



Ministry of Foreign Affairs of the
Netherlands

Presentation by
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Dutch
National Contact Point

**Netherlands National
Contact Point**

*OECD Guidelines for
Multinational Enterprises*





History:

- Start Dutch NCP: 1984
- Dutch NCP independent from Dutch government: 2007
- Government decree, the NCP establishment order, 2014
<https://www.oecdguidelines.nl/documents/publication/2014/07/01/ncp-establishment-order-2014>

Structure:

- 4 independent members (additional job), appointed by Minister of Foreign Trade and Development
- 4 advisory members from 4 Ministries (FA, EC, ENV&INFRA, SOC)
- NCP+/Advisory Board: Trade Unions, Employers Organization, OECD Watch
- Secretariat (3) based at Ministry of FA



Tasks of the Dutch NCP (1):

- Raising awareness/promotion of the OECD Guidelines and NCP mechanism
- Complaints mechanism: handling of specific instances
- New tasks since Government Decree 2014:
 - Informal dialogue
 - Sector wide assessment on request of Dutch Government
- Other activities:
 - Advice on international RBC sector agreements



Tasks of the Dutch NCP (2):

- Raising awareness of the OECD Guidelines and NCP mechanism with businesses, trade unions and non-governmental organizations by:
 - Promotion by NCP events, presentations, workshops, website information, promote tools
 - OECD international work, peer learning, advice other NCP's
- High need for explanation with Dutch enterprises:
 - Questions on the Guidelines and commitment
 - How to bring RBC frameworks together?



OECD **GUIDELINES** FOR MULTINATIONAL ENTERPRISES



OECD Guidelines for MNE's
&
Sustainable Development Goals
&
Global Reporting Initiative
&
UN Guiding Principles on Business and Human Rights
&
UN Global Compact
&
ISO 26000
&
....



Survey on awareness and observance of the OECD Guidelines,
October 2016, by the Ministry of Foreign affairs

Scope: 60 Dutch 'stock market listed' multinational enterprises

Results: (public) commitment to the OECD Guidelines is **33%**

Awareness of OECD Guidelines is low

Follow-up:

- Letter of Dutch NCP to 39 mne's, not publicly committing to the GLs
<https://www.oecdguidelines.nl/latest/news/2016/10/24/ncp-calls-on-ceo-s-of-dutch-mne-s-do-commit-to-the-oecd-guidelines>
- Letter by the Minister for Foreign Trade and Development
- Meetings of the NCP with the mne's

Results follow-up: commitment of **70%**



- I. Concept and Principles
- II. General Policies
- III. Disclosure
- IV. Human Rights
- V. Employment and Industrial Relations
- VI. Environment
- VII. Bribery, bribe solicitations, extortion
- VIII. Consumer interests
- IX. Science and technology
- X. Competition
- XI. Taxation



Tasks of the Dutch NCP (3):

- Complaints mechanism: handling of specific instances
 - Some 35 cases since 2000
 - On labour rights, freedom of association, environment, human rights
 - Character of the procedure:
 - Solution-oriented handling of complaints
 - Constructive dialogue
 - Independent (NCP) mediators
 - Confidentiality during mediation
 - Long term perspective, forward looking recommendations



Tasks of the Dutch NCP (4):

- New task (2014): Sector wide assessment on request of the Dutch government

“Sector wide assessment Dutch Oil and Gas sector (2017)”

- explore if (and how) the OECD Guidelines are implemented by the Dutch ‘Oil and Gas sector’ and how this relates to international businesses abroad,
- find out if the important aspects of the OECD Guidelines, like Due Diligence and complaints mechanisms are embedded into the Oil and Gas sector
- suggest recommendations how the sector can perform better, according to the OECD Guidelines in the future.



Tasks of the Dutch NCP (5):

- Other activities: advice on international RBC sector agreements in the Netherlands
 - 5 agreements: garments & textile, banking sector, gold sector, sustainable forestry, vegetable protein
 - Upcoming: insurance, food industry, natural stone, metallurgy
 - NCP role: advisory role, questions on supervisory role/regulator of these agreements? Advise on conformity with OECD guidelines of draft texts

More information: <http://www.internationalrbc.org>



Tasks of the Dutch NCP (6):

- International RBC Sector agreements opportunities:
 1. Voluntary agreements
 2. Multistakeholder approach
 3. OECD Guidelines are the basis
 4. structured peer- and stakeholders- learning
 5. consensus on sector base line standards/procedures
 6. develop process for continued sharing, learning, improving

More information: <http://www.internationalrbc.org>



How can the NCP mechanism help companies to address risks and meet their responsibilities?

“A complaint is a chance!”

- ✓ Non judicial, not about liability
- ✓ Not about right or wrong, but about learning for the future
- ✓ Problem solving approach more effective
- ✓ Learn how to deal with societal problems or NGO's concerned
- ✓ Stimulates an open culture and transparency
- ✓ Confidentiality during the process
- ✓ NCP in an neutral facilitating role



Some landmark cases of the Dutch NCP:

- **Mylan:** responsibility not only for supply chain but also for distribution chain, Evaluation:
<https://www.oecdguidelines.nl/latest/news/2017/09/27/evaluation-of-the-final-statement-stapert-vs.-mylan>
- **Atradius Dutch State Business:** do OECD Guidelines apply to export credit agency & independence of the NCP
<https://www.oecdguidelines.nl/notifications/news/2016/11/30/final-statement-both-ends-associacao-forum-suape-vs-atradius-dutch-state-business>
- **Heineken:** labour case, 15 years old, difficult circumstances, mediation enabled by Dutch government, agreement reached on next steps, outcome compensation paid <http://oecdinsights.org/2017/09/15/beer-conflict-and-compensation-heineken-congo-agreement/>



More information on the work of the Dutch NCP:

» www.oecdguidelines.nl

Thank you for your attention!