen	2018-2020	Concluded without agreement between the parties.
10	Telefónica de Argentina S.A. and Telecom Argentina S.A., and Liliana Zabala and Enrique Fernández Sáenz	Argentina	Argentina	2018-2020	Concluded without agreement between the parties.
11	Bralima, Heineken N.V., and Kajangu	Netherlands	Democratic Republic of the Congo	2018-2020	Not accepted for further examination.
12	Trade union and a communication company operating in Colombia	Colombia	Colombia	2018-2020	Not accepted for further examination.
13	CDT and Aptiv	Morocco	Morocco	2018-2020	Concluded without agreement between the parties.
14	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Worker's Associations (IUF) & AB-InBev	Belgium	India	2019-2020	Concluded with agreement between the parties.
15	Unilever and Trade Union N°1, Chilean Trade Union Confederation (CUT)	Chile	Chile	2019-2020	Concluded with agreement between the parties.
16	Individual and Royal Air Maroc	Morocco	Morocco	2019-2020	Concluded with agreement between the parties.
17	SK Engineering & Construction and Korean Civil Society Task Force Team	Republic of South Korea	Lao People's Democratic Republic	2019-2020	Concluded without agreement between the parties.
18	Two individuals and Nokia Corp	Finland	Argentina	2019-2020	Concluded without agreement between the parties.
19	Perfetti van Melle and IUF	Netherlands	Bangladesh	2019-2020	Concluded with agreement between the parties.
20	Vakifbank and Edgeworth-Cristalia	Turkey	Turkey	2019-2020	Not accepted for further examination
21	BP and ClientEarth	United Kingdom	United Kingdom	2019-2020	Not accepted for further examination

	Specific instance	Lead NCP	Host country(ies)	Year submitted-closed	Status
22	Adidas and Südwind	Germany	Indonesia	2018-2020	Concluded with partial agreement between the parties
23	Former employees, and Bralima and Heineken N.V.	Netherlands	Democratic Republic of the Congo	2019-2020	Not accepted for further examination
24	UK Export Finance (UKEF) and Global Witness	United Kingdom	United Kingdom	2020-2020	Not accepted for further examination
25	Trade Union and a subsidiary of an MNE	Hungary	Hungary	2019-2020	Concluded without agreement between the parties
26	Subsidiary of an MNE and two individuals	Hungary	Hungary	2020-2020	Not accepted for further examination
27	A financial and insurance company and an individual	Colombia	Colombia	2020-2020	Not accepted for further examination
28	(K)SBSI & ITUC and ACV	Belgium	Indonesia	2020-2020	Not accepted for further examination
29	Individual from Iraq and Kone Oyj	Finland	Iraq	2020-2020	Not accepted for further examination
30	Conectas and ADERE-MG & Illy	Brazil	Brazil	2018-2020	Concluded without agreement between the parties
31	Conectas and ADERE-MG & Starbucks	Brazil	Brazil	2018-2020	Concluded without agreement between the parties
32	Magna Pax Law Partners (MPLP) and ENI International S.p.A	Italy	Nigeria	2020-2020	Concluded with agreement between the parties.
33	PHARMAKINA SA	Italy	Democratic Republic of the Congo	2020-2020	Not accepted for further examination
34	National Board of Indonesia Prosperity Trade Union and CNV (Union)	Netherlands	Indonesia	2020-2020	Not accepted for further examination
35	17 NGOs and civic initiatives & Ascent Resources plc. (Petišovci case)	Slovenia	Slovenia	2019-2020	Not accepted for further examination
36	Postalis, Syndicate and FINDECT & Multinational company	Brazil	Brazil	2017-2020	Not accepted for further examination
37	IUF & Cargill	United States	Turkey	2018-2020	Concluded without agreement between the parties.
38	Van Oord Marine Operations Services, and Forum Suape Environmental Association, Conectas Human Rights, Fishermen colony of the city of Cabo de Santo Agostinho, and Both ENDS (Dutch NGO)	Brazil	Brazil	2015-2020	Concluded with agreement between the parties.

2.2. Trends of new specific instances

A total of 54 new specific instances were submitted to NCPs in 2020 compared to 37 in 2019. This represents an increase in submissions based on historical rates since 2000, making 2020 the year with the highest number of new cases(see Figure 2.4.).

Figure 2.4. Number of specific instances submitted annually 2000-2020

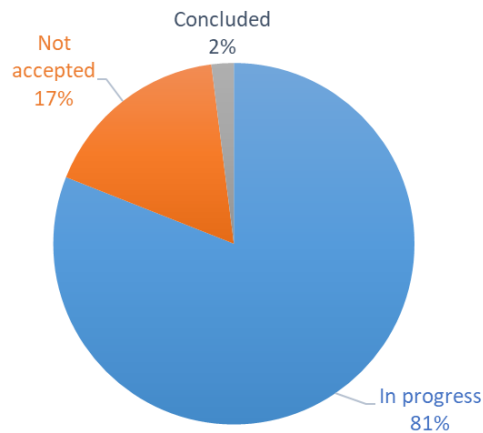
In 2020, 22 NCPs received specific instance submissions, representing 45% of all NCPs (Table 2.3). This is in line with the 2019 levels, but a decrease compared to 2018 when 24 NCPs (49%) received new submissions. No NCP received its first case in 2020.

Table 2.3. Number of specific instances received by NCPs in 2020

National Contact Point	Number of specific instances	National Contact Point	Number of specific instances
Chile	7	United Kingdom	2
Brazil	5	United States	2
France	5	Belgium	1
Netherlands	5	Colombia	1
Korea	4	Finland	1
Australia	3	Hungary	1
Germany	3	Israel	1
Switzerland	3	Ireland	1
Canada	2	Norway	1
Italy	2	Peru	1
Poland	2	Turkey	1

At the end of 2020, the status of the 54 specific instances submitted that year was the following: 44 were in progress, 9 have not been accepted for further examination, and one was concluded as the parties had reached an agreement outside the NCP process during the initial assessment phase (see Figure 2.5).

Figure 2.5. Status of specific instances submitted in 2020



The Commentary to the Procedural Guidance provides that the NCP of the host country should consult with the NCP of the home country in its efforts to assist the parties in resolving the issues.²⁰ It also provides that when issues arise from an enterprise's activity that takes place in several Adherent countries or from the activity of a group of enterprises organised as a consortium, joint venture or similar form, based in different Adherent countries, the lead NCP should consult with other NCPs.²¹ 19 specific instances submitted in 2020 (35%) are or were handled with the help of supporting NCPs.

2.2.1. Specific instances by industry sectors

The most prevalent sectors referenced in specific instances submitted in 2020 were mining and quarrying (24% with 13 submissions), electricity and gas (15% with eight submissions), financial and insurance activities (13% with seven submissions), and accommodation and food services (11% with six submissions), followed by, manufacturing (9% with five cases), and construction, agriculture, forestry and fishing, and other service activities (8% with four submissions each). The high rate of submissions from the extractives and financial sectors reflect recent trends (See Figure 2.6.)

²⁰ Para 23.

²¹ Para 24.

Box 2.8. Issues related to the mining sector: the example of tailings dams in Brazil

Impacts resulting from tailings dam collapses are a recurring issue in the mining sector. The Brazilian NCP has sought to provide access to remedy to those affected by these impacts in several cases. In 2019, in the case of **Vale and BHP Billiton and SITICOP, CNQ-CUT, BWI, and IndustriALL** in which the submitters claimed compensation for the families of the victims of the November 2015 Fundão dam collapse, the Brazilian NCP had made several recommendations to the companies, focused on the need to carry out and increase resources for due diligence in relation to tailings dams.

In 2020, two more cases linked to the Brumadinho dam collapse of January 2019, **Vale S.A., and Mr. Carlos Cleber Guimarães Júnior and Ms. Carla de Laci França Guimarães and Vale S.A. and Multiple Individuals**, focusing on the economic repercussions of the catastrophe on local populations. The Brazilian NCP accepted both cases for further examination in April 2020.

Figure 2.6. Specific instances submitted in 2020 by industry sector



2.2.2. Chapters of the Guidelines cited in specific instances

The chapters on Human Rights and General Policies (which includes recommendations on due diligence) were the most frequently referenced chapters, with respectively 39 (72%) and 31 (57%) of the specific instances submitted, followed by the chapters on Environment, and on Disclosure. The Human Rights chapter has been the chapter most often referenced in specific instances since its introduction in the 2011 update of the Guidelines (see Figure 2.7).

As highlighted in the Secretariat’s policy note on COVID-19 and responsible business conduct,²² the COVID-19 crisis has the potential to create or exacerbate the entire range of issues covered by the Guidelines. Workers were identified in the note as particularly at risk, whether in companies’ own operations or throughout supply chains. As a result, an RBC approach to crisis management is required of companies, not only to mitigate these impacts, but also to build resilience and enhance recovery and future preparedness. Remedy mechanisms will be crucial to ensure that this is the case. In 2020 one case explicitly addressing COVID-19-related issues in the workplace was submitted (see Box 2.9).

Box 2.9. Case addressing COVID-19-related issues in the workplace

Teleperformance and UNI Global Union: On 17 April 2020, UNI Global Union, an international labour union together with four of its French affiliates, submitted a specific instance to the French NCP alleging that Teleperformance did not observe the Guidelines in ten countries where it operates call-centres. The submitters pointed to impacts related workers’ rights to health and safety at the workplace, freedom of association, collective bargaining, and to failures to conduct appropriate due diligence, in the context of COVID-19 pandemic. On 3 July 2020, the French NCP, in coordination with seven other NCPs, accepted the case and offered its good offices to the parties, who accepted. In its statement, the French NCP notes the importance and urgency of the issues related to the prevention and management of COVID-19.

Figure 2.7. Specific instances by Guidelines chapter in 2020



2.2.3. Host countries

Specific instances submitted in 2020 dealt with issues involving companies in 30 different host countries. 25 (46%) of the specific instances submitted in 2020 address issues arising

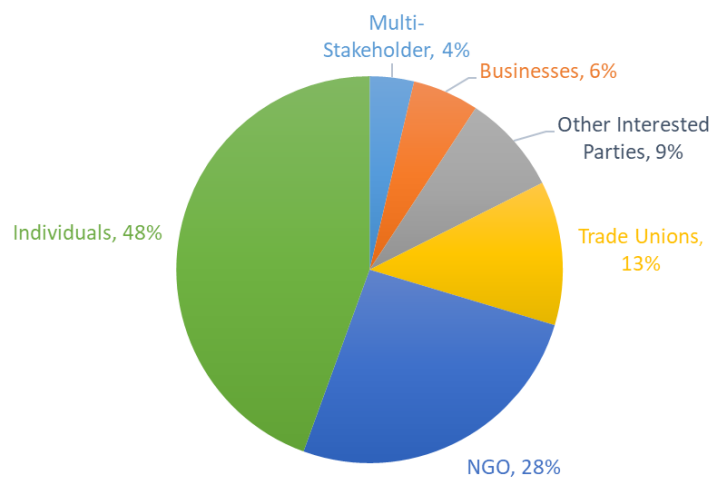
²² OECD (2020), *COVID-19 and Responsible Business Conduct*, <http://www.oecd.org/coronavirus/policy-responses/covid-19-and-responsible-business-conduct-02150b06/>.

in at least one of the 49 Adherent countries and 16 (30%) address issues arising in non-adherent countries. One specific instance addresses issues arising in 10 countries, including seven adherents. The location of the issues was not known for 13 specific instances. In total, since the year 2000 NCPs have handled specific instances involving issues arising in over 100 countries and territories.

2.2.4. Submitters of specific instances

Individuals and NGOs were the primary submitters accounting for 26 (48%) and 15 (28%) submissions respectively, followed by trade unions (13%) (Figure 2.8). Three submissions were also filed by companies or business associations. The share of individual submissions is higher in contrast to previous years, when NGOs and trade unions usually were the main submitters, although the share of individual submitters had been progressively gaining in importance.

Figure 2.8. Submitters of specific instances in 2020



3. NCP structures and activities

3.1. Structures and locations

As established by the Decision on the Guidelines, while Adherent governments have flexibility in how to structure their NCP, they are under an obligation to make available human and financial resources to their National Contact Points so that they can effectively fulfil their responsibilities.²³ Key among these responsibilities is:

- seeking the active support of social partners;
- dealing with the broad range of issues covered by the Guidelines;
- operating in an impartial manner; and
- developing and maintaining relations with stakeholders.²⁴

Governments are also expected to ensure that their NCP can operate in accordance with the core criteria of visibility, accessibility, transparency and accountability.²⁵ When handling specific instances, NCPs should also observe the principles of impartiality, predictability, equitability and compatibility with the Guidelines.²⁶

3.1.1. Overview of NCP structures

In 2020, NCPs reported being set up according to the following types of structure:²⁷

- **Single agency NCP:** The NCP is composed of one individual in a single ministry, or by a group of individuals belonging to the same service in the same ministry.
 - In 2020, there were 19 single agency NCPs: Argentina, Austria, Chile, Colombia, Estonia, Greece, Iceland, Ireland, Israel, Italy, Luxembourg, Mexico, New Zealand, Peru, Poland, Turkey, Ukraine, the United Kingdom, and the United States.
- **Inter-agency NCP:** The NCP is composed of a group of representatives from several ministries or government agencies.
 - In 2020, there were 12 inter-agency NCPs: Brazil, Canada, Costa Rica, Germany, Hungary, Japan, Morocco, Portugal, Romania, Slovenia, Spain, and Switzerland.

²³ Decision on the Guidelines, I (4).

²⁴ See Decision on the Guidelines, Procedural Guidance, I. A.

²⁵ Decision on the Guidelines, Procedural Guidance, I.

²⁶ Decision on the Guidelines, Procedural Guidance. Section C.

²⁷ These categories are based on OECD (2018), Structures and Procedures of National Contact Points for the OECD Guidelines for Multinational Enterprises, <https://mneguidelines.oecd.org/Structures-and-procedures-of-NCPs-for-the-OECD-guidelines-for-multinational-enterprises.pdf>. This report maps how Governments have set up their NCPs and how the mechanisms operate and make decisions in relation to their mandates.

- **Multipartite NCP:** The NCP is composed of a group of government officials and stakeholder representatives.
 - In 2020, there were ten multipartite NCPs. Five were tripartite, i.e. they include representatives of government, business and trade unions (Belgium, France, Latvia, Sweden and Tunisia). Five were quadripartite, including representatives of civil society organisations (Croatia, Czech Republic, Finland, Kazakhstan and the Slovak Republic).
- **Expert-based NCPs:** The NCP is composed of experts who are appointed by, but external to, the government. These NCPs are generally set up as entities independent of the government, although they are dependent upon the government for funding. Experts may be required to act in a personal capacity and not to represent particular interests or on the contrary may represent the views of the organisations that nominated them.
 - In 2020, there were four expert-based NCPs: Norway, Denmark, Lithuania and the Netherlands.

In addition, the NCPs of Australia and Korea were set up under a hybrid structure composed of elements derived from different models above, namely single-agency and expert-based (Australia), or inter-agency and expert-based (Korea). No data is available for Egypt and Jordan.

In 2020, the Croatia NCP reported for the first time, as the newest member of the NCP Network. An overview of the Croatian NCP's structure is in Box 3.1.

Box 3.1. Structure of the Croatian NCP

Established by a Decision of the Government of Croatia in May 2019 and reporting to the OECD for the first time in 2020, the Croatian NCP is a multi-partite structure, composed of two bodies: the Secretariat and the External Body.



The Secretariat of the National Contact Point is responsible for coordinating all activities of the National Contact Point, providing administrative support to the work of the External Body, drawing up an annual report on the activities of the National Contact Point to be submitted to the OECD Investment Committee and participating in annual meetings of the OECD Working Group on Responsible Business. The Secretariat of the National Contact Point is made up of one official of the Ministry of Foreign and European Affairs and one official of the Ministry of Economy and Sustainable Development.

The External Body consists of one representative from:

- Ministry of Foreign and European Affairs
- Ministry of Economy and Sustainable Development
- Ministry of Labour, Pension System, Family and Social Policy
- Croatian Chamber of Economy
- Croatian Employers' Association
- Croatian Business Council for Sustainable Development
- Autonomous Trade Unions of Croatia
- Independent Union of Research and Higher Education Employees of Croatia
- A non-governmental organisation dealing with human rights protection
- A non-governmental organisation dealing with environmental protection

The External Body is tasked with assisting parties in resolving issues related to the application of the Guidelines in special cases as well as for other activities regarding promotion and implementation of the Guidelines in coordination with the Secretariat.

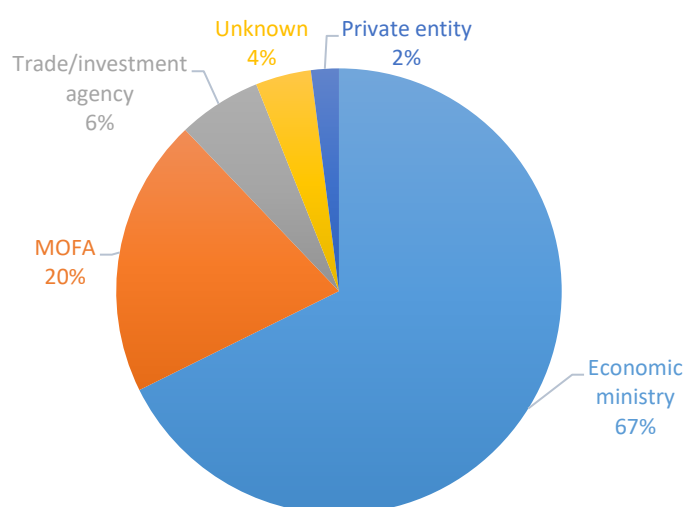
Each Adherent can also decide on the location of its NCP, bearing in mind the core criteria for functional equivalence. This location is either that of the NCP itself (for single-agency NCPs) or, for NCPs that are set up as committees meeting intermittently (inter-agency, multipartite, expert-based), the location of their permanent office or Secretariat handling the daily management of NCP affairs (receiving inquiries and specific instances, organising or participating to promotional events, preparing NCP decisions, etc.). In 2020, no NCPs reported a change in their location or structure (Figure 3.1):

- Thirty-three NCPs were located in Ministries with an economic portfolio (i.e. Ministries of Economy, Trade, Industry, Investment, Business, etc.);
- Ten NCPs were located in Ministries of Foreign Affairs; and
- Three NCPs were located in Investment Promotion Agencies.

In addition, the Secretariat of the NCP of Korea is located in a private entity, the Korea Commercial Arbitration Board. No data is available for Egypt and Jordan.

The location of NCPs was identified in the Report on the 20th anniversary of NCPs as an important factor conditioning the perception of impartiality of NCPs by stakeholders. The report notably points out the need for governments to clearly provide for measures to avoid that personal or organisational links between the NCP and its members on the one hand, and other potentially conflicting portfolios or interests on the other hand, lead to a perceived lack of impartiality.²⁸

Figure 3.1. Location of NCPs



Note: Data for 2020 does not include Egypt or Jordan
Source: 2020 NCP Annual Reporting Questionnaire

3.1.2. Rules of procedure for the handling of specific instances

Having clear rules of procedure is an important way to ensure a predictable process to resolve cases and to build trust among stakeholders. NCPs have made important progress

²⁸ See p. 38.

in this regard over the years. In 2020, 42 NCPs had rules of procedure available online, compared to 39 in 2019, with Kazakhstan, New Zealand and Portugal making their rules of procedure available online in 2019. Moreover, nine NCPs modified their rules of procedure (Argentina, Austria, Belgium, Brazil, Finland, Greece, Japan, Morocco and Portugal). Amongst the different updates to the rules, NCPs noted issues such as initial assessment, follow up, impartiality and preventing conflicts of interest. These updates support ongoing efforts by many NCPs to ensure a more consistent approach to case-handling across the NCP network, a challenge that was highlighted by the Report on the 20th anniversary of NCPs.

3.1.3. Reporting

As part of the core criteria for functional equivalence, NCPs are required to be accountable. Under the Procedural Guidance, NCPs must report annually to the OECD Investment Committee²⁹ and may communicate on a regular basis to Government and/or Parliament. Such reporting can be an important means to raise the internal profile of NCPs within their Governments and to ensure that budgetary challenges that the NCPs may face can be addressed. In 2020:

- Thirty-three NCPs reported on their activities to their Government, and 13 reported to Parliament.³⁰
- All except two NCPs (Jordan and Egypt) reported on their activities in 2020 to the OECD. This was also the case for Jordan in 2019.

3.1.4. Meeting attendance

NCPs are required to meet regularly to share experience, in particular by attending the two annual meetings of the NCP Network at the OECD.³¹

As noted above, the COVID-19 pandemic affected NCPs by reducing human and financial resources, but also by limiting their ability to travel to meetings. In recognition of the situation, both NCP meetings of 2020 were organised fully virtually. In 2020, a total of 45 NCPs attended the meeting of the NCP Network in June and 42 attended in November. Four NCP (Egypt, Jordan, the Slovak Republic and Slovenia) did not attend either of the two NCP meetings in 2020, compared to one in 2019 (Jordan).

3.1.5. Stakeholders as part of the institutional arrangements

Stakeholders can be formally integrated into the institutional arrangements of the NCP, for example as members of the NCP or on the NCPs' advisory or oversight bodies. Including key stakeholders – such as workers' organisations, civil society organisations and the business community – as part of the NCP's institutional arrangement can serve to enhance the expertise available to the NCP and may render it easier to maintain relations with stakeholders, to seek their support, and ultimately to gain and retain their confidence.

To promote impartiality of the NCPs, the Commentary to the Procedural Guidance recommends that NCPs establish multi-stakeholder advisory and/or oversight bodies.³²

²⁹ Decision on the Guidelines, Procedural Guidance, Section I.D.1.

³⁰ More detailed data is available in Annexe 1.A.

³¹ Decision on the Guidelines, para. 3.

³² Para. 11.

While these do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances, they can provide important advice to the NCP on a range of issues, including general strategy of the NCP, promotional plan, stakeholder engagement, general guidance on handling specific instances (e.g. advice on rules of procedure, updates on cases received and concluded, etc.).

In 2020, 22 NCPs had an advisory body (compared to 21 in 2019, Croatia having been added to this number). During 2020, some NCPs, such as Greece, also started the process of setting up an Advisory Body, which will be finalised in 2021. This continues to show that NCPs are increasingly including stakeholders in their structure, and thereby creating opportunities for strengthening engagement and building confidence with stakeholders. Five of these advisory bodies also provided oversight to the NCP (Australia, Austria, Chile, Switzerland and the United Kingdom).³³

3.1.6. NCP resources

As established by the Decision on the Guidelines, adhering Governments must ensure that their NCP has the human and financial resources to effectively promote the Guidelines and handle the broad range of specific instances that it may receive. In June 2017, the OECD Ministerial Council Statement, entitled “Making globalisation work: better lives for all” committed to “having fully functioning and adequately resourced National Contact Points”.³⁴ In 2019, the Ministerial Council discussed a Progress Report on National Contact Points for Responsible Business Conduct that presented key facts and figures, as well as recommendations, in relation to that commitment. In 2020, the Report on the 20th anniversary of NCPs also identified appropriate human resources, in terms of numbers, expertise and seniority, as a key factor for the effectiveness of NCPs.³⁵

In 2020:

- Eleven NCPs reported having both full-time and part-time staff (compared to 17 in 2019)
- Eight NCPs reported having full-time staff only (compared to seven in 2019)
- Twenty-five NCPs reporting having part-time staff only (compared to 21 in 2019)³⁶

Taken together, in 2020 the share of absolute staff resources throughout the network decreased (166 in 2019 to 146 in 2020). Furthermore, frequent turnover of staff continues to present a challenge to NCPs in terms of ensuring institutional memory and handling ongoing specific instances. In 2020, 51% of NCPs reported staff changes (in 2019, 55% reported staff changes)³⁷. In particular, in 2020:

- 21 NCPs reported that a total of 41 new staff members had joined

³³ More detailed data is available in Annexe 1.A.

³⁴ See <http://www.oecd.org/mcm/documents/2017-ministerial-council-statement.htm>

³⁵ See p. 37.

³⁶ More detailed data is available in Annexe 1.A.

³⁷ Note: the data is based on count for 47 NCPs for both 2020 and 2019. For 2020, the count includes Croatia (reporting for the first time) but not Egypt or Jordan. For 2019, the count includes Egypt but not Croatia or Jordan.

- 22 NCPs reported that a total of 43 staff members had left

With regards financial resources:

- Twenty NCPs had access to a dedicated budget for their activities.
- Six NCPs reported that the financial resources available to them were not sufficient to conduct promotional activities (as compared to 11 NCPs in 2019; this could in part be explained due to the lower costs of promotion given the shift to online events to adjust to the conditions of the COVID-19 pandemic).
- Four NCPs reported that resources available were not sufficient to handle cases in a timely and effective manner (compared to one in 2019). Among those NCPs, three did have open cases in 2020.
- Forty-seven NCPs noted that funds were available to them for attending NCP meetings at the OECD.

As noted in the Report on the 20th anniversary of NCPs (see above, section 1), as well as the Progress Report on National Contact Points for Responsible Business Conduct delivered to the OECD Ministerial Council in 2019, insufficient human and financial resources continues to be a major concern for NCPs.³⁸ The lack of full-time staff, and the fact that many NCP officials have other duties and only devote a portion of their time to NCP work, was highlighted in the reports as an issue. Even though working on other RBC-relevant issues alongside NCP duties may be beneficial in terms of policy coherence, this may also limit the official's ability to actively promote the Guidelines and the NCP, or to handle cases in a timely and efficient manner as mandated by the Guidelines, particularly as case complexity is only set to increase. This also comes at a time when NCPs report facing increasing demands from various sources as the RBC agenda develops across government and society. Responding to these developments with equivalent or diminishing levels of staff also challenges the ability of NCPs to deliver on their more regular activities, such as promotion and the handling of specific instances. As a result, both reports recommended that governments ensure that NCPs have the necessary financial and human resources to carry out their mandates, particularly in light of the heightened complexity of their work.³⁹

3.2. Promotion of the Guidelines

Ensuring that NCPs are visible requires sustained efforts to raise awareness among the business community, worker organisations, civil society organisations and other interested parties. An important function of NCPs is to promote awareness of the OECD Guidelines and the due diligence guidance that offers tools to the private sector on how to do business responsibly. In line with this function, over 2020, many NCPs met with stakeholders across government, business, trade unions and civil society to promote the OECD Guidelines and due diligence guidance.

³⁸ OECD (2019) Progress report on National Contact Points for Responsible Business Conduct, [C/MIN(2019)7], p. 6 and Report on the 20th anniversary of NCPs, p. 37.

³⁹ *Id.*, p. 14.

Moreover, to facilitate the broad uptake of the guidance, several NCPs over the course of 2020 translated the Guidelines and due diligence guidance into other languages:

- The Portuguese NCP launched the OECD Due Diligence Guidance for Responsible Business Conduct in Portuguese;⁴⁰
- The German NCP launched the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment & Footwear Sector⁴¹ and the Due Diligence for Responsible Corporate Lending and Securities Underwriting in German.⁴²

NCPs also organised or participated in online events to discuss RBC's role in addressing the impact of COVID-19 (see Box 3.2).

Box 3.2. Discussing the role of RBC in addressing the impact of COVID-19: examples of events organised or participated in by NCPs

The COVID-19 pandemic has created major disruptions in the economy and the life of businesses, whether or not they are able to continue their operations. As noted in the Secretariat's policy note on COVID-19 and RBC (see above), an RBC approach to the COVID-19 crisis response can help ensure that the environmental, social and other governance issues set down in internationally-recognised RBC standards are central in the design and implementation of both government and business responses.

To support both governments and companies in understanding how RBC standards can be leveraged to inform the response to COVID-19, NCPs across the network have been active in a number of events. For example:

- The Danish Responsible Business Authority presented on the OECD Guidelines, sector due diligence guidance for the garment and footwear sector in the context of the COVID-19 crisis during Wear Denmark's "12 Weeks of Sustainability" programme.
- The French NCP shared the Government of France's emergency package to address COVID-19, which includes RBC components, during the OECD Global Forum on RBC.
- The Costa Rican NCP participated in a webinar hosted by the UN Working Group on Business and Human Rights, which looked at RBC, human rights and the impact of COVID-19.

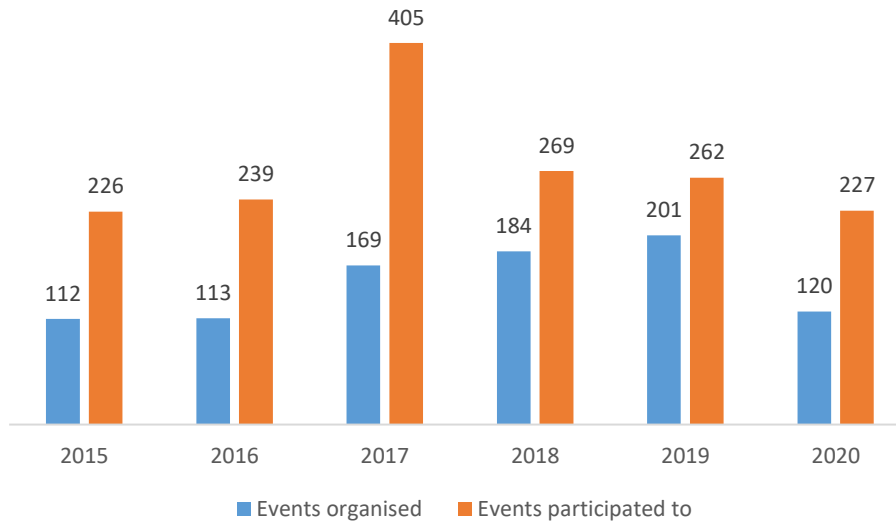
⁴⁰ Available at <https://mneguidelines.oecd.org/guia-da-ocde-de-devida-diligencia-para-uma-conduta-empresarial-responsavel-2.pdf>

⁴¹ Available at https://www.oecd-ilibrary.org/governance/oecd-leitfaden-fur-die-erfullung-der-sorgfaltspflicht-zur-forderung-verantwortungsvoller-lieferketten-in-der-bekleidungs-und-schuhwarenindustrie_9789264304536-de

⁴² Available at <https://mneguidelines.oecd.org/die-erfullung-der-sorgfaltspflicht-fur-ein-verantwortungsvolles-firmenkredit-und-emissionsgeschäft.pdf>

In 2020, 33 NCPs organised or co-organised 120 events, a 40% drop from 2019, where 35 NCPs organised or co-organised 201 events. This also means that 14 NCPs did not organise or co-organise any promotional events in 2020, compared to 12 in 2019.⁴³ This decrease can be expected given the current situation with COVID-19 (see Figure 3.2 below for evolution since 2015).

Figure 3.2. Promotional events organised by or involving NCPs (2015-2020)



Note: Data for 2020 does not include Egypt or Jordan
Source: 2020 NCP Annual Reporting Questionnaire

Over the course of 2020, NCPs have had to adjust their promotional strategies and pursue remote options. While some ‘in-person’ events were held, such as conferences, meetings with government officials or stakeholders, the majority of events took place online, and included online training and lectures, webinars, and conference calls. Topics covered remained broad, ranging from overview of the NCP and its’ functions, updates on new laws or initiatives, to due diligence and responsible supply chains across different economic sectors. In 2020, 24 NCPs (50% of NCPs) hosted an annual meeting with stakeholders, similar to 2019 (2 NCPs less than 2019).

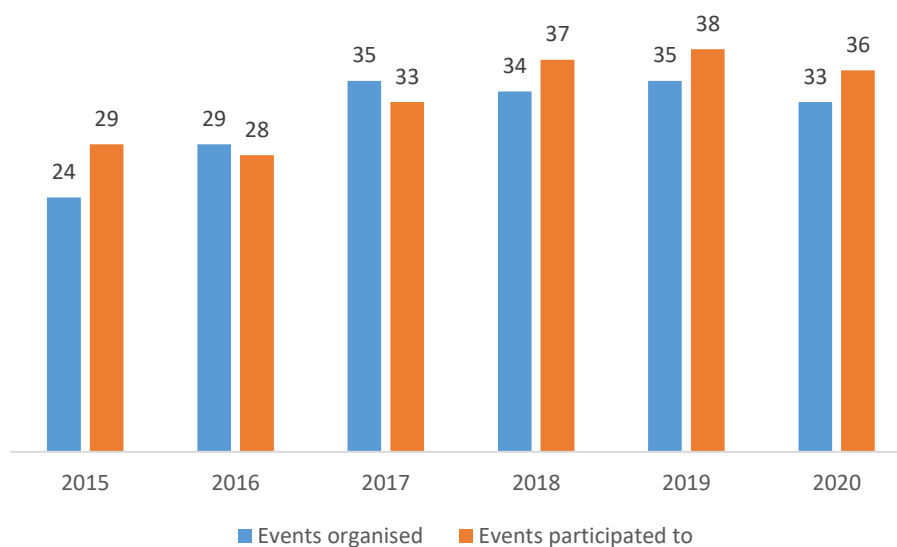
In addition to organising or co-organising events, 36 NCPs reported taking part in a total of 227 events organised by others, during which they participated in presentations, panels and discussions. This is relatively stable compared to 2019, when 37 NCPs participated to 262 events, but still significantly less than the 405 events in which NCPs participated in 2017. A total of 11 NCPs did not participate in any promotional event, compared to 8 in 2019. No data is available for Egypt and Jordan.

Seven NCPs did not organise, co-organise, nor participate in any promotional event (Greece, Iceland, Japan, Portugal, the Slovak Republic, Spain and Turkey), compared to five in 2019 (including already Iceland and the Slovak Republic). No data is available for Egypt and Jordan.

⁴³ More detailed data is available in Annexe 1.A. Note also that the 2019 figure includes Egypt.

As shown in Figure 3.3, since 2015, the number of NCPs that organised promotional events grew from 24 in 2015 to 33 in 2020. The number of NCPs participating in events has also increased (36 NCPs in 2020, compared to 29 NCPs in 2015), although the number of events in which NCPs participated decreased (see Figure 3.2 above).

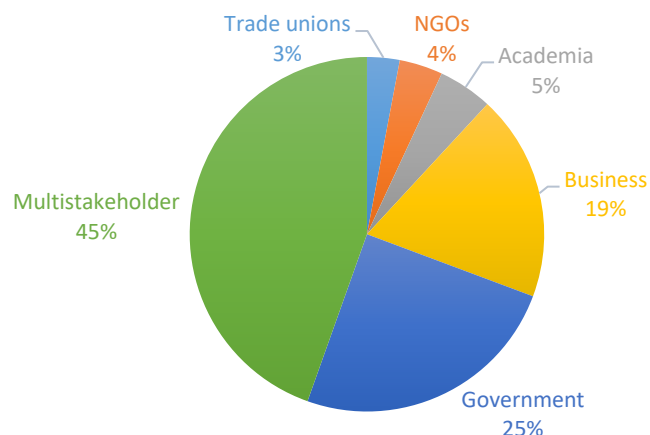
Figure 3.3. Number of NCPs that organised or participated in events (2015-2020)



Note: Data for 2020 does not include Egypt or Jordan
Source: 2020 NCP Annual Reporting Questionnaire

In 2020, 45% of reported events organised or co-organised by NCPs or in which NCP participated, were targeted to a multi-stakeholder audience. 25% of all events were targeted to government representatives and 19% to business representatives. Academia, civil society and trade unions were more marginally targeted by NCPs, with respectively 5, 4 and 3% of all events addressed to these groups (Figure 3.4), although some NCPs organised large-scale events targeted at minority groups (see Box 3.3).

Figure 3.4. Target audience at NCP events



Note: Data for 2020 does not include Egypt or Jordan
 Source: 2020 NCP Annual Reporting Questionnaire

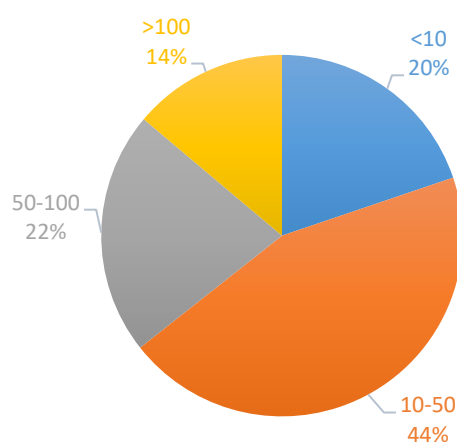
Box 3.3. NCP engagement with indigenous communities

On February 11, 2020, the Canadian NCP held a meeting with representatives from the National Aboriginal Trust Officers Association (NATOA) at its headquarters in Ottawa. NATOA explained their role as a charity organisation whose mandate is to strengthen Indigenous communities and their ability to meet their own member needs and desires through financial opportunities utilising trust funds and investing principles that are consistent with Indigenous cultural traditions and values generally and those of individual communities specifically.

The NCP explained what the OECD Guidelines are, shared with NATOA its role in promoting the Guidelines, its work as a non-judicial grievance mechanism, its interdepartmental organisational structure and experience of the broader NCP network working with Indigenous communities internationally. NATOA has since been added to the NCP's stakeholder roster.

This event was part of the Canadian NCP's efforts to increase stakeholder engagement, especially among Indigenous groups and communities potentially marginalised and vulnerable to the impacts caused by multinational corporations operating on or near their traditional territories both in Canada and abroad. This meeting was a welcome opportunity to promote the Guidelines and to build a relationship with NATOA and engage in information exchange.

Almost half of reported NCP events had an audience size of 10 to 50 participants (45%), followed by events with 50 to 100 participants (22%) or less than 10 participants (20%). Fourteen percent of events (i.e. a total of 57 events) had an audience of more than 100 (Figure 3.5). This continues the trend represented last year of a significant increase of reach impact compared to previous years (for example, in 2018 when, out of a comparable number of events, 40% had an audience of less than 10, 37% of 10 to 50, 14% of 50 to 100 and 9% of more than 100). This year's increase in average audience size should however be analysed in the light of the massive shift towards online promotional events as a result of the COVID-19 pandemic. Online events arguably allow to reach larger and more diverse audiences at a lower cost, but may also limit engagement or create screen fatigue. As travel and meeting restrictions will ease out, it will be useful for NCPs to think strategically about the right balance between in-person and virtual events to maximise both reach and impact.

Figure 3.5. Size of audience at NCP events

Note: Data for 2020 does not include Egypt and Jordan

Source: 2020 NCP Annual Reporting Questionnaire

A total of 31 NCPs reported having a promotional plan in place for 2021, setting out target activities and audiences over the coming year. This number represents a small increase from the previous year (27 NCPs reported having a promotional plan) but still far short from 2018 when 38 NCPs reported having a promotional plan.

In addition to promotional events, several NCPs also participate in advisory groups supporting sector projects on responsible business conduct led by the OECD (see Table 3.1).

Table 3.1. NCP participation in advisory groups to OECD sector projects

RBC Sector Projects	NCP Participation in Advisory Groups
Agriculture	Belgium, Chile, Colombia, Costa Rica, France, , Italy, Norway, Switzerland, USA
Financial	Canada, Sweden, Switzerland, UK
Garment and Footwear	Canada, France, Italy
Minerals	Belgium, Switzerland

3.2.1. Accessibility of information – NCP websites

Although there is no specific requirement for NCPs to have a website, an important aspect of being visible is online presence through a dedicated website where rules of procedures and regular updates about NCP activities and specific instance outcomes are made public. For many stakeholders, NCP websites have served as a principal point of contact for submitting specific instances.

- All 47 reporting NCPs have dedicated websites or dedicated webpages on the Ministry's website that provide information about the Guidelines and the NCP, including contact information for reaching the mechanism.⁴⁴

⁴⁴ NCP websites are referenced on the NCP page of the OECD website. See <http://mneguidelines.oecd.org/ncps/>

- Twenty-six NCPs reported creating new or improved websites in 2020.

3.2.2. Peer-learning

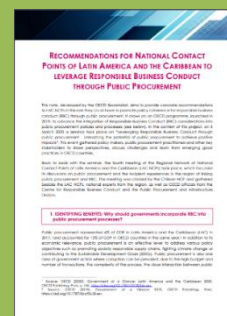
The Commentary to the Procedural Guidance provides that “NCPs will engage in joint peer learning activities.”⁴⁵ Peer learning takes place in a variety of forms. NCPs typically engage in peer learning at the June and November meetings of the network of NCPs (this year, hosted online due to COVID-19 restrictions), or during peer learning events hosted by one or several NCPs. NCPs also conduct peer learning on a regional level through regional networks of NCPs (Box 3.4).

⁴⁵ Para 19.

Box 3.4. Regional NCP networks: spotlight on the network of Latin-American NCPs

With the support of the OECD Secretariat through the project on Responsible Business Conduct in Latin America and the Caribbean (LAC), the regional network of LAC NCPs, comprising the NCPs of Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Peru, met five times in 2020 to discuss themes of joint interest, with the input of external experts, such as:

- **RBC and public procurement** (March). During the meeting, the NCPs shared their experiences and challenges on public procurement and RBC and the OECD presented its ongoing project on RBC and public procurement. A representative of Paraguay's procurement agency and of the NCP of Denmark, as well as OECD experts in public procurement were invited to share their views and experiences on the issue. Drawing on these discussions, the OECD produced a resource document on leveraging Responsible Business Conduct through Public Procurement
- **Possibilities for collaboration with National Human Rights Institutions** (September, joint meeting with NHRIs from the LAC region, co-organised with the Danish Institute of Human Rights and GANHRI). During the meeting, the NHRI and NCP of Chile presented their collaboration through a Memorandum of Understanding, focusing on promotion and access to remedy. Subsequently, other NHRIs and NCPs shared their own experiences of collaboration and discuss the need and potential for collaboration, as well as possible practical arrangements. Finally, following the questions presented by the Secretariat, the participants also shared ideas and expectations regarding possible joint actions and activities in the future. As background to this activity, the Secretariat and the Danish Institute of Human Rights published a Factsheet on National Human Rights Institutions and OECD Guidelines for MNEs⁴⁶ to help NCPs and NHRIs identify synergies and opportunities for promoting business respect and support for human rights in line with OECD and UN guidance.



In 2020, four NCPs reported having hosted a peer learning event, while 11 reported participating in one (Box 3.5).

⁴⁶ Available at <https://mneguidelines.oecd.org/factsheet-working-together-national-human-rights-institutions-and-oecd-guidelines-for-mnes.pdf> (also available in Spanish).

Box 3.5. Examples of peer learning events

Webinar on COVID-19 and RBC

On 21 April 2020, the Secretariat and the Chair of the WPRBC organised a webinar for WPRBC Delegates on COVID-19 and RBC, focusing in particular on the inclusion of RBC components in governments' plans to tackle the crisis, with a focus on the role of NCPs in fostering policy coherence in that context.

Responsible Business Conduct Budapest Conference

The Hungarian NCP organised a conference on RBC in Budapest, Hungary on 27 January 2020 at the Ministry of Finance. The conference focused on the OECD Guidelines and RBC, and brought together NCPs, government officials, business representatives, NGOs, trade unions, academia, and the general public. Over 100 participants took part.

3.2.3. NCP participation in UN Fora on Business and Human Rights

The ninth annual UN Annual Forum on Business and Human Rights took place virtually on 16-18 November 2020. Under the theme "*Preventing business-related human rights abuses: The key to a sustainable future for people and planet*", the Forum agenda reinforced the message "that strengthening prevention—by learning from both good practices and from when things have gone wrong, as well as by addressing systemic gaps – can help to build a sustainable future for people and the planet".⁴⁷ Representatives from several NCPs attended the event and participated in panels. For example, the Polish NCP made an intervention in the sub-session "*The devastating impact of COVID-19 and related social and economic crisis, including on decent working conditions and social protection systems in the region*" as part of the broader session "Business and Human Rights in Central and Eastern Europe: Rebuilding trust for a new social contract".⁴⁸ Similarly, the Brazilian NCP was a speaker in the session "Regional trends and dialogue: Latin America and the Caribbean", with remarks focused on OECD Guidelines (in particular, the chapter on human rights) promotion and the Brazilian NCP role on policy coherence.

Additionally, NCPs from the LAC region participated to the 5th UN LAC Regional Forum on Business and Human Rights from 7 to 11 September 2020 on the theme 'RBC in difficult times: converting challenges into opportunities.' The Forum was held virtually and attended by over 4400 participants.⁴⁹ The Chilean NCP intervened in a panel entitled 'All roads lead to remedy: regional perspectives and challenges.' Subsequently, representatives of the Argentinian, Brazilian, Chilean, Colombian, Costa Rican, Mexico and Peruvian NCPs held a follow up session offering a space for dialogue and exchange between LAC

⁴⁷ OHCHR, 2020 UN Virtual Forum on Business and Human Rights, <https://www.ohchr.org/EN/Issues/Business/Forum/Pages/2020ForumBHR.aspx>

⁴⁸ OHCHR, 2020 UN Virtual Forum on Business and Human Rights, <https://2020unforumbhr.sched.com/event/fD4b/business-and-human-rights-in-central-and-eastern-europe-rebuilding-trust-for-new-social-contract>

⁴⁹ See <https://www.vfororegional.org/>

NCPs and regional stakeholders around concerns related to access to remedy in the region, as well as challenges and opportunities in practice.

3.3. NCPs at the Global Forum on Responsible Business Conduct

Part II of the 2020 Global Forum on Responsible Business Conduct, held virtually on 17 June 2020, was dedicated to Access to Remedy to address business-related impacts and was an opportunity to mark the 20th anniversary of the National Contact Points (NCP).⁵⁰ Sessions included:

- *The landscape of remedy and dispute resolution: where are the gaps and what are the opportunities.* This opening panel explored some of the leading dispute resolution mechanisms, and discussed how the remedy landscape can be further strengthened.
- *In conversation with leading grievance mechanisms.* This session addressed key themes in addressing remedy, dialogue and accountability. It offered an opportunity to find common threads across different grievance mechanisms and understand lessons learnt from a wide variety of case handling approaches. The panel also discussed what the coming years will hold for these mechanisms.
- *Considering access to remedy from a company perspective.* This session focussed on lessons learned from company representatives on building and running effective operational level grievance mechanisms and participating in remediation procedures. It offered an opportunity to address what works and what does not in the context of remediation mechanisms. Company representatives shared concrete experiences of handling grievances or participating in remediation processes and the keys factors for success.
- *How do we define effectiveness and measure success of grievance mechanisms?* This session explored the notion of effective grievance mechanisms and ways to meet and manage expectations regarding remedy from the point of view of the submitter and of the company. Questions addressed related to measurement (what are benchmarks for success in various grievance mechanisms?), methodology (what are the tools to monitor such mechanisms?) and outcomes (what does a good outcome look like?).
- *What next for access to remedy and the National Contact Points for RBC?* The closing panel built on discussions in earlier panels to reflect on how to continue strengthening access to remedy in the years to come, and in particular, the system of National Contact Points (NCPs) for RBC, as it enters into its third decade of existence. It addressed issues such as the relationship between remedy and mandatory due diligence, how are expectations of users of grievance mechanisms likely to change in the coming years, and cooperation between different mechanisms.
- *Side session: Partnering to enhance access to remedy – lessons from Asia.* This session explored how multi-stakeholder engagement can help enhance access to remedy, drawing from practical experiences from Asia. Panellists shared approaches that have worked for establishing and running effective mechanisms for grievances and provide access to remedy, as well as common features of effective mechanisms.

⁵⁰ For an overview of the key takeaways for each session, see the [GFRBC Summary Report](#)

3.4. Action Plan to strengthen NCPs (2019-2021)

After the completion of the first Action Plan to strengthen NCPs (2016-2018), a second Action Plan (2019-2021) was adopted in December 2018. In the continuity of the first Action Plan, it contains four overarching priority areas: peer reviews and capacity-building, building functional equivalence, building and improving tools, and promoting policy coherence.

Subject to availability of funding, the Action Plan seeks to deliver additional peer support to NCPs facing challenges meeting the core criteria, sharing of expertise and skills among the NCPs, capacity-building among peers through regional and thematic NCP networks, Secretariat support to NCPs to assess and address capacity-building needs among key stakeholders, developing websites and other support tools, and supporting the mechanisms to identify and engage with national-level opportunities to provide their expertise to developments on RBC.

3.4.1. Tools and capacity building

The Secretariat's practice of developing reports jointly with NCPs will continue under the second Action Plan. In 2020, the Secretariat prepared and discussed with NCPs a technical report on how to apply the notion of 'multinational enterprise' under the Guidelines when performing initial assessment. The Secretariat also prepared and discussed with NCPs templates and associated guidance for the drafting of initial assessment and final statements, aimed at providing a frame of reference and bring more consistency into the network on the format and content of these public documents.

Additionally, the Secretariat prepared several presentations on issues of interest to NCPs such as conducting mediation remotely, building and retaining the confidence of social partners and stakeholders, drawing inspiration from the *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*, and how NCPs can project impartiality and avoid conflicts of interests.

In 2020, the Secretariat undertook a feasibility study and introduced a development plan for an online training tool for NCPs, designed to serve as an on-boarding tool for new NCP officials and as a repository of information to help NCPs in their daily work. The Secretariat made the necessary arrangements for building the online platform on which the tool will be hosted. The development and launch of the tool will take place in 2021, subject to funding.

In addition, the Secretariat has been facilitating peer learning, including meetings of regional networks of NCPs (see above Box 3.5) and training sessions on various technical subjects.

Finally, the Secretariat has been providing tailor-made capacity-building to NCPs from the LAC region in the context of the project on Responsible Supply Chains in Asia. In 2020, the Secretariat developed capacity building roadmaps of activities for the period 2021-2022 with the NCPs of Argentina, Brazil, Colombia, Costa Rica, Mexico and Peru.⁵¹

⁵¹ See <http://mneguidelines.oecd.org/rbclac.htm>.

3.4.2. NCP peer reviews

NCP Peer reviews offer an important opportunity to appreciate and share the internal workings of an NCP and any barriers the NCP may face in realising its objectives, as well as achievements and good practices in discharging its functions. The peer reviews also include an examination of the NCP's procedures and approach to handling of specific instances which can help improve consistency going forward. Recognising their importance, in 2017 the MCM committed to having all NCPs peer reviewed by 2023.⁵²

Of the 49 NCPs, 16 have been peer reviewed. In addition, the NCPs of two Adherents underwent significant reviews as part of the process of the countries' accession to the OECD. An additional 21 Adherents have committed to a peer review of their NCP by 2023 (Table 3.2). This leaves a total of 10 Adherents, of which five are OECD members, not having yet committed to a peer review (Table 3.3).

Peer reviews are funded by the government of the NCP under review. The amount of the contribution is as established in the Action Plan to Strengthen National Contact Points for Responsible Business Conduct (2019-2021) and in the Revised Core Template for voluntary peer reviews of NCPs. For some governments, providing funding has been an obstacle to committing to a peer review or to delivering on their commitment, as noted in the Progress Report on NCPs discussed by the OECD Ministerial Council in 2019.

In 2020, the peer review of the NCP of Korea was ongoing but no new peer reviews were launched due to a lack of commitments by governments. Resources necessary to conduct a peer review are often named by NCPs as an obstacle to committing to a peer review.

In November 2020, the NCPs of Argentina and the United Kingdom reported on the implementation of peer review recommendations.

⁵² OECD (2017) OECD Ministerial Council Statement, <https://www.oecd.org/mcm/documents/2017-ministerial-council-statement.htm>.

Table 3.2. NCP peer reviews completed, ongoing and committed

Peer review completed	Peer Review ongoing	Peer review commitment made	Review completed for the accession process
Netherlands		Sweden (2021)	Costa Rica
Japan		Spain (2021)	Lithuania
Norway		Australia (2021)	
Denmark		Ireland (2021)	
Belgium		Greece (2021)	
Italy		Luxembourg (2021)	
Switzerland		Poland (2022)	
France		Colombia (2022)	
Germany		Slovenia (2022)	
Chile		New Zealand (2022)	
United States		Tunisia (2022)	
Austria		Portugal (2022)	
Canada		Peru (2022)	
United Kingdom		Morocco (2022)	
Argentina		Mexico (2023)	
Korea		Latvia (2023)	
		Kazakhstan (2023)	
		Romania (2023)	
		Estonia (2023)	
		Hungary (2023)	
		Slovak Republic (2023)	

Table 3.3. NCP peer reviews: not yet committed

OECD member countries	Czech Republic, Finland, Iceland, Israel, Turkey (5)
Adherent countries	Brazil, Croatia, Egypt, Jordan, Ukraine (5)

Conclusion

The past year has been a notable one for NCPs for two main reasons. First, it marked the 20th anniversary of NCPs as non-judicial grievance mechanisms. Several activities were organised on this important milestone. The Secretariat published a report highlighting the many strengths and achievements of NCPs in addressing corporate impacts in an increasingly complex and globalised world, but also some enduring challenges and weaknesses that may hinder their contribution to remedy. In this regard, the report identifies a number of avenues for governments to strengthen their NCPs and maximise their contribution to remedy. The Global Forum on Responsible Business Conduct was also partly dedicated to access to remedy and NCPs as part of their 20th anniversary.

Second, NCP activity was strongly impacted by the COVID-19 pandemic, as office closures, meeting restrictions and travel bans disrupted their ability to deliver on their mandates. Like for most government services, this led to events cancellations and delayed work. However, NCPs were progressively able to adjust and ensure that promoting the Guidelines and handling could continue largely remotely.

In terms of specific instances, 2020 was in fact the record year in terms of cases received (54). Almost half of these cases were submitted by individuals, whereas the share of cases submitted by NGOs or trade unions was smaller than in previous years. NCPs also closed 38 cases in 2020, in line with previous years. Fourteen cases were not accepted and 24 were concluded, delivering nine agreements. This means that the rate of non-accepted cases, which had been a concern of some stakeholder groups in recent years, dropped below average levels in 2020. Importantly, the trend towards a generalisation of recommendations in final statements has continued in 2020. NCPs have also kept following up more systematically on cases, which allowed to achieve new results or to evidence positive impacts in 2020. Finally, 42 NCPs now have publicly available rules of procedure, the highest recorded number.

In terms of institutional arrangements, NCPs have continued to seek to include stakeholders in their structures, but also to struggle with human and financial resources. Like in 2019, the overall number of NCP officials dropped in 2020, from 166 to 146. Only 19 NCPs reported having full-time staff and over half of them experiencing staff turnover in 2020. Shortage of staff and excessive turnover have long been identified as one of the biggest challenges for NCPs.

In terms of promotion, 2020 was characterised by a massive shift towards online promotional events. The number of NCPs that promoted the Guidelines remained stable in 2020, and while events organised by NCPs have dropped sharply, the number of events in which NCPs participated remained within average levels. NCPs have also invested in online promotional tools during 2020, as all reporting NCPs now have a website and 26 of them renewed or improved their website in 2020. This shift towards online promotion will present both opportunities and threats for NCPs as COVID-19 restrictions ease out, which NCPs will have to navigate strategically.

Finally, in 2020, NCPs continued with peer learning activities with the support of the OECD Secretariat in the framework of the Action Plan to Strengthen NCPs (2019-2021), working in particular on tools such as an online training tool for NCPs or templates and guidance for initial and final statements. No peer reviews were launched in 2020 due to a lack of commitments from governments. Twenty-one governments are currently committed to undergo a peer review of their NCP by 2023, leaving 10 governments (including six OECD members) yet to commit.

Annexe 1.A. Overview of key NCP data

No.	Country	Full time staff	Website	Rules of Procedure Online	Engaged in promotional events	Attended June and/or Nov 2020 NCP meetings
1	Argentina	YES	YES	YES	YES	YES
2	Australia	YES	YES	YES	YES	YES
3	Austria	NO	YES	YES	YES	YES
4	Belgium	YES	YES	YES	YES	YES
5	Brazil	YES	YES	YES	YES	YES
6	Canada	YES	YES	YES	YES	YES
7	Chile	YES	YES	YES	YES	YES
8	Colombia	NO	YES	YES	YES	YES
9	Costa Rica	NO	YES	YES	YES	YES
10	Croatia	YES	YES	YES	YES	YES
11	Czech Republic	NO	YES	YES	YES	YES
12	Denmark	YES	YES	YES	YES	YES
13	Egypt		NO REPORT			NO
14	Estonia	NO	YES	YES	YES	YES
15	Finland	YES	YES	YES	YES	YES
16	France	YES	YES	YES	YES	YES
17	Germany	NO	YES	YES	YES	YES
18	Greece	NO	YES	NO	NO	YES
19	Hungary	YES	YES	YES	YES	YES
20	Iceland	NO	YES	NO	NO	YES
21	Ireland	NO	YES	YES	YES	YES
22	Israel	NO	YES	YES	YES	YES
23	Italy	YES	YES	YES	YES	YES
24	Japan	NO	YES	YES	NO	YES
25	Jordan		NO REPORT			NO
26	Kazakhstan	NO	YES	YES	YES	YES
27	Korea	YES	YES	YES	YES	YES
28	Latvia	NO	YES	YES	YES	YES
29	Lithuania	YES	YES	YES	YES	YES
30	Luxembourg	NO	YES	YES	YES	YES

No.	Country	Full time staff	Website	Rules of Procedure Online	Engaged in promotional events	Attended June and/or Nov 2020 NCP meetings
31	Mexico	NO	YES	YES	YES	YES
32	Morocco	NO	YES	YES	YES	YES
33	Netherlands	YES	YES	YES	YES	YES
34	New Zealand	NO	YES	YES	YES	YES
35	Norway	YES	YES	YES	YES	YES
36	Peru	NO	YES	YES	YES	YES
37	Poland	NO	YES	YES	YES	YES
38	Portugal	NO	YES	YES	NO	YES
39	Romania	NO	YES	N/A	YES	YES
40	Slovak Republic	NO	YES	YES	NO	NO
41	Slovenia	YES	YES	YES	YES	NO
42	Spain	YES	YES	YES	NO	YES
43	Sweden	NO	YES	YES	YES	YES
44	Switzerland	YES	YES	YES	YES	YES
45	Tunisia	YES	YES	NO	YES	YES
46	Turkey	YES	YES	YES	NO	YES
47	Ukraine	NO	YES	YES	YES	YES
48	United Kingdom	YES	YES	YES	YES	YES
49	United States	NO	YES	YES	YES	YES

Annexe 1.B. Comprehensive overview of NCPs

No.	Country	Full time staff	Part time staff	Staff joined NCP	Staff left NCP	NGOs	Business	Trade unions	Advisory body	Advisory body with some oversight	Other ministries	Dedicated budget	Report to Government	Report to Parliament	Website	Rules of procedure	Online	Revised in 2020	Promotional plan	Organised / co-organised events	Number of events	Participated in events	Number participated in	June 2020 attended NCP meeting	Nov 2020 attended NCP meeting
1	Argentina	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	4	YES	9	YES	YES
2	Australia	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	1	YES	3	YES	YES
3	Austria	NO	YES	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	5	YES	3	YES	YES
4	Belgium	YES	YES	YES	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	1	YES	2	YES	YES
5	Brazil	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	NO	YES	YES	YES	YES	YES	YES	1	YES	8	YES	YES
6	Canada	YES	NO	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	YES	YES	NO	NO	YES	2	YES	2	YES	YES
7	Chile	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	NO	YES	YES	4	YES	25	YES	YES
8	Colombia	NO	YES	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES	NO	YES	YES	8	YES	7	YES	YES
9	Costa Rica	NO	YES	NO	NO	NO	NO	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	8	YES	15	NO	YES
10	Croatia	YES	YES	YES	NO	YES	YES	YES	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO	YES	NO	0	YES	1	YES	YES
11	Czech Republic	NO	YES	YES	YES	NO	YES	NO	NO	NO	YES	NO	NO	NO	YES	YES	YES	NO	YES	YES	2	YES	1	YES	YES
12	Denmark	YES	NO	NO	NO	YES	YES	YES	NO	NO	NO	YES	YES	NO	YES	YES	YES	NO	YES	YES	2	YES	3	YES	YES
13	Egypt	NO REPORT																							
14	Estonia	NO	YES	NO	NO	YES	NO	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	YES	1	YES	1	YES	YES
15	Finland	YES	YES	NO	NO	YES	YES	YES	NO	NO	NO	NO	YES	NO	YES	YES	YES	YES	YES	NO	0	YES	5	YES	YES
16	France	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	YES	YES	NO	YES	YES	27	YES	37	YES	YES
17	Germany	NO	YES	NO	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	5	YES	6	YES	YES
18	Greece	NO	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	YES	YES	NO	YES	YES	NO	0	NO	0	YES	YES
19	Hungary	YES	YES	NO	YES	YES	YES	YES	NO	NO	YES	YES	YES	NO	YES	YES	YES	NO	YES	YES	2	YES	2	YES	YES

No.	Country	Full time staff	Part time staff	Staff joined NCP	Staff left NCP	NGOs	Business	Trade unions	Advisory body	Advisory body with some oversight	Other ministries	Dedicated budget	Report to Government	Report to Parliament	Website	Rules of procedure	Online	Revised in 2020	Promotional plan	Organised / co-organised events	Number of events	Participated in events	Number participated in	June 2020 attended NCP meeting	Nov 2020 attended NCP meeting
20	Iceland	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	0	NO	0	YES	NO
21	Ireland	NO	YES	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	NO	0	YES	1	YES	YES
22	Israel	NO	YES	YES	YES	NO	NO	NO	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO	NO	YES	0	YES	4	YES	YES
23	Italy	YES	YES	NO	NO	NO	YES	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	0	YES	3	YES	YES
24	Japan	NO	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES	NO	NO	YES	YES	YES	YES	YES	NO	0	NO	0	YES	YES
25	Jordan	NO REPORT																							
26	Kazakhstan	NO	YES	NO	NO	YES	YES	YES	NO	NO	YES	NO	NO	NO	YES	YES	YES	NO	YES	YES	2	NO	0	YES	YES
27	Korea	YES	YES	YES	YES	NO	YES	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	5	YES	1	YES	YES
28	Latvia	NO	YES	NO	NO	NO	YES	NO	NO	NO	YES	YES	NO	NO	YES	YES	YES	NO	YES	YES	1	YES	1	YES	YES
29	Lithuania	YES	NO	NO	NO	YES	YES	YES	YES	NO	YES	YES	YES	NO	YES	YES	YES	NO	YES	YES	7	YES	5	YES	YES
30	Luxembourg	NO	YES	NO	NO	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO	NO	YES	0	YES	4	YES	YES
31	Mexico	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO	YES	YES	YES	NO	YES	YES	1	NO	0	YES	YES
32	Morocco	NO	YES	NO	NO	NO	YES	NO	NO	NO	YES	YES	NO	NO	YES	YES	YES	YES	YES	YES	1	YES	7	YES	YES
33	Netherlands	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	2	YES	10	YES	YES
34	New Zealand	NO	YES	NO	NO	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO	NO	YES	1	YES	1	NO	YES
35	Norway	YES	NO	NO	YES	YES	YES	YES	NO	NO	YES	YES	YES	NO	YES	YES	YES	NO	YES	YES	5	YES	24	YES	YES
36	Peru	NO	YES	YES	YES	NO	YES	NO	NO	NO	NO	YES	YES	NO	YES	YES	YES	NO	NO	YES	1	NO	0	YES	YES
37	Poland	NO	YES	NO	NO	YES	YES	YES	YES	NO	YES	NO	NO	NO	YES	YES	YES	NO	NO	YES	3	YES	5	YES	NO
38	Portugal	NO	YES	YES	YES	NO	YES	NO	NO	NO	YES	NO	YES	NO	YES	YES	YES	YES	NO	NO	0	NO	0	YES	YES
39	Romania	NO	YES	YES	YES	NO	YES	NO	NO	NO	YES	NO	YES	NO	YES	NO	N/A	N/A	NO	YES	10	NO	0	NO	YES
40	Slovak Republic	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	NO	0	NO	0	NO	NO
41	Slovenia	YES	NO	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO	YES	NO	0	YES	2	NO	NO
42	Spain	YES	NO	YES	YES	NO	NO	NO	YES	NO	YES	NO	YES	YES	YES	YES	YES	NO	NO	NO	0	NO	0	YES	YES
43	Sweden	NO	YES	NO	NO	YES	YES	YES	NO	NO	YES	NO	YES	NO	YES	YES	YES	NO	NO	YES	1	YES	1	YES	YES
44	Switzerland	YES	YES	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	2	YES	18	YES	YES
45	Tunisia	YES	YES	NO	NO	NO	YES	NO	NO	NO	NO	NO	YES	NO	YES	YES	NO	N/A	YES	YES	1	YES	1	YES	NO
46	Turkey	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	YES	YES	YES	NO	NO	NO	0	NO	0	YES	YES
47	Ukraine	NO	YES	YES	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO	YES	YES	1	YES	2	YES	YES
48	United Kingdom	YES	NO	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	NO	3	YES	6	YES	YES
49	United States	NO	YES	YES	YES	YES	YES	NO	YES	NO	YES	YES	NO	NO	YES	YES	YES	NO	NO	NO	0	YES	1	YES	YES

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