

**OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

**DUTCH NCP**

**REPORT TO THE OECD**

**2015**

## **COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS TO THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

**June 2014-December 2015<sup>1</sup>**

The role of National Contact Points is to further the effectiveness of the OECD Guidelines for Multinational Enterprises (the Guidelines) by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise from the alleged non-observance of the Guidelines in specific instances by individual companies. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.

National Contact Points must regularly report to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines including implementation activities in specific instances.

This Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs in the preparation of these reports. The information provided by NCPs is the basis for the Annual Report to the OECD Council on the Guidelines for Multinational Enterprises. It is also used to produce Annual reports of individual NCPs (NCP Annual reports).

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<sup>1</sup> Until 2014, the reporting period for NCPs covered activities undertaken from June to June. From 2015 the reporting period will cover the period from January to December of each year. For practical reasons, the 2015 reporting period will also cover activities between June and December 2014.

## **COMMON REPORTING FRAMEWORK**

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## A. NCP contact information

- Contact name (s): NCP Netherlands
- Address: ncpoecd@minbuza.nl
- Website or webpage: www.oecdguidelines.nl
- Email: ncpoecd@minbuza.nl
- Telephone: +31703484200

## B. Institutional arrangements

*Adhering governments have flexibility in organising their NCPs as long as the institutional arrangements meet the objective of functional equivalence and help further the effectiveness of the Guidelines. NCPs have to seek the active support of social partners, including the business community, worker organisations, NGOs and other interested parties as relevant.*

1. In which governmental agency (ministry) is the NCP located?

The Ministry of Foreign Affairs, The Hague, The Netherlands

2. In the case of independent NCPs, how has the NCPs been set up?

The Dutch NCP consists of four independent members (including one chairman) and four advisory members from the Ministry of Foreign Affairs, Ministry of Economic Affairs, Ministry of Social Affairs and Employment and the Ministry of Infrastructure and the Environment.

3. Does the NCP include representatives from:

- Government agencies: Yes/No. If yes, please specify Yes

There are four advisory members from four ministries; Ministry of Foreign Affairs, Ministry of Economic Affairs, Ministry of Social Affairs and Employment and the Ministry of Infrastructure and the Environment,.

- Non-governmental bodies. Yes/No. If yes, please specify which: Yes

- business ✓
- trade unions ✓
- civil society ✓
- other

4. What are the main considerations that have determined the current structure of the NCP? (check all that apply).

- Increase the relevance of the Guidelines to the ministries/government bodies involved ✓

- Ensure the independence of the NCP vis-à-vis the government ✓
- Ensure accessibility of the NCP to stakeholders ✓
- Involve relevant stakeholders in the NCP ✓
- Other

5. Does the NCP have an advisory body? Please indicate composition and functions. Yes

There are four advisory members from four ministries; Ministry of Foreign Affairs, Ministry of Economic Affairs, Ministry of Social Affairs and Employment and the Ministry of Infrastructure and the Environment.

6. Does the NCP have an oversight body? Please indicate composition and functions. No

7. Please provide any other information on how its structure enables the NCP to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability.

The NCP members and the advisory members have a meeting once a month. The NCP members, the advisory members and representatives from the most important stakeholders ('NCP+'); Union (FNV), Industry and employers organization (VNO-NCW) and OECD Watch have a meeting four times a year. All relevant matters on the tasks of the NCP are discussed in those meetings. Notifications are confidential.

8. How is the NCP funded? (check all that apply)

- government budget ✓
- other (please specify)

9. Does the NCP have dedicated staff? Yes/No. If yes: Yes

- How many full time staff members? 3
- How many part time staff members?
- No dedicated staff members

10. Are the financial and human resources provided to the NCP sufficient for the NCP to carry out its mandate? Yes/No Yes

11. What challenges does the NCP face in fulfilling its mandate? (check all that apply)

- Lack of financial resources
- Lack of capacity
- Lack of support from the government

- Difficulties in engaging the business community, worker organisations, other non-governmental organisations, other interested parties. ✓
- Other

12. Please explain these challenges, and elaborate on additional elements that would be needed for the NCP to fulfil its mandate and functions.

- Raising awareness of the NCP and the OECD Guidelines towards MNE's,
- Brand name 'NCP' is not clear and ambiguous

13. Does the NCP report to the government on its activities? Yes/No. If yes: Yes

- Through regular meetings ✓
- Through established reporting channels
- In an ad hoc manner
- Other

14. Please specify to whom the NCP reports (ex. Parliament, governmental body, etc.)

The Dutch NCP publishes initial assessments, final statements and monitoring reports on its website [www.oecdguidelines.nl](http://www.oecdguidelines.nl) and informs the Minister for Foreign Trade and Development Cooperation accordingly.

The NCP offers its annual report to the OECD and the Minister. Every four years the Minister sends a report on the functioning of the NCP to the Dutch Parliament. This year's report is due in December 2015.

15. Does the NCP coordinate with other domestic government bodies or representatives with regard to activities on responsible business conduct? Yes/No. If yes, please elaborate

Yes

The Dutch NCP coordinates closely with the international CSR unit of the ministry of Foreign Affairs. The secretariat participates in weekly staff meetings of the CSR unit which also includes representatives from the ministry of Economic Affairs and in staff meetings of the Directorate of International Trade Policy and Economic Governance. Coordination with the other relevant ministries on CSR takes place through the advisory members of the NCP.

### C. Information and Promotion

16. Does the NCP have a dedicated website or dedicated webpages? If yes, please provide link.

Yes: [www.oecdguidelines.nl](http://www.oecdguidelines.nl) / [www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl)

17. Are the Guidelines available online? Yes/No Yes
18. Are the Guidelines available in print? Yes/No Yes
19. Is the NCPs Annual Report available online or in print? Yes/No Yes
20. Does the NCP have a promotional plan on the Guidelines? If yes, please provide details. Yes

The promotional plan for 2015 sets out the focus of the NCP promotional activities for 2015. E.g. activities conducted by the NCP itself and setting up and expanding collaborations with relevant organizations with the aim to more effectively reach the defined target groups.

21. Has the NCP implemented the actions identified in the promotional plan? Why or why not?  
Yes

Yes because it is important to promote the NCP activities on a regular basis to ensure continuity and exposure.

22. How does the NCP inform investors about the Guidelines and their implementation? Through (check all that apply):

- Embassies ✓
- Export credits agency
- Overseas investment guarantee body
- Investment promotion agencies
- Other (please specify) ✓ Website, Events, Key stakeholders

23. Has the NCP done any studies to assess awareness of enterprises on the Guidelines and the NCP? If yes, through: Yes

- Survey(s)
- Regular meetings ✓
- Other ✓ Project: The Dutch Association of Investors for Sustainable Development (VBDO), financed by the Ministry of Foreign Affairs, in close cooperation with the NCP.

24. What were the results of these studies/surveys? Results Not available yet.

25. Has the NCP organised any events to promote the Guidelines and their implementation procedure?  
Yes

- Title/subject of the event
- Place, date

- Organiser(s)
- Number of participants and type of audience (e.g. government, business, worker organisations, NGOs, academia, or other parties)
- Highlights and key outcomes

The Dutch NCP aims to host at least two Stakeholder events a year to promote the OECD Guidelines.

2014 events: as of from June 2014:

**November 28:** Stakeholders meeting 'the social impact of their supply chain'.

Number of participants: 74

Type of audience: MNE's, small companies, government, worker organizations, NGO's, academia, consultants.

Outcome: Companies and organizations were encouraged to gain new insights in the supply chain and to implement positive impact.

**2015 events:**

**April 23rd:** Stakeholder event on 'Effective mediation within your company of sector'

Number of participants: 80

Type of audience: MNE's, small companies, government, worker organizations, NGO's, academia, consultants.

Outcome: Companies and organizations were encouraged to offer employees and other stakeholders a transparent way of mediation.

**June 17th:** The NCP hosted a dinner in preparation for the Netherlands' Presidency of the EU 2016'.

Number of participants: 19

Type of audience: EU NCP's and OECD representatives.

Outcome: The OECD was urged to strengthen the functioning of the National Contact Points to achieve better performance and to find ways of convincing more countries to adhere to the Guidelines.

**October 17th:** Self-evaluation of the Dutch NCP, advisory members and their key-stakeholders.

**October 23rd:** Yearly Training workshops for members of the Works Council. Representative advisory Board.

Number of participants: 45

Type of audience: Union members of MNE's.

Outcome: Raise awareness of the OECD Guidelines and the instruments the NCP can offer to stakeholders. With the focus on mediation and grievance mechanisms.

**October 27th:** Conference on 'Achieving a living wage in the agriculture/food & electronics/technological manufacturing supply chain'.

Number of participants: 134

Type of audience: MNE's, small companies, government, worker organizations, NGOs, academia, consultants.

Outcome: Living wages are part of a wider CSR agenda, which means that other issues also need to be considered – and this agenda as a whole needs to be integrated in business operations, and negotiations on CSR covenants and other initiatives.

26. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures? Yes

- Title of the event
- Place, date
- Organiser(s)
- Number of participants and type of audience (e.g. government, business, worker organisations, NGOs, academia, or other parties)
- Highlights and key outcomes

- 2014

**October:** Yearly Training workshops for members of the Works Council. Representative advisory Board.

Number of participants: 40

Type of audience: Union members from MNE's.

Outcome: Raise awareness of the OECD Guidelines and the instruments the NCP can offer to stakeholders. Focus on mediation and grievance mechanisms.

- 2015

**March 23:** NCP speech Human Rights dimensions Green and Inclusive Financial system. (United Nations Environment Programme (UNEP))

**April 2nd:** Speech International Labor Rights Case Law Journal/Amsterdam.

**May 20:** Presentation for the sector Covenants at the Social Economic Council in the Hague.

**May 28/29:** Dutch NCP Participation RBC meeting of the NCP's in Beijing

**June 11:** High level meeting 'Land Governance multi stakeholder dialogue' at the Social Economic Council, The Hague

**September 21/25:** Dutch NCP Participation NCP Conference in Bogotá, Colombia: attendance: 180

**October 7/8/9:** Dutch NCP participation in the NCP capacity building meeting Budapest

**November 12/13:** Belgian NCP Peer Review

Annual meeting BSCI: cancelled

Event Danish NCP

**December 7th:** participating in the 'EU and Global Value Chains' conference organized by the Ministry of Foreign Affairs to the build-up of the Dutch EU presidency.

27. Does the NCP cooperate with OECD partner organisations and/or other leading organisations working on responsible business conduct? Please check all that apply and provide further details on the nature of the cooperation. Yes

- ILO ✓

- UN Global Compact and its local networks ✓
- UN Office of the High Commissioner on Human Rights ✓
- National Institution for the Protection and Promotion of Human Rights ✓
- Global Reporting Initiative ✓
- ISO ✓
- Other, please provide details. ✓ VBDO (The Dutch Association of Investors for Sustainable Development) - RVO - IMVO - SER - ISO 26000/NEN - MVO NL - MNO (Works Council) - Key stakeholders

28. Did the NCP receive enquiries about the Guidelines and the NCP? From (check all that apply): /

- Business ✓ 11
- Labour organisations
- Non-governmental organisations
- Government agencies
- Other government (e.g. via embassies)
- Other (individuals, press, academia) ✓ 10

29. If available please provide web statistics regarding your NCP's website:

- How many visitors did the website(s) receive in the reporting period?

The new website was live from January 2015: there are no statistics available from the old website, before January 2015.

Dutch website: 13.312

English website: 5.018

- How many downloads of materials on the NCP website (e.g. the Guidelines, brochures, other materials) occurred during the reporting period?

The new website was live from January 2015: there are no statistics available from the old website, before January 2015.

Downloads:

Dutch website: 1.534

English website: 432

#### D. Specific instances

*According to the Procedural Guidance, NCPs are expected to contribute to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the Guidelines.*

30. What are the NCP's procedures for handling specific instances? Please attach the procedures

<http://www.oecdguidelines.nl/notifications/documents/publication/2015/3/5/specific-instance-procedure-ncp-v-15-3>

Where applicable please elaborate or note an absence of NCP procedures regarding:

- Requirements on submitting a complaint in a specific instance

In case of the Dutch NCP, a notification of a specific instance can be submitted (in English or Dutch) to the Secretariat of the NCP by mail or by using this [form: http://www.oecdguidelines.nl/contact](http://www.oecdguidelines.nl/contact). It is important to be as complete as possible when submitting a notification and explain fully what the specific instance is about. The items that should be addressed in a notification, include:

- information about the notifier(s)
- information about the organization which is responsible for the alleged breach of the Guidelines in the notification
- content of the specific instance: what is the alleged breach of the Guidelines, and what parts of the Guidelines does it relate to?
- when relevant: information on parallel proceedings, such as a current court proceedings on (part of) the specific instance.

The specific instance will be assessed on a fixed set of criteria to determine whether further consideration of the NCP is warranted. These criteria and the full procedure are explained here: <http://www.oecdguidelines.nl/notifications/contents/specific-instance-procedure>

- Standing requirements for participating in a specific instance (e.g. rules around who is allowed to bring complaints to an NCP mechanism, who is allowed to participate in mediation).

Stakeholders may report issues to the NCP. The NCP will then endeavor to establish a dialogue between the reporting party and the business in question on the effective implementation of the Guidelines, in an effort to resolve the issue at hand and prevent future problems.

The Dutch government has deliberately chosen to establish an independent NCP which is responsible for its own procedures and decision making, in accordance with the Procedural Guidelines section of the Guidelines. The Minister for Foreign Trade and Development Cooperation is politically responsible for the functioning of the Dutch NCP.

The Guidelines define several core criteria and guiding principles for the functioning of the NCPs. These are visibility, accessibility, transparency, impartiality, predictability and equitability. The NCP expects all involved stakeholders to act in good faith.

- Confidentiality provisions

To facilitate a smooth process when handling a specific instance, the NCP has included some points on confidentiality and transparency with regard to the NCP procedure. Communication to the general public.

In principle, neither the NCP nor the parties involved may make information from the specific instance or the subsequent proceedings publicly available.

Exceptions to this principle of confidentiality are:

the initial assessment issued by the NCP when the party that has provided information has granted permission for making that information publicly available the final statement from the NCP .

Communication between parties: To ensure the proceedings' transparency, parties are encouraged to share all communication with one another. If one of the parties communicates directly with the NCP, the NCP will inform the other party, unless explicitly requested not to do so by the communicating party

Public statements and appearances:

The parties should bear in mind the possible influence any public appearances or public statements could have on the success of the proceedings, even in cases where agreements on confidentiality are not at issue.

- Indicative timeframes for the different steps of the procedure

- Confirmation of receipt (within seven business days of receipt by the NCP)
- Initial assessment (within three months of receiving the report, wherever possible)
- Take issue under further consideration and/or facilitate dialogue between parties (wherever possible, within six months of completing the initial assessment)
- Complete the procedure and draft final NCP statement (wherever possible, within three months of completing the phase of further consideration/ facilitation dialogue)

The Dutch NCP facilitates in dialogues when parties request for mediation, instead of a formal Specific Instance. (Palestine/West Sahara – CBL)  
Monitoring of earlier closed specific instances (e.g. Nidera)

- Existence of a statute of limitations N/A
- Publication and availability online of initial assessments

<http://www.oecdguidelines.nl/notifications/contents/overview-notifications/open-procedures>

<http://www.oecdguidelines.nl/notifications/contents/overview-notifications/closed-procedures>

31. How many new specific instance(s) did the NCP receive in the reporting period? 3

See Annex (template for reporting specific instances)

32. What are the main challenges the NCP encountered in handling specific instances during the reporting period? (check all that apply). see below

- Parallel legal proceedings
- Parallel public campaigning by complainant
- Unrealistic expectations regarding possible outcomes
- Unwillingness of the company to engage
- Unwillingness of the complainant(s) to engage
- Other (please elaborate) ✓
  - Time management: to keep the process within a reasonable time frame.
  - To have reports and/or specific instances translated into English. Some organisations submit their SI's in Portuguese or French. The leading language the Dutch NCP officially asks for is English or Dutch.
- No specific instances

## **E. Proactive Agenda**

*In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries.*

33. Does the NCP engage in any of the multi-stakeholder advisory groups under the proactive agenda?

- Responsible Mineral Supply Chains? Yes/No. Please specify. Yes

NCP can be contacted by stakeholders on all OECD subjects for advice.

- Stakeholder Engagement in the Extractive Industries? Yes/No. Please specify. No

NCP can be contacted by stakeholders on all OECD subjects for advice.

- Responsible Business Conduct in the Financial Sector? Yes/No. Please specify. Yes

NCP members are actively involved in giving presentations on the Financial sector. The NCP received a specific instance regarding the financial sector:

<http://www.oecdguidelines.nl/notifications/documents/publication/2015/1/6/ncp-initial-assessment-rabobank---milieudefensie>

- Responsible Agricultural Supply Chains? Yes/No. Please specify. Yes

NCP can be contacted by stakeholders on all OECD subjects for advice.

- Responsible Supply Chains in the Textile and Garment Sector? Yes/No. Please specify. Yes

- maintain regular contact, including meetings, with key stakeholders and Dutch ministries.

- Sector covenants: NCP is actively involved in supporting the realization of sector covenants by participating in the stakeholder dialogue of the covenant process. And by providing information and advice regarding the OECD-guidelines to participating parties.

34. How does the NCP use and rely on guidance developed as part of the proactive agenda projects mentioned above? (check all that apply).

- Promotion and awareness raising activities ✓
- Dealing with specific instances ✓
- Handling enquiries ✓
- Developing guidance at the national level ✓
- Other

- maintain regular contact, including meetings, with key stakeholders and Dutch ministries.

- Sector covenants: NCP is actively involved in supporting the realization of sector covenants by participating in the stakeholder dialogue of the covenant process. And by providing information and advice regarding the OECD-guidelines to participating parties.

## **F. Co-operation and peer learning**

*In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to cooperate and engage in horizontal, thematic peer reviews and voluntary peer evaluations. Cooperation and experience sharing can be carried out through meetings at the OECD or hosted by a government and can include mentoring and coaching, direct co-operation between individual NCP on specific issues, etc.*

35. How did the NCP engage in co-operation and experience sharing with other NCPs during the reporting period? Check all that apply:
- Horizontal learning activities
  - Co-hosting events ✓
  - Co-operation in handling specific instances ✓
  - Mentoring/capacity building events
  - Other
  - No co-operation
- NCP/OECD events in Beijing, Budapest, Colombia
- Co-operation in handling specific instances with the US (Mylan) and Brasil (Van Oord)
36. Did the NCP encounter any difficulties in co-operating with other NCPs? If yes, please elaborate. No
37. Is the NCP interested in volunteering for a peer evaluation? Yes/No. Please indicate semester/year.  
No
38. Is the NCP interested in being part of a peer review team? Yes/No. – Please indicate semester/year.  
Yes: 2017-2018
39. Please provide suggestions for themes of future horizontal learning exercises.
40. Is the NCP interested in hosting an NCP learning/experience-sharing event? Please indicate semester/year. No

## **G. Impact and future work**

41. Have there been any measurable impacts of the Guidelines and/or the efforts of the NCP in the past implementation cycle? For example: Yes
- Have the Guidelines been referred to in national legislation (e.g. on non-financial reporting, export credits regulation etc.)? No
  - Do any domestic industry standards refer to the Guidelines? No
  - Other? In the new Covenant process the Guidelines are mentioned

42. What are the new emerging challenges for enterprises identified by NCPs, notably in developing and emerging economies and sectors?

43. How has the NCP helped enterprises address these challenges?

By organizing a stakeholder gathering regarding Global Value Chains

44. What issues might deserve particular attention during the 2016 implementation cycle of the Guidelines? For example:

- Areas for which additional proactive agenda projects would be valuable

'Living wage'

- Areas where additional research or analytical support would be helpful

'Living wage'

- Areas which would benefit from additional policy dialogue

'Living wage'

- Other