

U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises

Fact Sheet

On September 28-29, 2017, the United States will host an [OECD Peer Review](#) of the U.S. National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises (“the Guidelines”). This Peer Review is an opportunity to reflect on how the NCP mechanism is working in practice in the United States, including through promoting responsible business conduct (RBC) and resolving disputes between stakeholders.

The objectives of the Peer Review are to:

- Assess that the functioning and operation of the NCP is in accordance with the OECD core criteria of visibility, accessibility, transparency, and accountability;
- Identify the NCP’s strengths, as well as any gaps, and make recommendations for improvement; and,
- Serve as a learning tool for the host NCP under review and participating NCPs to promote coordination and to help implement the Guidelines.

This fact sheet offers a snapshot of the U.S. NCP’s key achievements, statistics, and accomplishments, in line with the OECD’s Core Criteria of visibility, accessibility, transparency, and accountability. The U.S. NCP welcomes the opportunity to showcase its work through the Peer Review process and encourages stakeholders to get engaged. For questions or to get involved, please contact USNCP@state.gov

Executive Summary

Since the update of the OECD Guidelines in 2011, the U.S. NCP has:

- Published written procedures explaining how to use the U.S. NCP mediation mechanism
- Hired mediators to provide mediation services to resolve issues
- Created the [U.S. NCP website](#) that includes information on the U.S. NCP’s rules of procedure, processes, and contact information, including promoting upcoming events
- Issued Final Statements for “Specific Instances” (i.e., cases) to promote transparency that included recommendations for the parties, in line with the Guidelines
- Created the [Stakeholder Advisory Board](#) (SAB) to the U.S. NCP comprised of leaders from business, labor, civil society, and academia to advise the NCP on promoting and facilitating the implementation of the Guidelines, and to encourage the use of the NCP Specific Instance process as a means to resolve disputes and promote RBC
- Implemented stakeholder feedback into NCP processes to be more visible, transparent, accessible, and accountable
- Conducted extensive outreach with all stakeholders throughout the United States and globally to encourage implementation of the Guidelines, use of the Specific Instance process, and apply the OECD sector-specific guidance

Visibility and Accessibility: Key Achievements

The U.S. NCP has taken a number of steps to be visible and accessible to stakeholders, including:

- Modernized the [Secretary's Award for Corporate Excellence](#) to correlate winning categories with the Guidelines
- Developed a streamlined template for Final Statements to standardize the Specific Instance process outcomes and routinely publish Final Statements in a timely manner
- Engaged in extensive outreach with stakeholders. In 2016, this entailed participating in 25 events, which included targeting over 1,600 audience members through outreach at:
 - 7 events with the private sector
 - 2 events with civil society
 - 3 events with attorneys
 - 3 events with academia
 - 7 events with NCP counterparts
 - 4 events with U.S. government officials
- Used social media to provide updates on NCP activities, OECD work, and Specific Instance outcomes
- Secured participation of then-Secretary of State Hillary Clinton in the formal adoption of the updated Guidelines in 2011
- Developed a video for the website from the NCP on the Guidelines
- Secured support for the NCP's work from senior government officials through commitments related to the NCP and Peer Review in a [G7 Leaders Statement](#) and the [U.S. National Action Plan on Responsible Business Conduct](#) and the [G20 Labor and Employment Ministers Declaration](#) in order to elevate and connect the NCP with broader RBC policies
- Published [stakeholder testimonials](#) about their experiences with the U.S. NCP process to increase NCP awareness with others unfamiliar with the U.S. NCP
- In 2017 alone, engaged with [992 stakeholders](#) as of May 2017 to increase awareness of the team's tools and opportunities
- Released a [public promotional plan](#) about past and upcoming event engagements on the NCP website to increase visibility and engagement

Accountability: Key Achievements

The U.S. NCP's policies and procedures are laid out in the [U.S. NCP Guide](#). Since the 2011 update of the Guidelines, the U.S. NCP has undertaken a number of policy and procedural updates leading to successful mediation outcomes and increased stakeholder engagement. These include:

- Developed training for U.S. diplomats around the world, in order to further integrate instruction on RBC and the Guidelines into their work
- Created the Interagency Working Group (IWG), which meets quarterly to consult on ongoing-NCP Specific Instances, solicit expert input into the Specific Instance process, and coordinate on broader RBC issues

- Hosted annual mediation training on the Guidelines for mediators and U.S. government officials in order to increase expertise on the Guidelines and mediation practices under the Guidelines
- Oversaw an increase in mediation of Specific Instances; for the first time in its 17 year history, three Specific Instances went to mediation in 2015 and 2016:
 - In May 2016 a [Specific Instance involving the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association \(IUF\) and Starwood Hotels & Resorts Worldwide for conduct in the Maldives and Ethiopia](#)
 - In April 2016 a [Specific Instance involving the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Association \(IUF\) and PepsiCo](#)
 - In July 2015 a [Specific Instance involving the Center for Environment and Development \(CED\) with Network to Fight against Hunger \(RELUFA\) and Herakles Farms' affiliate SG Sustainable Oils Cameroon \(SGSOC\) in Cameroon](#)
- Tripled team size, from one to three full-time dedicated NCP staff
- Tripled the mediation budget since 2014 in order to cover the full costs of mediation and maintaining travel budget to meet needs
- In 2016, updated the SAB processes in order to best incorporate member feedback and to address the evolving nature of the U.S. NCP mechanism
- Implemented 99 percent of the recommendations made by the SAB in a [2014 report](#) on the work of the NCP
- Furthered the independent nature of the U.S. NCP mechanism by creating a new position that is separate from investment promotion responsibilities
- Attended NCP capacity building workshops to train the U.S. NCP team in Austria, Hungary, Poland, and Israel
- Served as an active participant in all OECD Working Party on RBC, Working RBC Bureau, and the bi-annual NCP meetings in Paris

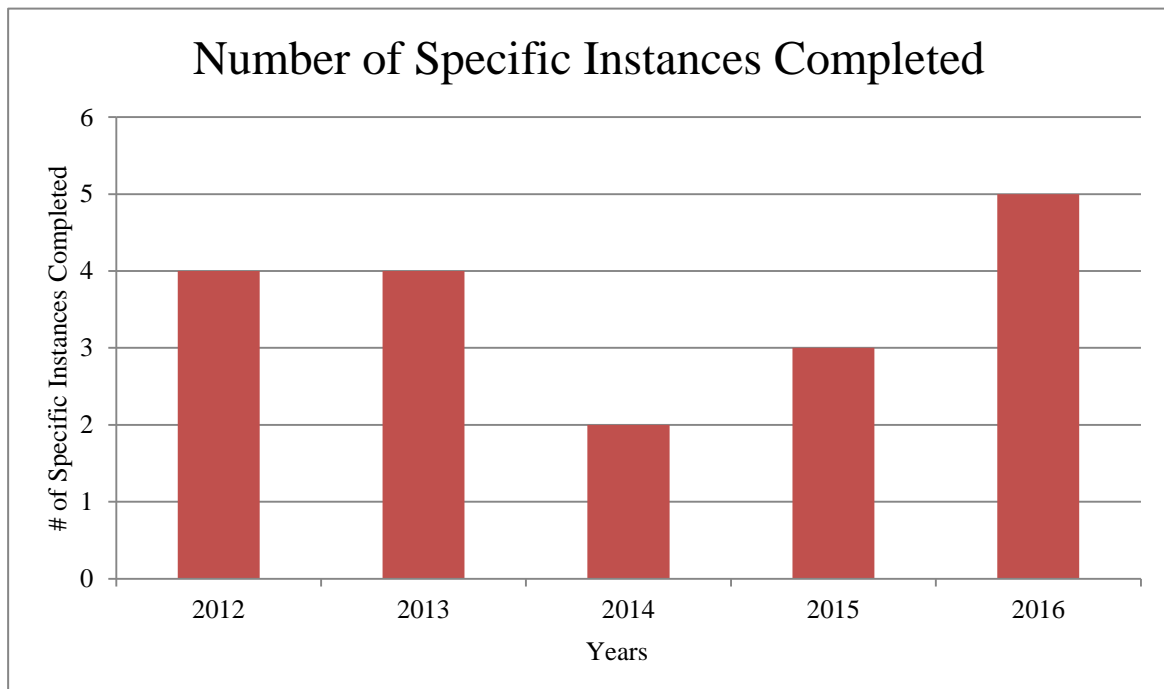
Transparency: Key Achievements

The U.S. NCP has also revised and published helpful resources, including:

- Published 2016 and 2017 editions for the [U.S. NCP Guide](#) on updated policies and procedures, including outcomes on all Specific Instances since 2011, making it easier for parties to understand and use the U.S. NCP process
- Produced annual reports to the Investment Committee, and in 2014 publicly releasing the 2014-2015 [U.S. NCP annual report for the first time](#), followed by the publishing of the [2016 report](#)
- Since 2000, the U.S. NCP has completed 45 Specific Instances. Globally, between 2000 and 2015, the 47 NCPs have received 366 Specific Instances of cases, which means the U.S. has received approximately 12 % of global cases.
- The U.S. NCP is one of six NCPs who handle half of all global Specific Instances reported since 2000, along with the United Kingdom, Netherlands, Germany, Brazil, and France. Compared to the Dutch, German, and French NCPs, the United States has had

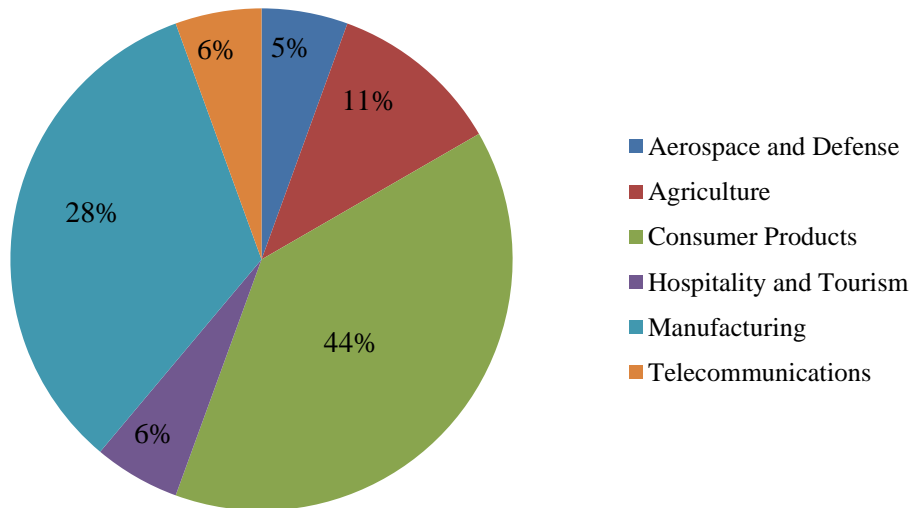
the highest number of Specific Instances since 2000 with these NCPs having 27, 22, and 24 Specific Instances, respectively.

- Collected statistics on U.S. Specific Instances since 2012 and publicly shared results, including:
 - The U.S. NCP has completed a total of 18 Specific Instances¹
 - The most cited Guidelines Chapter for U.S. NCP Specific Instances is Chapter V: Employment and Industrial Relations, Chapter IV: Human Rights, and Chapter II: General Policies
 - Mediation was offered in 67 percent of Specific Instances (which includes 11 percent of Specific Instances that were offered deferred mediation)
 - Of the Specific Instances where mediation was offered, 25 percent accepted mediation
 - Of the Specific Instances where mediation was offered and accepted, 67 percent led to a mediated agreement
 - Mediation was offered in four out of five Specific Instances in 2016
 - Sector Represented in Specific Instances:
 - ✓ Agriculture: 2
 - ✓ Aerospace and Defense: 1
 - ✓ Consumer Products: 8
 - ✓ Hospitality and Tourism: 1
 - ✓ Manufacturing: 5
 - ✓ Telecommunications: 1

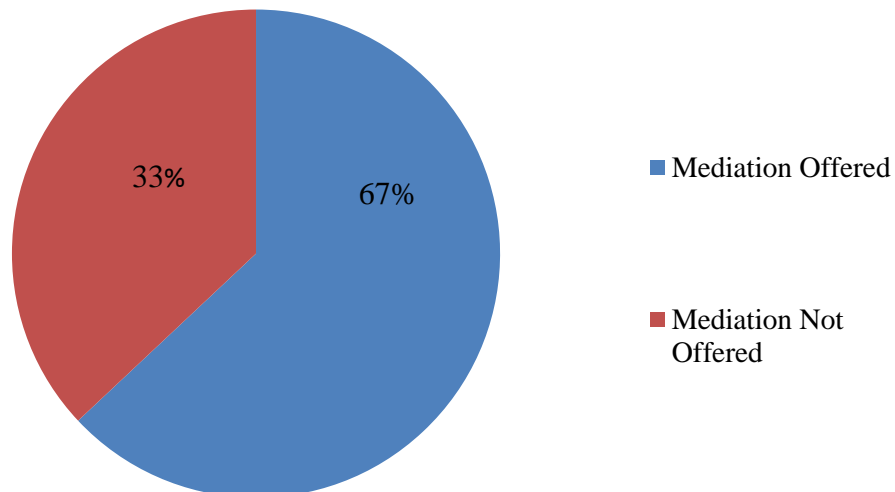


¹ Completed refers to any case where a Final Statement has been published at www.state.gov/usncp.

Sectors Covered



Specific Instance Completed Results



Of the Specific Instances where mediation was offered (12 Specific Instances), 25 percent accepted mediation. Of the Specific Instances where mediation was offered and accepted, 67 percent led to a mediated agreement.

Submitters

