



Summary of the 2022 Work Plan of the National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP)

Core task: specific instances in 2022

- Handling current and newly submitted specific instances
- Evaluating implementation of concluded specific instances
- Advising other NCPs on specific instances relating to the Netherlands

Handling current and newly submitted specific instances

Dealing with specific instances of alleged non-observance of the OECD Guidelines is the NCP's primary and most significant core task.

Given the current number of specific instances, this core task will also occupy the lion's share of the NCP's time and staffing capacity in 2022. In 2017 the NCP had only three specific instances to deal with, compared with no fewer than 11 which were ongoing as of January 2022.

In addition to these 11, one specific instance was completed (declared inadmissible) in 2021: American citizen vs. ING & G4S.

Three Final Statements were evaluated: Bralima vs. Heineken, IUF vs. Perfetti van Melle, and Hasankeyf matters et al. vs. Bresser.

Evaluations

In 2022 Final Statements will be evaluated relating to the following specific instances which have already been completed: UNI vs. VEON and Obelle vs. Shell-SPDC.

Advising other NCPs

The NCP advises and/or supports other NCPs on matters relevant to the Netherlands, or on instances that have been jointly reported to the Netherlands and another NCP and are being dealt with by the other NCP. As of early 2022 there were six instances that fell into this category.

Miscellaneous

In 2021 the procedures for submitting and processing specific instances were updated, and internal guidelines and agreements for working with an external mediator were drawn up. Both documents were posted on the NCP's website.

In principle the independent members of the Dutch NCP are responsible for conducting mediation themselves. In 2022 an external mediator is expected to be brought in to deal with one specific instance. The NCP will, however, remain involved in the work done by the external mediator (albeit at a distance).

To further enhance the quality of the mediation provided by the NCP, the members of the body and the secretariat will take part in an in-depth mediation training session in 2022.

Core task: promoting awareness and enforcement of the OECD Guidelines

- Promotional activities at conferences and other events;
- Strengthening government RBC policy and giving advice on sector-specific RBC agreements;
- Arranging a themed meeting for stakeholders
- Updating and improving the NCP-website and social media channels

The second core task of the NCP is promoting awareness of the OECD Guidelines and encouraging the business community to apply them. The Dutch government regards the OECD Guidelines as the primary RBC framework for businesses. What distinguishes the Guidelines from other international instruments is that they cover almost all RBC-related themes and put a strong emphasis on due diligence (RBC risk management). Activities to promote the Guidelines and highlight the need for Dutch multinationals to endorse them will therefore remain of undiminished importance.

The NCP's promotional efforts include giving presentations about the Guidelines, holding or providing input for training sessions, and bringing the Guidelines to the attention of other organisations which regularly interact with the business community. The NCP+ stakeholders (the Confederation of Netherlands Industry and Employers (VNO-NCW), the Royal Association MKB-Nederland, Trade Union Confederation FNV, OECD Watch, and the Social and Economic Council (SER) as an observer) and the advisory members from the four most relevant ministries (the Ministry of Foreign Affairs, the Ministry of Economic Affairs and Climate Policy, the Ministry of Infrastructure and Water Management, and the Ministry of Social Affairs and Employment) regularly provide a platform for the NCP to highlight the OECD Guidelines and the importance of the NCP's grievance mechanism.

When it comes to the central government, in particular the Ministry of Foreign Affairs, the policy objective is for 90% of major Dutch companies to endorse the OECD Guidelines by 2023. The NCP will also continue to play a role in pursuing this goal, including by actively engaging in relevant activities. The NCP has also set up a special website devoted to the OECD Guidelines, which dovetails with the government's 90% campaign and its associated policy objective.

A relevant and important element of the government's enhanced RBC policy is the establishment of an RBC support office. This office is meant to serve as an 'one-stop shop' for RBC matters, supporting companies in performing their due diligence. Over the course of 2022 we expect greater clarity on how the awareness-raising activities of this planned support office will relate to the NCP's own information activities. To that end NCP will hold talks in 2022 with representatives of the Ministry of Foreign Affairs and the Netherlands Enterprise Agency (RVO). For the NCP the point of departure in these talks is that it should remain the NCP's task to interpret and apply OECD Guidelines in the framework of the NCP procedure. The NCP also must have the freedom to carry out its awareness-raising task in full.

In 2021 the NCP provided input for the revision of the National Action Plan on Business and Human Rights, which will be published in 2022. The NCP will remain involved in this process in 2022 as well.

In addition, as an advisory member of the RBC Committee of the Social and Economic Council (SER), the NCP will continue to stress the importance of effective dialogue between employers and employees on RBC issues. In that capacity the NCP provided input for the SER advisory report on European RBC legislation, which the SER published in 2021.

In 2022 the NCP will also take a proactive role in the SER's activities and training courses that centre on the OECD Guidelines.

NCP themed meeting and RBC training for works councils

Themed meetings, which the NCP usually organises once a year, are intended to bring together representatives of business, NGOs and other organisations with an interest in RBC and the OECD Guidelines, to share knowledge and to discuss dilemmas associated with implementing the Guidelines, sometimes with an emphasis on certain sectors or themes. In 2022 the NCP intends to organise another themed meeting.

The NCP also plans to organise a training day for works councils on RBC. The aim of the training day is to help works council members better convey the principles of RBC within their organisation, with the help of certain tools and/or conversational techniques.

Voluntary agreements

The NCP also advises on draft texts of voluntary agreements related to RBC, and will continue to do so in 2022. In addition, in 2022 both the members and the secretariat of the NCP will be actively involved in conducting a series of training courses, to be organised by the SER, dealing with RBC in general and the OECD Guidelines in particular.

NCP online

To reach the NCP's target groups as effectively as possible in 2022 as in previous years, we will be updating the websites www.oesorichtlijnen.nl and www.oecdguidelines.nl and publishing easy-to-read, up-to-date texts. With that in mind, Initial Assessments and Final Statements will henceforth be published in English as well as Dutch.

International activities

In 2022 the Dutch NCP will continue to provide input for the OECD stocktaking exercise for the OECD Guidelines. This exercise does not imply that a decision has already been made on the text of the Guidelines or that the Procedural Guidance for NCPs is being formally revised; rather, its purpose is to assess how up-to-date and relevant the Guidelines and the Procedural Guidance are.

The Dutch NCP contributes in various ways to the implementation of the OECD Action Plan to Strengthen National Contact Points (2022-2024). The Action Plan is an element of the proactive agenda of the OECD Working Party on Responsible Business Conduct (WP RBC).

Furthermore, in 2022 the NCP will:

- actively take part in NCP Network meetings in Paris;
- take part in peer learning sessions;
- take part in a peer review of the Spanish NCP;
- organise activities to raise awareness of the OECD Guidelines within government institutions ('policy coherence'), in collaboration with the RBC cluster of the Ministry of Foreign Affairs;
- support and inform Dutch embassies about the OECD Guidelines;
- take part in developing NCP training courses run by the OECD.

Organisation and resources

For the NCP to operate effectively, the organisation (independent members) and its secretariat must be adequately staffed. We have focused on this issue in recent years. Due in part to staffing problems, the NCP is taking longer than it would like to process complaints, and it does not have enough time for its awareness-raising tasks. These issues will require the organisation's attention in 2022 as well.

The NCP has its own budget, which it can use as it sees fit for tasks and activities set down in its work plan. The budget falls within the purview of the Ministry of Foreign Affairs and is earmarked for the NCP. The NCP draws up a budget every year, and it is accountable to the Ministry on how the funds are spent.

Published by:

National Contact Point for the OECD
Guidelines for Multinational Enterprises

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