



An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

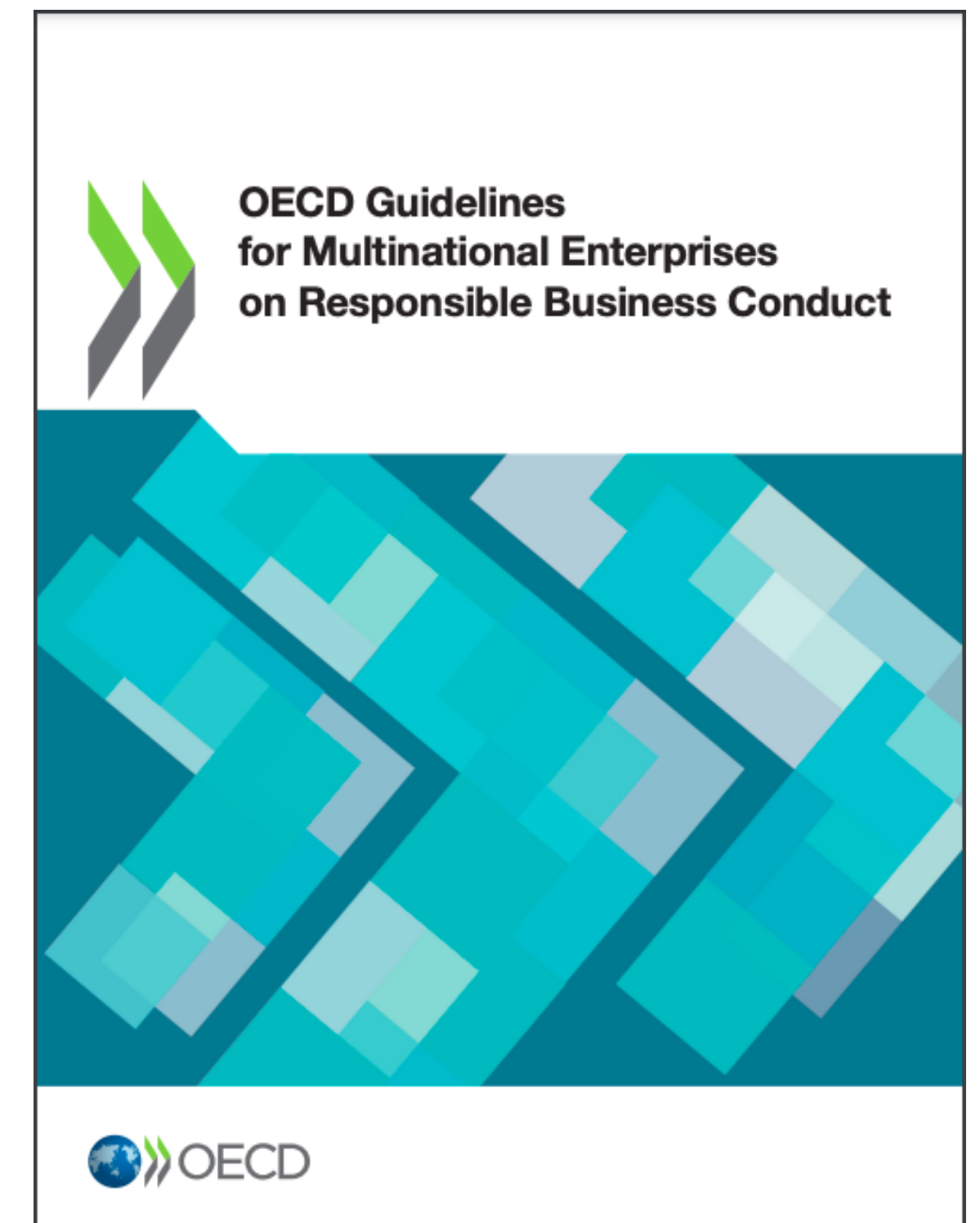
OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

Ireland National Contact Point
14 February 2024

Background



- The 2023 Guidelines are recommendations addressed by governments to multinational enterprises, with the aim to promote positive contributions by enterprises to economic, environmental and social progress
- Guidelines provide principles and standards for good practice in responsible business conduct consistent with applicable laws and internationally recognised standards
- Guidelines are supported by OECD commentary on their alignment with international standards, instruments, agreements, declarations – United Nations, ILO, ISO Standards, OECD Declarations and Recommendations
- Guidelines are voluntary for enterprises, however, adhering countries are bound to implement them



Structure of the Guidelines



The OECD Guidelines are structured in two parts:

Part I defines standards for responsible business conduct in the areas highlighted in the boxes to the right →

Part II sets out Procedural Guidance to implement the recommendations in Part I (known as the Implementation Procedures)

| | | |
|------------------------------------|---|-------------------------------------|
| Disclosure | Human Rights | Employment and Industrial Relations |
| Environment | Combating Bribery and Other Forms of Corruption | Consumer Interests |
| Science, Technology and Innovation | Competition | Taxation |

2023 targeted updates to the Guidelines

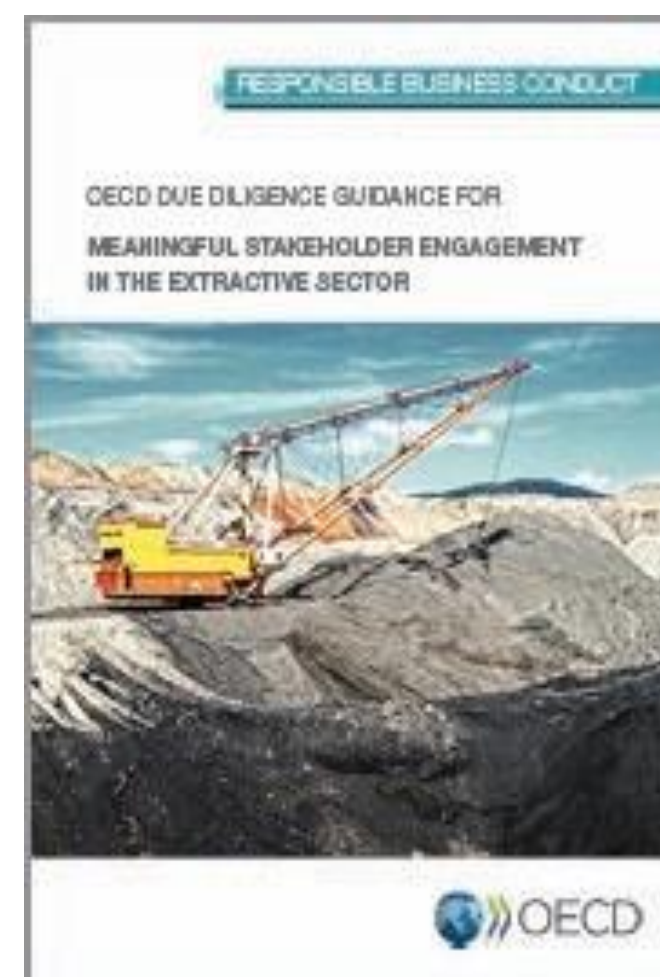


- Targeted updates to the Guidelines to ensure they remain relevant for addressing global challenges in a changing world
- Updates took account of changes such as climate change, digital transformation and the need for resilient and inclusive supply chains
- Most significant updates:
 - *Environment – clarifying expectations for RBC related to the climate change and biodiversity crises*
 - *Science, technology and innovation - due diligence recommendations to harness the digital transformation*
 - *Implementation Procedures (for NCPs) - important advances for achieving functional equivalence across the 51 NCPs in the network, while taking into account the need for flexibility*

Supporting OECD RBC documents to the Guidelines



- Risk-based due diligence is the main tool to identify, prevent or mitigate risk
- The due diligence guidance helps business to understand and implement due diligence for RBC as foreseen in the OECD Guidelines



National Contact Point (NCP)



“Governments adhering to the Guidelines will implement them and encourage their use. They will establish National Contact Points that promote the Guidelines and act as a forum for discussion of all matters relating to the Guidelines”
(OECD Guidelines, I, Concepts and Principles)

Ireland NCP is a standalone Unit in the Department of Enterprise, Trade and Employment. Our role is to:

1. Promote the Guidelines
2. Handle Specific Instances

NCP – (1) Promotion of Guidelines



The National Contact Point awareness raising activities include:

- **Digital communication** - leverage website, social media, and online content
- **Events, seminars and meetings** – connect and build relationships with stakeholders, academia, and the public
- **Respond to enquiries about the Guidelines from -**
 - a) Other National Contact Points
 - b) The business community, worker organisations, other organisations and the public; and
 - c) Governments of non-adhering countries

The infographic provides a comprehensive overview of the Ireland National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises. It is structured as follows:

- Header:** Ireland National Contact Point for the OECD Guidelines for Multinational Enterprises.
- Section 1: What are the OECD Guidelines for Multinational Enterprises?**
 - Definition: A set of recommendations for responsible business conduct (RBC) covering all areas of business responsibility including disclosure, human rights, employment and industrial relations, environment, anti-corruption, competition and taxation.
 - Key features:
 - Flexible principles and standards for governments to RBC consistent with applicable law and internationally recognised standards.
 - Not to promote positive contributions by enterprises to economic, environmental and social progress.
 - Are voluntary for enterprises; however, adhering countries are bound to implement them.
 - Require adhering governments to the Guidelines to set up a National Contact Point.
- Section 2: What is the Ireland National Contact Point (NCP)?**
 - Definition: The Ireland National Contact Point, or Ireland NCP is the contact point set up by the Irish Government, which adheres to the OECD Guidelines for Multinational Enterprises.
 - Key objectives:
 - To promote and raise awareness of the Guidelines and their implementation procedures.
 - To handle enquiries related to the Guidelines from other NCPs, the business community, worker organisations, other non-governmental organisations, the public, and governments of non-adhering countries.
 - To provide a proactive contribution to create a competitive and high performing business environment in Ireland.
- Section 3: Who can submit a complaint to the Ireland NCP?**
 - Any individual or organisation with a legitimate interest in the activities of a multinational enterprise (MNE) operating in a non-adhering country or a government that is not an adhering country.
- Section 4: How does the Ireland NCP handle complaints for practice?**
 - There are generally three main types of complaint that can be made:
 - 1. Complaints from other NCPs:** The Ireland NCP will provide information and advice to other NCPs and will assist in the resolution of any issues that arise.
 - 2. Complaints from the business community, worker organisations, other organisations and the public:** The Ireland NCP will provide information and advice to these groups and will assist in the resolution of any issues that arise.
 - 3. Complaints from governments of non-adhering countries:** The Ireland NCP will provide information and advice to these governments and will assist in the resolution of any issues that arise.

- Footer:** How can you contact the Ireland NCP? The Ireland NCP is located at the Department of Enterprise, Trade and Employment. Email: nep@enterprise.gov.ie | Tel: 011 442 224 | www.enterprise.gov.ie

NCP – (2) Handle Specific Instances



- The Guidelines include a unique built-in grievance mechanism – specific instances.
- The specific instances mechanism has been part of the Guidelines since the 2000 review. More than 650 specific instances arising in over 100 countries have been handled by the 51 NCPs
- NCPs are obliged to provide a platform for discussion and assistance to stakeholders to help find a resolution for issues arising from the alleged non-observance of the Guidelines
- NCPs focus on problem solving - they offer ‘good offices’ and facilitate access to consensual and non-adversarial procedures (typically mediation)
- NCPs must do so in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines
- Specific instances are not legal cases and NCPs are not judicial bodies

NCP Specific Instance Procedure



Complaint received



Initial assessment

NCP decides if the issue(s) raised merit further examination



Case merits further examination

Case does not merit further examination

Good offices

NCP facilitates access to consensual and non-adversarial dialogue typically through mediation to assist parties in reaching a mutual agreement on the resolution of the issues raised



Final statement

NCP issues a statement that can include recommendations



Follow-up

NCP will follow-up on the implementation of the agreement and/or recommendations

Peer Review of Ireland NCP



Ireland NCP Peer Review took place in October 2021 to:

- Assess the functioning and operation of the NCP; identify the NCP's strengths and positive results as well as any gaps and possibilities for improvement with recommendations and serve as a learning tool for reviewed and participating NCPs
- 8 recommendations included in the peer review report covering the NCP structure or institutional arrangements, promotion of the NCP and how it handles complaints
- Report available at [NCP peer review - DETE \(enterprise.gov.ie\)](https://enterprise.gov.ie/ncp-peer-review-dete)
- More information on the Ireland NCP and the Guidelines are available at www.enterprise.gov.ie/oecdncp



Thank you