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FOR FLERNASJONALE SELSKAPER

NORGES
KONTAKTPUNKT
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OECD National Contact Point

Advisory body and mediator

Frode Elgesem, Member of Norwegian Contact Point

Corporate Social Responsibility – in a nutshell

- Contribute to sustainable development
- Avoid negative impact – do no harm.



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Building a school or a well

– social responsibility or buying your way out ?



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The OECD guidelines

- The broadest set of recommendations for responsible business
- **Goal** : Private sector promotes sustainable development
- **How to** : Respect :



Environment



Human Rights



Labour Rights and Working Conditions



Laws against corruption and bribes



Complaints to National Contact Point

- Who may file a complaint?
- What is the nature of the complaint ?
- Experiences with cases



Examples:

Fivas vs Norconsult



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Why did the NGO FIVAS file a complaint against the engineering firm Norconsult?

- Norconsult not in line with OECD guidelines ?
- Hydropower construction in Malaysia, forced eviction of indigenous people
- What are the OECD requirements ?
- Role of Norconsult ?



Complaints procedure

Stages;

Assessment

Mediation

Declaration

Follow up



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Complaints procedure

Initial Assessment

Decision to accept or reject case
Publication within 3 months after receipt of complaint

Mediation/Examination

When a case is accepted, the NCP offers dialogue/mediation to the parties. If mediation fails, the NCP examines the case.
Process concluded 6-12 months from acceptance of complaint

Final Statement

If mediated solution, NCP report on process. If mediation fails, NCP report on process and an examination of the allegations in the complaint.
Publication within 3 months after mediation or examination

Optional Monitoring/Evaluation

Parties invited to fill out feedback forms/Parties to mediated statement may be invited to report on prog



Initial assessment – points to consider whether the issue merits further examination:

- Which NCP is the correct entity to assess the alleged violation.
- Whether the subject of the complaint is a multinational enterprise.
- The identity of the party concerned and its interest in the matter.
- Whether the complaint is material and substantial. (The complaint must be significant and concern matters covered by the Guidelines).
- Whether there seems to be a link between the enterprise's activities and the issue raised in the specific instance.
- The relevance of applicable laws and procedures, including court rulings.
- How similar issues have been, or are being, treated in other domestic or international proceedings.
- Whether the consideration of the specific instance would contribute to the purpose and effectiveness of the Guidelines.



Successful mediation



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Jijnevaerie village vs Statkraft



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Environment vs tradition

- Jijnevaerie village vs Statkraft ; construction of windmill power stations
- Do the power stations destroy traditional livelihoods?
- The swedish courts ruled in favour of Statkraft
- Mediation in Norwegian Contact Point

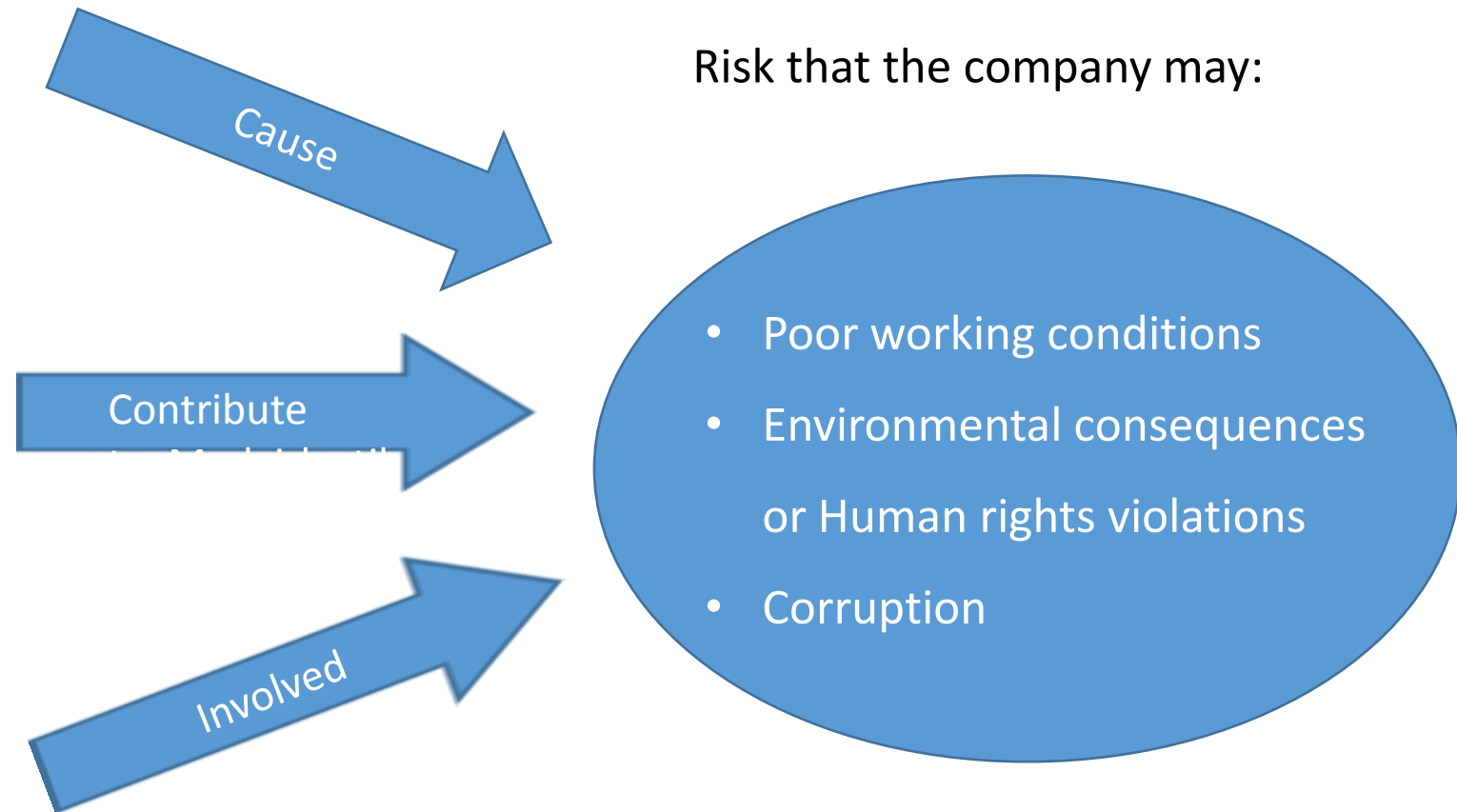


Result of mediation

- Mediation unsuccessful
- NCP issues statement
- Norway and Sweden handle the case
- Has Statkraft complied with OECD guidelines?
 - What do the guidelines say regarding indigenous rights ?
 - Requirements for the company to investigate ?
 - Windpower and traditions ; side by side?



When are complaints relevant?



OECDs guidelines

- Recommendations accepted by 46 member countries
- Companies with international activity
- Global scope
- A tool for mitigating social and environmental risk
- Unique mechanism for handling of complaints



Three tasks

- Communicating the guidelines to the public and stakeholders
- Handle cases through dialogue and mediation
- Cooperate with OECD and other NCPs





Aktsomhetsvurderinger med hensyn til menneskerettigheter

Pilotprosjekt Human Rights Due Diligence



Norwegian Contact Point, Mars 2015

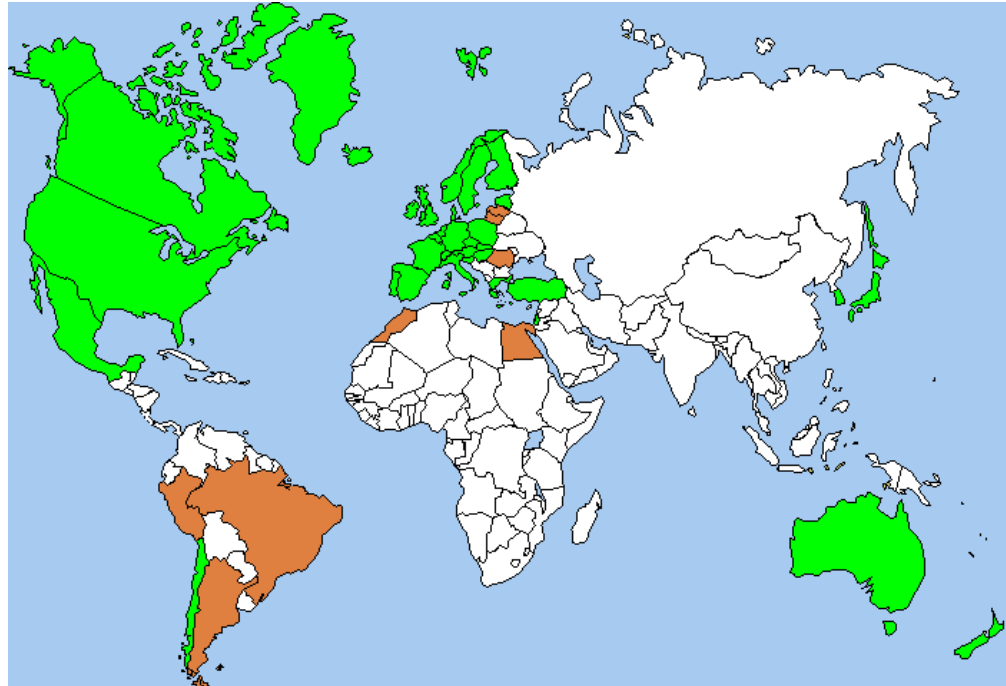
- Impartial panel of experts + secretariat

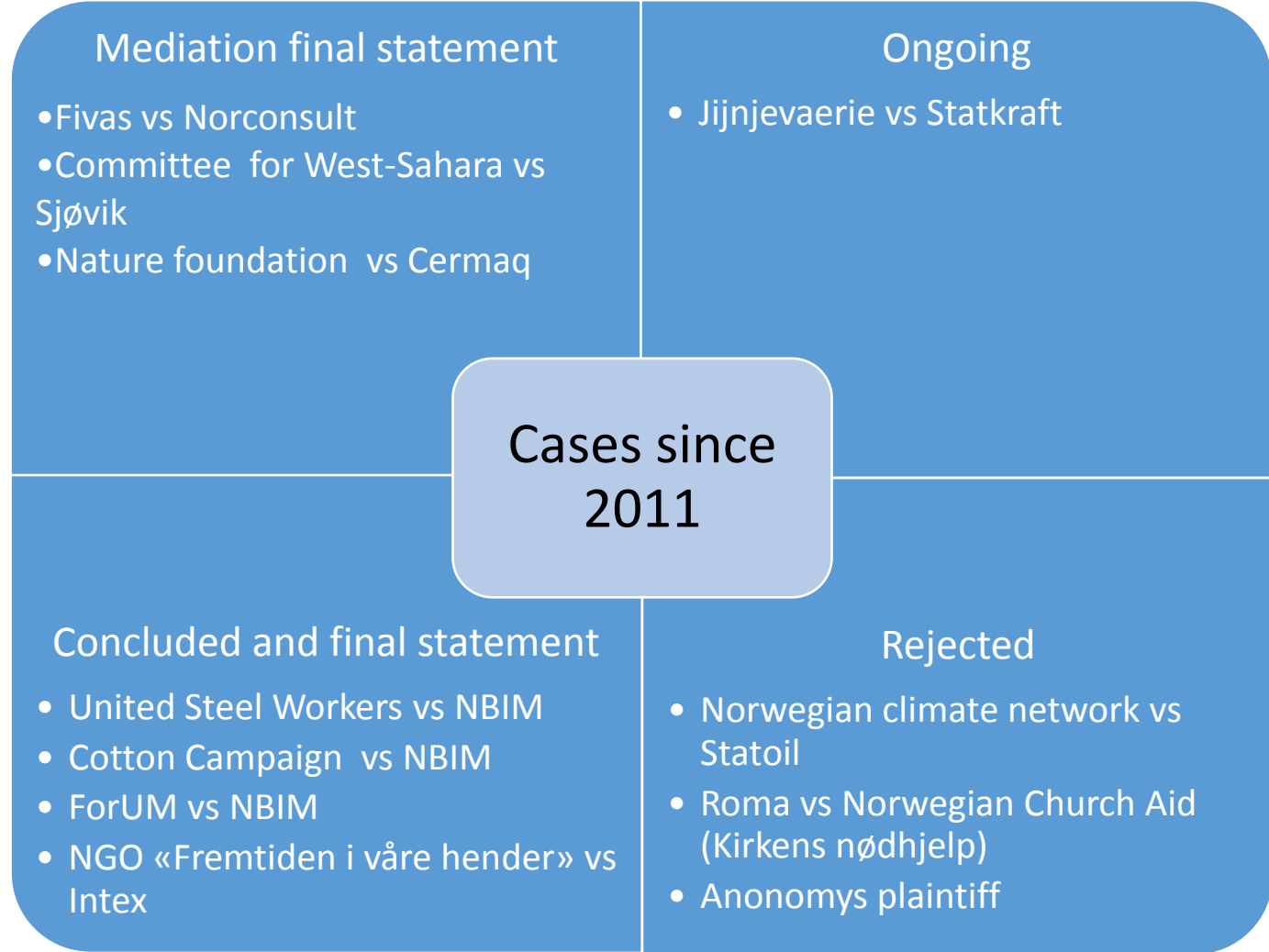


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46 national contact points





How can we help ?

- Inform
- Facilitate mediation between parties
- Manage the cases
- Provide courses and workshops in due diligence and risk mitigation.





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