



2020 Public Annual Report of the National Contact Point for the OECD Guidelines for Multinational Enterprises

The NCP performs two core tasks. 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. These tasks are the same for all NCPs around the world and are laid down in the Procedural Guidance to the OECD Guidelines. In 2014 the Dutch NCP was given an additional core task: to conduct cross-company research. The aim of such research is to monitor whether the Guidelines are clear and properly interpreted in specific situations or sectors and to provide advice that helps prevent future abuses. This kind of research also serves to support public debate on responsible business conduct.

As in previous years, the first core task in particular took up a great deal of the NCP's time in 2020. This was due not only to the number of specific instances but also to their varying levels of complexity. Despite the considerable time and capacity devoted to dealing with specific instances in 2020, the NCP did perform its second task as well. In this respect the year got off to a flying start and there were many presentations scheduled. However, the awareness-raising activities came to a halt in March due to the COVID-19 pandemic. As online working became the new normal, throughout the year the NCP was able to resume presentations to raise awareness of the OECD Guidelines and to organise a themed meeting in December.

Specific instances

In 2020 the Dutch NCP dealt with a total of 14 specific instances at various stages. Documents concerning the first eight specific instances listed below can be found on the [NCP website](#). The other instances are currently at an early stage and are therefore still confidential.

- Uni Global Union vs. VEON
- Obelle vs. SPDC/Shell
- IUF vs. Perfetti van Melle
- Atuma vs. Unilever
- Uni Global Union vs. IKEA
- Friends of the Earth vs. ING
- Kajangu vs. Bralima/Heineken III
- National Board of (Confederation) Indonesia Prosperity Trade Union vs. CNV
- An instance relating to tax avoidance
- An instance relating to land appropriation, soil pollution, etc.
- An instance relating to immigrants

- A new instance relating to environmental pollution and human rights
- A new instance relating to gender and sexual harassment
- A new instance relating to termination of employment

In addition, in 2020 the Dutch NCP advised and/or supported other NCPs on the following matters:

- mediation and the independence of the NCP;
- online mediation experience;
- input for an academic article on NCPs to be published in the *Nederlands-Vlaams tijdschrift voor Mediation en conflictmanagement*, 2020 (24)2;
- online tools for due diligence for SMEs;
- policy on Responsible Business Conduct (RBC) in the Netherlands.

The Dutch NCP also advised other NCPs on instances connected with the Netherlands, or on instances that had been jointly submitted to the Dutch NCP and another NCP and were being dealt with by the other NCP. These concerned one specific instance being dealt with by the Argentine NCP, one being dealt with by the Brazilian NCP, two being dealt with by the French NCP, two being dealt with by the Japanese NCP, one being dealt with by the Luxembourg NCP and one being dealt with by the Turkish NCP. In 2020 two specific instances were completed and/or declared inadmissible: one being dealt with by the Chilean NCP ([Union No 1 of Unilever's Chemical, Food, Distribution, Services and Similar Industries and Central Unitaria de Trabajadores \(CUT\) vs. Unilever, Unilever Chile SCC Limitada](#)) and one being dealt with by the Hungarian NCP (two individuals vs. Shell Hungary). The Hungarian NCP did not publish an Initial Assessment on this specific instance.

It is a best practice of the NCP to evaluate the outcome of a specific instance (i.e. agreements and/or recommendations) one year after publication of the Final Statement. The outcomes of two specific instances were evaluated in 2020:

- Hou Friesland Mooi vs. Nuon;
- Oxfam Novib, Greenpeace, BankTrack & Friends of the Earth vs. ING.

The evaluations can be found on the 'closed procedures' section of the NCP website.

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

Promoting awareness of the OECD Guidelines is one of the NCP's tasks. Via its website the NCP regularly receives enquiries about the Guidelines and the NCP itself. If possible, the NCP Secretariat replies to such enquiries. If necessary, it refers the enquirer to another appropriate body.

The NCP also participates in events hosted by other organisations as another way of promoting awareness of the OECD Guidelines. This includes giving presentations and interviews and taking part in expert sessions. These activities help the NCP reach out to different target groups, including companies, civil society organisations in the Netherlands and abroad, government officials and the general public. In 2020 the NCP took part in a webinar about the Dutch government's target to have 90% of businesses sign up to the OECD Guidelines by 2023, organised by the Confederation of Netherlands Industry and Employers (VNO/NCW), and co-hosted an 'Access to Remedy' expert session with the Social and Economic Council (SER). The NCP also gave presentations to various parties, including the Asser Institute (an interuniversity institute for international law in The Hague) and signatories to the IRBC agreements for the Dutch pensions and insurance sectors.

In December 2020 the NCP organised a webinar on the theme of 'Responsible business conduct in the digital economy'. The webinar provided general information on doing business in the digital economy and took a more detailed look at the platform economy and responsible business conduct,

artificial intelligence and blockchain. A video of the event is available (in Dutch only) on the NCP website.

At international level the NCP is actively contributing to the implementation of the OECD's Action Plan to Strengthen National Contact Points (2019-2021), as part of the proactive agenda of the OECD Working Party on Responsible Business Conduct. The Action Plan has three main tracks of activity: peer reviews and capacity-building, 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.

In the OECD Working Party on Responsible Business Conduct (a policy working group for governments of OECD member countries) the Netherlands are represented by government officials. As an independent body, the NCP provides feedback and input on policy documents relating to NCPs and International Responsible Business Conduct (IRBC) as part of the Netherlands' contribution to this Working Party.

In 2020 the Dutch NCP gave a presentation on remediation at the OECD Global Forum on providing access to remedy. It also took part in events organised by other NCPs: for instance, a peer learning session in Budapest, a panel discussion hosted by the Polish NCP and a presentation during the Austrian RBC forum on digitalisation.

Advising on IRBC agreements

In addition to organising awareness-raising activities, the NCP also supports the establishment of voluntary IRBC agreements. These agreements are an important multi-stakeholder instrument for promoting IRBC 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 the texts of new agreements in the light of the OECD Guidelines. In 2020 it helped establish a voluntary agreement for the wind energy sector.

Overview

Topic	Number
Number of specific instances in 2020 (including three instances completed in 2020 and two instances declared inadmissible)	14
Specific instances dealt with by other NCPs on which Dutch NCP is advising	10
General enquiries via website	18
IRBC agreements on which NCP advised	1
External activities (presentations/panel discussions, etc.)	12
Training sessions/themed meetings	1
Visitors to Dutch-language website	16,053
Visitors to English-language website	7,049

Published by:

The National Contact Point for the OECD
Guidelines for Multinational Enterprises

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For more information see the [NCP Website](#)