



OECD GUIDELINES
FOR MULTINATIONAL
ENTERPRISES

NATIONAL CONTACT POINT
FOR RESPONSIBLE BUSINESS
CONDUCT THE NETHERLANDS

2018 Annual Report of the Dutch National Contact Point

2018 was a busy year for the NCP, which performs two core tasks required by the OECD (Organisation for Economic Co-operation and Development). The first is to deal with specific instances of alleged non-observance of the OECD Guidelines and to facilitate dialogue. The second is to make companies aware of the OECD Guidelines and encourage their application. In 2014 the NCP was given a third core task: to conduct cross-sectoral research to monitor whether the content and the meaning of the Guidelines are clear and properly interpreted in specific situations or sectors. The NCP was assigned this core task by the Minister for Foreign Trade and Development Cooperation in the NCP Establishment Order 2014.

The first core task in particular took up a great deal of the NCP's time in 2018 due to the sharp rise in the number of specific instances and their increasing complexity. This, in combination with capacity problems, put the NCP secretariat and the independent members under considerable pressure in 2018. As well as dealing with these specific instances, the NCP also worked to fulfil its second core task, for instance by organising a theme-based meeting, a RBC training day and various other related activities. Finally in 2018 the cross-sectoral study into the oil and gas sector was completed and the NCP worked on its recommendations to the government.

Specific instances

In 2018 the NCP was dealing with a total of nine specific instances relating to:

- ING (submitted in May 2017)
- VEON (submitted in July 2017)
- Bresser (submitted in July 2017)
- Nuon (submitted in December 2017)
- IKEA (submitted in September 2018)
- A new specific instance of environmental damage in January 2018¹

¹The initial publication of information about specific instances submitted to the NCP concerns the Initial Assessment of whether the issue merits further consideration. For this reason details of the party or parties involved in new instances are anonymised.

- A new specific instance relating to labour law in April 2018
- A new specific instance relating to tax avoidance in October 2018
- A new specific instance relating to labour law in October 2018

The specific instances involving Bresser and Nuon were concluded in August and December 2018 respectively. In 2018 all specific instances were deemed to merit further consideration.

In addition, the NCP advised and/or supported other NCPs on six other specific instances that related to companies with ties to the Netherlands, or that had been jointly reported to the Netherlands and another NCP and were being dealt with by the other NCP. These concerned two specific instances being dealt with by the Japanese NCP (submitted in December 2016 and July 2018), a specific instance being dealt with by the Luxembourg NCP (submitted in September 2017), a specific instance being dealt with by the Italian NCP (submitted in December 2017), a specific instance being dealt with by the Polish NCP (submitted in April 2018), and a specific instance being dealt with by the Brazilian NCP (submitted in August 2018).

In recent years there has been a sharp rise in the number of specific instances submitted to the Dutch NCP, which in turn has led to a rise in the number of Final Statements to be evaluated. One year after publication of a Final Statement, the NCP evaluates the outcome of the specific instance. In 2018 the NCP evaluated the specific instances relating to ADSB and Rabobank. There was a delay in evaluating the specific instance relating to Heineken/Bralima, which was completed in summer 2017.

Awareness-raising and peer learning activities in the Netherlands and abroad

Promoting awareness of the OECD Guidelines is an important task for the NCP. It therefore undertook a range of such activities in 2018.

One of the NCP's key awareness-raising activities is an annual theme-based meeting for stakeholders. In October 2018 the NCP hosted an English-language meeting entitled 'Improved Responsible Business Conduct through Effective NCPs'. One of the main themes was 'lessons learned from specific instances submitted to the NCP'. The purpose of the event was to bring together companies, NGOs and other organisations with an interest in international responsible business conduct (RBC) and the OECD Guidelines to share knowledge and discuss the dilemmas and challenges they face in the practical application of the Guidelines. Around 80 stakeholders attended the event, as well as representatives from nine NCPs from outside the Netherlands. The NCP also hosted a working dinner for the representatives of these nine NCPs to discuss the theme of 'raising and monitoring awareness of the OECD Guidelines'. In addition the NCP organised two workshops, one for NCPs new to dealing with specific instances and the other for NCPs with more experience in this area. The OECD Responsible Business Conduct Unit was also represented at all these activities.

Every year NCP also organises an RBC training day for works council members from multinational enterprises. In May 2018 the NCP commissioned the sixth such training day. This time works council members from 26 multinational enterprises were invited to attend a meeting on 'Improving the RBC commitment of works councils in the Netherlands'.

As well as organising its own activities, the NCP takes part in events initiated by other organisations as an alternative way of promoting awareness of the OECD Guidelines. This includes giving presentations and taking part in interviews and expert sessions. These activities help the NCP reach out to different stakeholder groups, including companies, civil society organisations in the Netherlands and abroad, government officials and the general public. The NCP took part in a total of 14 events in 2018. These included the 'Democracy and Rule of Law' session of the Dutch Visitors Programme at the Netherlands Enterprise Agency (RVO), and a meeting with Michaël van Straalen, the chair of the Royal Association MKB-Nederland, to discuss how to promote the OECD Guidelines and RBC to small and medium-sized enterprises in the Netherlands.

At international level the NCP has actively contributed to the implementation of the OECD's Action Plan to Strengthen National Contact Points (2016-2018), as part of the proactive agenda of the OECD Working Party on Responsible Business Conduct. At the OECD efforts are under way to draw up a new Action Plan for 2019-2021. The Action Plan has three tracks of activity: peer reviews and capacity-building missions, enhancing policy coherence, and building and improving tools. Together with NCPs from around the world, the Dutch NCP takes part in NCP Network Meetings at the OECD in Paris. The Dutch government/Ministry of Foreign Affairs is represented in the OECD Working Party on Responsible Business Conduct (a policy working group for governments of OECD member countries). As an independent body, the NCP also provides feedback and input on policy documents relating to NCPs and RBC as part of the Netherlands' contribution to this Working Party.

Finally, in the autumn of 2018 the NCP commissioned a translation into Dutch of the OECD Due Diligence Guidance for Responsible Business Conduct. This Guidance document, which was published by the OECD in 2018, gives additional insight into how businesses can apply due diligence in practice in their value chains (also known as RBC risk management). This is one of the key issues addressed in the OECD Guidelines. In the past the document was available in English and French only (the official languages of the OECD). By having it translated into Dutch the NCP aims to make the text of this important document more accessible to businesses and stakeholders in the Netherlands. The translation will be completed and published in 2019.

Promoting and measuring awareness of and compliance with the OECD Guidelines

Besides its public information activities, in 2018 the NCP worked to promote and measure companies' awareness of and compliance with the OECD Guidelines. In 2018 the NCP monitored whether the 40 businesses that have undertaken to endorse the OECD Guidelines and to include this in their annual report have indeed done so. This proved to be the case. This monitoring was the result of a study carried out in October 2016 among Dutch listed companies by the Dutch Association of Investors for Sustainable Development (VBDO). To raise awareness of this study, in August 2018 an interview with NCP member Fred van Haasteren was published on the Forum of the Confederation of Netherlands Industry and Employers (VNO-NCW). The topic of the interview was the NCP, the OECD Guidelines and how companies can comply with them.

The NCP also works to support the establishment of voluntary International Responsible Business Conduct (RBC) agreements. These agreements are an important multi-stakeholder instrument for promoting RBC and are central to the Ministry of Foreign Affairs' policy on international responsible business conduct. The OECD Guidelines are the foundation on which these sectoral agreements are based. When requested, the NCP advises on draft texts for new agreements in the light of the OECD Guidelines. In 2018 it advised on the floriculture RBC agreement, the insurance RBC agreement and the pension funds RBC agreement. At the request of the parties involved in the Sustainable Forestry Agreement, the NCP had a meeting with a research agency about the OECD Guidelines and certification initiatives.

Finally, in 2018 the NCP worked on a cross-sectoral study on compliance with the OECD Guidelines by the Dutch oil and gas sector, in response to the government's request of October 2016. The NCP Establishment Order.

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