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Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

OECD Guidelines for Multinational Enterprises

Ireland National Contact Point
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Background



- The 2011 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 & Industrial Relations
Environment	Consumer interests	Science & Technology
Combating Bribery, Bribe Solicitation and Extortion	Taxation	Competition

Targeted updates to the Guidelines



- Targeted updates to the Guidelines to ensure they remain relevant for addressing global challenges in a changing world
- Updates take 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 and technology - 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)

Dual Role for the NCP:

- 1. Promote the Guidelines*
- 2. Handle Specific Instances*

NCP 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 prompt response to resolve complaints relating to non-adherence of the recommendations of the Guidelines.
- 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:** These are handled through the NCP's internal procedures.
 - 2. Complaints from the business community, worker organisations, other organisations and the public:** These are handled through the NCP's internal procedures.
 - 3. Complaints from governments of non-adhering countries:** These are handled through the NCP's internal procedures.

- 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 – 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 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 must do so in a manner that is impartial, predictable, equitable, and compatible with the principles and standards of the Guidelines.
- Specific instances are not legal cases and NCPs are not judicial bodies.
- NCPs focus on problem solving - they offer ‘good offices’ and facilitate access to consensual and non-adversarial procedures (conciliation or mediation).

NCP Specific Instance Procedure



1. INITIAL ASSESSMENT

To determine if the issues raised merit further examination.

If the criteria are met, the NCP may offer 'good offices' in an effort to contribute informally to the resolution of issues.

NCPs can also issue a statement based on the initial assessment.

2. OFFER OF GOOD OFFICES

To facilitate access to consensual and non-adversarial dialogue to assist parties in reaching a mutual agreement on the resolution of the issues raised.

Good offices typically includes access to mediation – provides a pathway to parties to arrive at a resolution.

3. CONCLUSION

Agreement – The NCP reports on the agreement and can make recommendations in the Final Report.

No agreement – The NCP issues a Final Statement and can make recommendations/determinations

4. FOLLOW-UP

The NCP can determine if the recommendations were followed as set out in the final statement/report.

The NCP can issue a statement based on the follow-up conducted.

Peer Review of Ireland NCP



Ireland NCP Peer Review took place in October 2021 to:

- Assess that the functioning and operation of the NCPs; 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)
- More information on the Ireland NCP and the Guidelines are available at www.enterprise.gov.ie/oecdncp