

2024 Work Plan of the OECD National
Contact Point for Responsible Business
Conduct

Contents of the 2024 NCP Work Plan

Foreword.....	3
1. The role of the NCP and the OECD Guidelines for Multinational Enterprises	4
1.1 Purpose of the OECD Guidelines.....	4
1.2 Core tasks and core values of the NCP	4
2. Core task: notifications	5
3. Core task: promoting awareness and observance of the OECD Guidelines	6
3.1 Stakeholder analysis and communication plan	6
3.2 NCP thematic meeting	6
3.3 The NCP online.....	7
3.4 Contributing to the objectives of central government RBC policy	7
4. International activities related to the OECD	8
5. Organisation and resources	9
Appendix: composition of the NCP as at January 2024	10

Foreword

Coinciding with the update of the OECD Guidelines in the summer of 2023, the name of the National Contact Points (NCPs) was changed to the National Contact Point for Responsible Business Conduct. The Dutch NCP decided on its new Dutch name, OESO Nationaal Contactpunt voor Verantwoord Ondernemen, following consultation with advisory members and stakeholders. In 2024, under this new name the NCP will carry out its two core tasks: handling notifications of alleged non-observance of the OECD Guidelines, and promoting and interpreting the OECD Guidelines for Multinational Enterprises to encourage businesses to observe them (promoting awareness).

In March 2024 the NCP was handling 12 notifications. Handling notifications is expected to take up the largest part of the NCP's time and capacity again this year. The NCP's priority in this regard is twofold: to conclude the handling of long-running notifications from 2018-2021 and to bring our processing time more in line with the indicative timeframes prescribed by the OECD.

In the updated OECD Guidelines various topics have been further elaborated and new topics have been added, such as animal welfare and climate change. The Procedural Guidance for NCPs has also been updated. The NCP will provide a Dutch translation of the updated Guidelines and call attention to the new themes in its promotional information. The NCP will also align its own notification procedure with the updated Guidelines where necessary, taking account of stakeholders' input as usual.

In addition, the NCP will actively contribute to realising the objectives of the Dutch government's responsible business conduct (RBC) policy and encourage coherence between the various policy and legislative initiatives regarding responsible business conduct, operating in a situation in which plans and proposals are constantly changing and – in 2024 – in which both the Dutch and European political contexts are uncertain. The NCP's contribution in this regard is based on its unique perspective and mandate, which focus on assessing and ensuring conformity with the OECD Guidelines.

In early 2024 the NCP secretariat was again fully staffed, which is crucial for the NCP to be able to function properly and carry out all its tasks and plans. In mid-2024 the second and final term of one of the four independent members will end. Because steps were already taken in late 2023 to fill this vacancy, the NCP expects to have a suitable successor in good time.

In the year ahead the NCP members and staff will remain fully committed to carrying out the important tasks of the NCP as well as possible.

Catelene Passchier, NCP chairperson

March 2024

1. The role of the NCP and the OECD Guidelines for Multinational Enterprises

1.1 Purpose of the OECD Guidelines

The OECD Guidelines for Multinational Enterprises clarify what the government expects from companies in terms of responsible business conduct (RBC) when operating internationally. They provide guidance on matters such as supply chain responsibility, human rights, labour relations and the environment. As such, the OECD Guidelines are the starting point for Dutch policy on responsible business conduct (RBC) and serve as a basis for future RBC legislation. The OECD Guidelines were updated in June 2023. Various topics have been further elaborated and new topics, such as animal welfare and climate change, have been added.

All countries that adhere to the OECD Guidelines, including the Netherlands, have a National Contact Point (NCP). This is a requirement for OECD member countries. The NCP promotes the application of the OECD Guidelines and supports businesses in putting them into practice by expanding awareness of the Guidelines and handling notifications of alleged instances of non-observance of them. The OECD Guidelines are the only non-legal international framework for RBC that includes a grievance mechanism.

1.2 Core tasks and core values of the NCP

The updated OECD Guidelines also resulted in a new name for the NCPs and additional NCP core values. Following an amendment to the NCP Establishment Order 2014, on the basis of which the Dutch NCP carries out its work, the NCP will formally adopt the new Dutch name, OESO Nationaal Contactpunt voor Verantwoord Ondernemen.

The NCP's two core tasks, as laid down in the Establishment Order, are as follows.

The **first** core task is to deal with notifications of alleged non-observance of the OECD Guidelines submitted by individuals, civil society organisations and/or companies and, if the parties agree, to facilitate dialogue about this. Through mediation, factual investigations and recommendations, the NCP strives to contribute to settling disputes and preventing the escalation of differences of opinions between parties. Parties must agree beforehand to mediation by the NCP. On request the NCP can also facilitate informal dialogue between parties, separate from a formal notification to the NCP. Through its notification procedure, the NCP contributes to the non-legal settlement of disputes regarding observance of the Guidelines.

The **second** core task is to promote and interpret the content and meaning of the OECD Guidelines for Multinational Enterprises, so as to encourage enterprises to observe them. The Dutch NCP carries out this task in a number of ways, for example, by giving presentations and interviews, organising a thematic meeting for stakeholders and answering stakeholders' questions about the Guidelines.

In addition to these two core tasks, the Dutch NCP can, at the government's request, carry out sector-wide assessments of the application of the OECD Guidelines.

The **core values** that the NCP upholds in all its work are:

- **Visibility:** the NCP attaches great importance to its public information task, which enables it to promote awareness and the applicability of the OECD Guidelines.
- **Accessibility:** the NCP is accessible to parties that wish to submit a notification of a specific instance, to companies and to other interested parties. The NCP is also open to engaging in dialogue with parties and other stakeholders.
- **Transparency:** the NCP strives for transparency in how it handles notifications and mediation. This does not mean it divulges the details of specific mediation processes, given that confidentiality is conducive to their success.
- **Accountability:** the NCP has an active public profile and communicates clearly about its activities, for example by publishing annual reports and by sharing experiences with other NCPs.

- **Impartiality and equitability:** the NCP ensures impartiality in handling notifications of specific instances, including by preventing potential conflicts of interest. The NCP also ensures clear and accessible procedures.
- **Predictability:** the NCP publishes information on its procedures and regularly informs parties about progress with specific instances.
- **Compatibility with the Guidelines:** the NCP operates in a way that is compatible with the OECD Guidelines. When handling notifications the NCP ensures that agreements between parties are not contrary to the Guidelines and that the procedures followed are consistent with the OECD procedures.

This work plan describes how the Dutch NCP plans to carry out its tasks in 2024.

2. Core task: notifications

In early 2024 the NCP was handling 12 notifications. As in 2023, this core task is expected to take up the largest part of the NCP's time and capacity in 2024. The NCP's priority for this year is to conclude long-running notifications from 2018-2021 and to bring the processing time of new notifications more in line with the indicative timeframes prescribed by the OECD.

The longer processing times of some notifications result in a higher workload for the NCP, as work needs to begin on the new notifications while the older notifications are still being processed. The Dutch NCP, however, does not wish to make any concessions in terms of the quality and care of its handling of notifications. 'Quality over speed' still remains the guiding principle for 2024. At the same time, the NCP will continue its efforts to conclude notification processes in a timely manner, consistent with the OECD's indicative timeframes.

There are various reasons why the NCP has not yet been able to conclude certain longer-running notification processes. Sometimes the dialogue phase takes much more time than the OECD's indicative timeframes provide for. Other reasons include the complexity of the issue in question, the time needed to gain the confidence of both parties and the need for coordination with other NCPs. There may also be practical reasons, such as the difficulty of scheduling talks with numerous participants and the limited time and capacity of independent NCP members and the NCP secretariat.

In 2023 three notification processes were concluded and Final Statements issued: Aminigboko Community vs. the Shell Petroleum Development Company (concerning oil drilling on indigenous land), Building and Wood Workers International (BWI) vs. IKEA (concerning the involvement of employees in major company decisions) and UNI Global Union vs. IKEA Group (concerning trade union rights). In 2023 three follow-ups to Final Statements were also carried out.

It is expected that in 2024 a number of long-running notification processes will be concluded and a Final Statement issued. Four follow-ups to Final Statements are also scheduled. Since the guidelines have been updated, follow-ups are a required part of the procedure.

In addition to handling notifications itself, the NCP provides advice and support regarding the notifications received by other NCPs if there is a connection with the Netherlands or if the notification is also submitted to the Netherlands but it has been jointly decided that the notification would be handled by another NCP.

In line with the updated Guidelines, the Procedural Guidance for NCPs has also been updated. The NCP will modify its own notification procedure where needed on the basis of the updated OECD Procedural Guidance, taking account of input from our stakeholders.

To further enhance the quality of mediation provided by the NCP, the members and secretariat staff will take part in a mediation training session in 2024. For those who are new to the NCP team, this will be their first training.

2024 action points

- Processing times: the NCP will strive to reduce the notification processing time which will also reduce the current, high workload (this partly depends on how many new notifications are submitted). In its new composition, the secretariat has additional capacity available for handling notifications. For each notification received, the NCP will consider whether the initial assessment could be done by just one NCP member. To help manage expectations, it is incredibly important that the parties concerned with a notification are well informed about the expected processing times.
- Updated procedure: the NCP's notification procedure will be amended as needed in accordance with the updated Procedural Guidance for NCPs, with input from NCP+ stakeholders.
- Internal evaluation: the NCP will conduct an internal evaluation of concluded notifications to learn from and with each other, identify best practices and gain insight into the impact of the notifications.

3. Core task: promoting awareness and observance of the OECD

Guidelines

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 businesses and 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, the 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 regularly provide a platform for the NCP to highlight the OECD Guidelines and the importance of the NCP's grievance mechanism.

The NCP notes that the context in which it operates is changing owing to the many developments with regard to RBC. Legislative initiatives are in various stages of preparation and deliberation, including the EU Corporate Sustainability Reporting Directive (CSRD), the Corporate Sustainability Due Diligence Directive (CSDDD), the EU Forced Labour Regulation, the Dutch parliamentary initiative act on RBC and the Child Labour (Duty of Care) Act. The Dutch government has also taken steps to support businesses with implementing the RBC recommendations, such as by setting up the RBC support office and introducing the grant programme for sector-wide cooperation on responsible business conduct (SeSam). At the same time, it is equally important to continue providing information about the OECD Guidelines – they are a constant factor in a changing environment, remain the foundation of the Dutch RBC policy and serve as the basis for future legislation. The NCP will therefore continue working on this task in so far as the workload associated with ongoing and new notifications allows. When providing information, special attention should be paid to the new topics in the updated OECD Guidelines, such as climate change and animal welfare. The NCP will also work to promote awareness of and distribute the Dutch translation of the updated Guidelines, which will become available in the spring of 2024.

3.1 Stakeholder analysis and communication plan

To ensure that information is better targeted to the needs of businesses and other parties concerned, the NCP will conduct a stakeholder analysis in 2024. The findings will be used to draft a communication plan with promotional activities focusing on the stakeholders' identified needs. This is expected to make the public information task more effective and to enable better use of the available NCP capacity.

2024 action point

- Carry out a stakeholder analysis, identify relevant stakeholders and their potential for impact, and draft a communication plan.

3.2 NCP thematic meeting

Thematic 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.

2024 action point

- In November 2024 the NCP will host a thematic meeting. The theme will be chosen in consultation with the advisory members and NCP+ members.

3.3 The NCP online

The NCP website and social media play an increasingly important role in reaching and informing target groups. The NCP regularly receives questions – usually through the website – about the Guidelines (and their application), notifications and its activities. Notifications that have been successfully concluded and declarations of admissibility of new notifications regularly receive media attention. This has a positive effect on awareness about the work of the NCP and the OECD Guidelines, but there is scope for increasing this awareness even further. It is therefore vital that the website and social media pages are accurate, active and up-to-date. This is an ongoing process that will require time and effort in 2024 as well.

To reach the NCP's target groups as effectively as possible in 2024, updated content, including links, will be posted on the websites www.oesorichtlijnen.nl and www.oecdguidelines.nl. In addition, content about the NCP (and links) on the websites of relevant other organisations, such as the Netherlands Enterprise Agency (RVO) will be checked for accuracy.

In addition, the NCP wishes to improve the structure of its websites so that notifications are easier to find and access. A proposal to this end will be drafted and presented to the developers of the central government websites. Depending on the specifications of the NCP website, developers may be able to make the necessary modifications. There is also a wish to change the name/URL of the NCP websites.

The secretariat will as always focus on providing high quality online communication and information in 2024. Ongoing activities include:

- Be available to answer questions and respond promptly and appropriately to requests for information from businesses, civil society organisations and individuals, including prior to a formal notification if necessary.
- Publish good, readable and up-to-date items. Initial Assessments, Final Statements and Follow-Ups will be published in both English and Dutch.
- Develop, update and distribute information about the OECD Guidelines (factsheets, brochures, etc.) as needed.
- Manage and update the NCP website, including by actively publishing news items and information about upcoming events.
- Maintain all social media pages and the activity calendar.

2024 action points

- Update website content in accordance with the updated Guidelines and new developments.
- Website:
 - Study scope for changing website URL (name),
 - Have the structure of websites modified to make information – and in particular notifications – easier to find.

3.4 Contributing to the objectives of central government RBC policy

The NCP's activities contribute to the objectives of government-wide RBC policy and promote coherence between the different policy and legislation initiatives on responsible business conduct. The NCP also promotes awareness of the OECD Guidelines and the NCP mechanism within the Dutch government by, for example, giving presentations to international teams at different ministries. The NCP also works with the Ministry of Foreign Affairs, to promote awareness of the Guidelines among Dutch missions abroad. The NCP coordinates the information activities with the RBC support office, in consultation with the RBC group at the Ministry of Foreign Affairs. Account

will be taken in this regard of both the NCP's capacity and of the tasks and mandates of the NCP and the RBC support office, respectively.

In addition, the NCP strengthens government policy where possible by providing input for policy discussions and on plans for implementing legislation. At the government's request, the NCP reviews policy initiatives for OECD conformity, for instance in the area of sustainable procurement. The NCP's contributions are based on its unique perspective and mandate. For their part the advisory members call attention to the NCP's work in their policy contacts and in presentations as and when appropriate.

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. The NCP is also represented on the advisory board of the CSR Risk Check, a tool to help businesses assess risks in their value chains.

Lastly, at parties' request the NCP will provide advice about the OECD conformity of the draft texts of possible new sector-wide cooperation agreements in the context of the grant programme for sector-wide cooperation on responsible business conduct (SeSam).

2024 action points

- Provide input to the government with regard to the implementation of new RBC legislation (both national and European) where the legislation touches on the tasks and mandate of the NCP.
- Continue providing information about the work of the NCP and the updated OECD Guidelines to the relevant parts of the Ministry of Foreign Affairs and other ministries.
- Maintain contact with organisations whose instruments for business promotion take account of RBC issues and inform them about relevant NCP Final Statements.

4. International activities related to the OECD

The Dutch NCP is part of the OECD's international network of NCPs and 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 (WPRBC) and the related NCP Network meeting.

The four main points of the Action Plan are:

- Peer review and capacity building;
- Building functional equivalence: peer learning, issues and challenges for NCPs, skill sharing, information and promotion;
- Building and improving tools: document templates and online training courses for new NCP members and the NCP secretariat;
- Promoting policy coherence (including in relation to the OECD Guidelines, see section 3.3 above).

2024 action points

- One of the objectives of the Action Plan is for all NCPs to be peer reviewed by the end of 2024 (the original deadline was the end of 2023). Due to a lack of capacity, the Dutch NCP was unable to participate in a peer review team in 2023. In 2024 the NCP will, at the OECD's request, participate in a number of peer reviews of other NCPs. The peer review system will be revised in 2024. The new system will be adopted in 2025.
- The NCP will actively participate in the NCP network meetings to be held in Paris in June and November 2024.
- The NCP will provide input to the Dutch representative to the OECD on all topics that concern NCPs.
- Since November 2022 the Dutch NCP has been part of a regional network for NCPs which comprises Belgium, France, Luxembourg and the Netherlands. The NCPs have agreed to share knowledge and information about promotional activities and contribute to each other's activities if desired.

5. Organisation and resources

To implement the above tasks and plans and for the NCP to operate effectively, it needs sufficient capacity in terms of its secretariat and independent members. In early 2024 the secretariat was again fully staffed. In its new composition, the secretariat has more capacity available for processing notifications and it is expected that there will also be more scope for carrying out information activities (provided that the number of ongoing notifications remains approximately the same).

The NCP currently consists of four independent members, including the chairperson. In the summer of 2024 the second term of the NCP member with a business background will come to an end. A successor will be recruited and appointed in good time.

The NCP has its own budget, which it can use to carry out 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.

From an organisational perspective, the focus in 2024 will be on further professionalising the structure of the NCP. This may require certain amendments to the NCP Establishment Order 2014. This will help prepare the NCP for the coming years, during which a peer review of the Dutch NCP and a policy evaluation by the Policy and Operations Evaluation Department (IOB) are expected.

Appendix: composition of the NCP as of January 2024

Members:

- Catelene Passchier, chairperson
- Liesbeth Enneking
- Fred van Haasteren
- Joris Oldenziel

Advisory members:

- Saïd El Haroui, Ministry of Foreign Affairs
- Ellen van Lindert, Ministry of Social Affairs and Employment
- Ilse Pauwels, Ministry of Infrastructure and Water Management
- Ruud van Soelen, Ministry of Economic Affairs and Climate Policy

NCP+ members:

- Frans Dekker, Trade Union Confederation FNV
- Marhijn Visser, Confederation of Netherlands Industry and Employers (VNO-NCW)/Royal Association MKB-Nederland
- Joseph Wilde, OECD Watch
- Seljan Verdiyeva-Smeets, Social and Economic Council (SER) (observer)

NCP secretariat:

- Lotte Hoex (from 1 March 2024)
- Kamala Laghate
- Marina van Riel
- Sylvia Tuin