

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2017)

This questionnaire is designed to help National Contact Points fulfil their reporting obligations as described in the Procedural Guidance of the OECD Guidelines for Multinational Enterprises. The answers to the questions should reflect the nature and results of the activities of the NCP¹.

STRUCTURE

This questionnaire comprises 60 questions and 2 annexes under the following headings:

- A. Contact information
- B. Institutional arrangements
- C. Information and promotion
- D. Specific instances
- E. Peer learning
- F. Policy coherence
- G. Impact and future work

Annex 1: NCP PROMOTIONAL ACTIVITIES

Annex 2: SPECIFIC INSTANCES

TYPES OF QUESTIONS

1. Yes/No questions

Most questions are Yes/No questions. For each of these questions, please select “Yes” or “No” from the dropdown menu. If a question is not relevant to your NCP, please select N/A (not applicable).

Example:

(b) Promotional activities	
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes/No

2. Open-ended questions

- a) Under certain Yes/No questions, there are open-ended questions to request more detail. For each open-ended question, an answer box is provided. Please keep responses precise and short.

Example:

(a) Location of the NCP	
1. Is the NCP located in a Ministry?	Yes/No
If yes, in which Ministry is the NCP located?	
If yes, in which department of the Ministry?	

¹ Page 74 of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises: “Reports should contain information on the nature and results of the activities of the NCP, including implementation activities in specific instances”.

- b) “Additional comments” boxes are situated at the end of each section. Please feel free to enter any additional information you would like to share in these boxes.

Example:

<p><i>Additional comments on Location of the NCP:</i></p>
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TERMS USED IN THE QUESTIONNAIRE

A number of terms are used throughout the questionnaire. Definitions are provided below. Please note that these definitions are exclusively intended to assist in clarifying the terms used in this questionnaire.

- **Advisory body:** Some NCPs have an advisory body which can be consulted by the NCP on a range of activities and issues on which it provides advice. Advisory bodies can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances.
- **Dedicated budget:** A budget that is allocated to the NCP on a regular basis (e.g. every year) to carry out its functions and activities.
- **Independent NCP:** An independent NCP is one whose members do not belong to a government administration, although generally an independent NCP will be supported by a secretariat based in a government administration.
- **Oversight body:** Some NCPs have an oversight body, which has a monitoring role, for example on whether the NCP has followed its own rules of procedures. They can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances.
- **Stakeholder meeting:** A stakeholder meeting is a meeting organised by the NCP to meet with stakeholders, including trade unions, NGOs and the business community that are not part of the structure of the NCP (i.e. they are not members of the NCP, nor present on advisory or oversight bodies).

REPORTING PERIOD

The reporting period for this questionnaire is from 1 January to 31 December 2017.

SUBMISSION

The questionnaire should be completed by using this word document and sent by email to:

investment@oecd.org copying barbara.bijelic@oecd.org and kathryn.dovey@oecd.org by **15 January 2018**.

Should you have any questions on how to fill this questionnaire, please contact barbara.bijelic@oecd.org.

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2017)

A. CONTACT INFORMATION	
<i>Please provide the contact information of the person filling in the questionnaire.</i>	
Name:	Alan Krill
Job title:	Special Advisor for Corporate Responsibility
Email:	
Telephone number:	

B. INSTITUTIONAL ARRANGEMENTS	
(a) Location of the NCP	
1. Is the NCP located in a Ministry?	Yes
If yes, in which Ministry is the NCP located?	U.S. Department of State
If yes, in which department of the Ministry?	Bureau of Economic and Business Affairs
2. Is the NCP located in an investment promotion agency?	No
3. Is the NCP an independent NCP?	No
4. Has the NCP been established through a legal, regulatory or administrative instrument (e.g. a decree)?	No
If yes, please provide the name and date of this instrument	
<i>Additional comments on Location of the NCP:</i>	
(b) Composition of the NCP	
5. Who are the members of the NCP? <i>Please describe the functions of the members of the NCP (e.g. President, Secretariat, Independent expert, etc.). No names are required.</i>	The U.S. NCP is a position held by a senior U.S. government official. The Office of the U.S. NCP includes two additional full-time officers.
6. Does the NCP have dedicated full-time staff? <i>"Dedicated full-time staff" means staff working full-time on NCP activities. If yes, please indicate the number.</i>	Yes 3
7. Does the NCP have dedicated part-time staff? <i>"Dedicated part-time staff" means staff dedicating part of their time to NCP activities. If yes, please indicate the number.</i>	Yes 12
8. Have any full-time or part-time staff members joined the NCP during the year? <i>If yes, please indicate how many.</i>	Yes 2
9. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i>	Yes 2

10. Are other Ministries part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, participate in specific instances, etc.)</i>	Yes
If yes, please list the Ministries (e.g. Social Affairs, Labour, Trade, Environment, Foreign Affairs, Justice, Finance, etc.)	Commerce, Labor, Environmental Protection Agency, Export Import Bank, General Services Administration, Millenium Challenge Corporation, Overseas Private Investment Corporation, Treasury, US Agency for International Development, Agriculture, U.S. Trade Representative, and additional State Department bureaus, including the Bureau of Democracy, Human Rights, and Labor.
11. Are social partners and other stakeholders (trade unions, business community, civil society and other non-governmental organisations) part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, represented as members of the NCP, making NCP decisions on specific instances)</i>	
NGOs	Yes
Representatives of the business community	Yes
Trade unions	Yes
12. Does the NCP have an advisory body?	Yes
If yes, please describe its functions	The primary objectives of the Stakeholder Advisory Board (SAB) are to promote and facilitate the implementation of the OECD Guidelines, and encourage the use of the NCP Specific Instance process as a means to resolve disputes and promote responsible business conduct.
If yes, please list the names of organisations that are represented on the advisory body and the type of organisation, or provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	List available here: https://www.state.gov/e/eb/oeed/usncp/sab/index.htm
If yes, please indicate how often the NCP meets with the advisory body	Between three times a year and once a month
13. Does the NCP have an oversight body?	No
If yes, please describe its functions	
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or please provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	
If yes, please indicate how often the oversight body meets	
14. Does the NCP have a body for both advice and oversight?	
If yes, please describe its functions	
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	
If yes, please indicate how often this body meets	

<i>Additional comments on Composition of the NCP:</i>	
(c) Financial resources	
15. Did the NCP have a dedicated budget this year?	No
16. Did the NCP have a dedicated budget to conduct its promotional activities during the year?	No
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Yes
17. Did the NCP have a dedicated budget to conduct its activities related to specific instances during the year?	Yes
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	
18. During the year, was the NCP able to access funds for the following activities:	
Organising promotional events	Yes
Attending NCP meetings at the OECD	Yes
Attending events organised by other NCPs	Yes
Attending events organised by other stakeholders	Yes
Professional mediator fees or in-house mediator fees	Yes
Fact-finding research into specific instances	
<i>Additional comments on Financial resources:</i> Our answer for the “fact finding” question is “N/A”, as we do not conduct fact finding, per U.S. NCP procedures, and thus budget allocation is not applicable.	
(d) Reporting	
19. Does the NCP report to the government on its activities?	Yes
If yes, how often?	More than three times a year
20. Does the NCP report to parliament on its activities?	No
If yes, how often?	
<i>Additional comments on Reporting:</i> Regarding question #20, while there is not a standing report to Congress, the U.S. NCP is always willing to provide updates on its activities to interested stakeholders, including Congress.	

C. INFORMATION AND PROMOTION

(a) NCP website²		
21. Was a new NCP website created this year? If yes, please provide the link.	No	While not a new website, the U.S. NCP undertook significant updates to its existing site in 2017.
22. Are the following items available on the NCP website:		
Information about the Guidelines and the role of the NCP		
The text of the Guidelines	Yes	
A description of the Guidelines	Yes	
Information on the NCP and its mandate	Yes	
The 2015 NCP Annual Report submitted to the OECD	Yes	
The NCP's own 2015 Annual Report	Yes	
Information about specific instances		
Instructions on how to submit a specific instance	Yes	
The NCP's rules of procedures	Yes	
All final statements since 2011	Yes	
Information on promotional activities		
Information on upcoming events promoting the Guidelines	Yes	
Information on past events promoting the Guidelines	Yes	
Contact information		
Information on how to make an enquiry to the NCP	Yes	
A phone number to reach the NCP directly	Yes	
An email address to reach the NCP directly	Yes	
<i>Additional comments on NCP website:</i>		
(b) Promotional activities³		
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes	
24. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes	
25. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	Yes	
26. Did the NCP hold a stakeholder meeting during the year?	Yes	
27. Did the NCP promote the Guidelines among the business community during the year?	Yes	
28. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	Yes	

² This includes dedicated NCP webpages as part of the Ministry's website.

³ Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

29. Did the NCP promote the Guidelines among NGOs during the year?	Yes
30. Did the NCP promote the Guidelines among trade unions during the year?	Yes
31. Did the NCP promote the Guidelines among government agencies during the year?	Yes
32. Did the NCP promote the Guidelines among embassies abroad during the year?	Yes
33. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes
34. Did the NCP refer to the following sector guidance reports in promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	Yes
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	Yes
OECD-FAO Guidance for Responsible Agricultural Supply Chains	Yes
<i>Additional comments on the section Promotional activities: The U.S. NCP also made reference to and participated in outreach specifically focused on the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector</i>	

D. SPECIFIC INSTANCES	
(a) NCP rules of procedure for handling specific instances	
35. Does the NCP have rules of procedure describing the handling of specific instances?	Yes
36. Are the rules of procedure available online? <i>If yes, please provide link. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes http://bit.ly/2ikJg70
37. Were the NCP's rules of procedure modified this year?	No
<i>Additional comments on the section Rules of procedure: Rules of procedure were further clarified, though not updated.</i>	
(b) Specific instance practicalities	
38. Does the NCP confirm receipt of a specific instance submission?	Yes
39. Who has the final sign-off on accepting a specific instance? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	The U.S. NCP (a senior official)

40. Who has the final sign-off on final statements? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	The U.S. NCP (a senior official)
41. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	Yes
42. Has the NCP staff undergone training in dispute resolution or problem-solving (e.g. mediation)?	Yes
43. Did the NCP engage professional mediators during the year?	Yes
44. Did the NCP staff or members conduct mediation this year?	No
<i>Additional comments on the section Specific instance practicalities:</i>	
(c) Reporting specific instances	
45. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	Yes
46. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the calendar year? <i>If yes, please also provide details in Annex 2</i>	No
<i>Additional comments on the section Reporting specific instances:</i>	

E. PEER LEARNING	
47. Did the NCP take part in the following activities with other NCPs during the year:	
NCP-hosted peer learning activities	Yes
Co-operation with other NCPs in handling specific instances	Yes
Mentoring/capacity building of another NCP	Yes
48. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2017?	Yes
49. Which topic would the NCP consider to be a priority to cover in a peer learning event?	
50. Is the NCP interested in participating in developing tools for use by NCPs?	Yes

*Additional comments on the section **Peer-learning activities:**
Based on the U.S. NCP's experience with the Mediation Academy, Peer Learning activities that focus on one or two specific issues and/or skills that NCPs deal with regularly can be practical and useful.*

F. POLICY COHERENCE ⁴	
51. Have the Guidelines been referred to in relevant national legislation adopted during the year? <i>(e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)</i>	No
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	
52. Did the NCP communicate public statements on specific instances to public procurement officials?	Yes
53. Did the NCP communicate public statements on specific instances to officials responsible for trade missions?	Yes
54. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives?	Yes
55. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP</i>	No
If yes, does the NAP make reference to the Guidelines?	
If yes, does the NAP make reference to the NCP?	
56. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i>	No
If yes, did the NCP participate in the development of the National Action Plan?	
57. Please indicate any other examples of policy coherence activities:	
<i>Additional comments on Policy Coherence: The U.S. National Action Plan on Responsible Business Conduct can be found here: http://bit.ly/2jEbVBF</i>	

G. IMPACT AND FUTURE WORK	
58. Does the NCP have a promotional plan for the coming year (2017)?	Yes

⁴ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

59. Is the NCP interested in being a <u>reviewer</u> in a peer review planned in 2017 or 2018?	Yes
60. Is the NCP interested in being an <u>observer</u> of a peer review planned in 2017 or 2018?	Yes
61. Please enter the relevant fluent language capabilities of your team (French, English and/or Spanish)	English
62. Has the NCP faced any particular challenge(s) it would like to highlight this year?	
<i>Additional comments on the section Impact and future work:</i>	

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).
 Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.
 Please add additional lines if needed.

Table 1

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date <i>(dd/mm/yyyy)</i>	Location	Type of event	Size of audience	Organised or co-organised?	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
Webinar with U.S. Embassies on RBC	16 February 2017	Washington DC	Webinar	50-100	Organised	U.S. economic officers at embassies and consulates	One hour webinar on the U.S. NCP, the OECD Guidelines, and RBC
RBC Briefing for Legal Experts	22 February 2017	Washington DC	Meeting	>100	Co-organised	Law professionals	U.S. NCP and the OECD Guidelines
BSR Human Rights Working Group	28 July 2017	Washington DC	Meeting	10-50	Co-organised	BSR professionals and their clients	U.S. NCP and the OECD Guidelines

Total number=	3
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Table 2

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
The U.S. National Action Plan on Responsible Business Conduct: Initial Reflections on the Way Here and the Road Ahead	12 January 2017	American University Washington College of Law, Washington DC	Conference	50-100	Business representatives, NGOs, Trade unions, Academia, General public, Government representatives	American University, International Corporate Accountability Roundtable	Panelist	U.S. NAP on RBC
Global Reporting Initiative Reporters' Summit	13 February 2017	Phoenix, Arizona	Conference	>100	Business representatives	GRI	Keynote	U.S. NCP and the OECD Guidelines
AIM-Progress	24 February 2017	Atlanta Georgia	Conference	>100	Business representatives	AIM-PROGRESS	Remarks	U.S. NCP and the OECD Guidelines
Vigeo Eiris Briefing	6 March 2017	Paris, France	Meeting	50-100	Social auditors, business representatives	Vigeo Eiris	Remarks	U.S. NCP and the OECD Guidelines
U.S. Fashion Industry Association Briefing	7 March 2017	Washington DC	Meeting	10-50	Business representatives	U.S. FIA	Remarks/Briefing	OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sectors
US Govt Approach to Business & Human	21 March 2017	Washington DC	Meeting	10-50	Business representatives, NGOs, Trade unions, Academia, General public, Government representatives	Fund for Peace	Remarks	U.S. NCP and the OECD Guidelines, and the U.S. National Action Plan on Responsible Business

Rights Through Political Transition								Conduct
IPIECA Conference	4 April 2017	Houston, Texas	Conference	>100	Business representatives	IPIECA (oil and gas industry assoc)	Remarks	U.S. NCP and the OECD Guidelines
USCIB Corporate Responsibility & Labor Policy Committee Meeting	2 May 2017	Washington DC	Meeting	10-50	Business representatives	USCIB	Remarks	U.S. NCP and the OECD Guidelines
Ethical Sourcing Forum	5 May 2017	New York, NY	Conference	>100	Business representatives, NGOs, Trade unions, Academia, General public, Government representatives	Ethical Sourcing Forum	Remarks	U.S. NCP and the OECD Guidelines
JUSTRAC Private Enterprise Engagement in the Rule of Law	17 May 2017	Washington DC	Conference	50-100	Business representatives, NGOs, Trade unions, Academia, General public, Government representatives	JUSTRAC, Wilson Center	Remarks	U.S. NCP and the OECD Guidelines
ABA Labor and Employment Relations Conference	2 June 2017	Anaheim, CA	Conference	50-100	Lawyers and labor practitioners	ABA	Roundtable moderator	U.S. NCP and the OECD Guidelines
Public Affairs Council	4 October 2017	Washington DC	Meeting	10-50	Business representatives	Public Affairs Council	Briefing	U.S. NCP and the OECD Guidelines
RBA (EICC) Annual Conference	22 October 2017	Santa Clara, California	Conference	>100	Business representatives	Responsible Business Alliance (RBA)	Remarks	U.S. NCP and the OECD Guidelines

Total number=	13
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Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year:
 - Before the initial assessment: specific received and initial assessment in development
 - After the initial assessment: specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP. Good offices were offered to the parties.
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed). Please include any follow-up planned or executed regarding concluded specific instances. When NCPs engage in follow-up they review how the parties have implemented the agreement and recommendations.
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).

Please add additional lines if needed.

We encourage all NCPs to inform the Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the Secretariat, please complete and send this [form](#) to Sama.Altahercucci@oecd.org and Kathryn.dovey@oecd.org⁵.

For all specific instances that are currently IN PROGRESS:

Before the initial assessment

Names of parties	Date received <i>(dd/mm/yyyy)</i>	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
N/A	N/A	N/A	Per U.S. NCP Procedures, the NCP does not publish information about ongoing Specific Instances

⁵ According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

After the initial assessment				
Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
	Cl			

Total number= N/A

For all specific instances that were CONCLUDED during the year:						
Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Follow-up by the NCP	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Specific Instance between Jamaa Resources Initiatives and a U.S. Company for conduct in Kenya	October 2016	November 2017				No

Total number= 1

For all specific instances that were NOT ACCEPTED during the year:

Title	Date received <i>(dd/mm/yyyy)</i>	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Specific Instance Between an Individual Acting for Descendants of Oswald Weiss and a U.S. Company for Conduct Linked to Former Czechoslovakia	24 May 2017	20 September 2017	Other	No

Total number=	1
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END OF QUESTIONNAIRE