

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

Meeting of the Network of National Contact Points for Responsible Business Conduct

NATIONAL CONTACT POINT 2021 REPORT TO THE OECD: SWITZERLAND

This document is available in PDF format only.

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JT03499357

NCP Annual Reporting Questionnaire 2021

Survey response 1

A. Contact information

Please indicate your country:
Switzerland
Please provide the contact information of the person filling in the questionnaire:
First name:
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Kunze
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B. Institutional arrangements - (a) Structure, location and composition of the NCP

1. What is the structure of the NCP?
Multipartite
1. What is the structure of the NCP? [Other]

2. Who are the members of the NCP? Please describe the functions of the members of the NCP and the ministry/agency or stakeholder organisation they represent. No names are required.

NCP Secretariat: 4 persons

Advisory Board (AB): The AB has 14 members including the Director of the State Secretariat of Economic Affairs (co chair) and 3 further members of the Federal Administration, 2 representatives from employers' federations, trade unions, business associations, non governmental organisations and academia. The members are appointed by the Federal Council of Switzerland. The AB advises the NCP on its strategic orientation (e.g. proactive engagement of the NCP without submission) and specific questions such as the role of the NCP regarding national development on due diligence legislation. The AB also promotes the dialogue between stakeholder groups and contributes to the effective implementation of the OECD Guidelines. The advisory body is informed about ongoing specific instances and can ask procedural questions. In case of a decision by the ad working group to reject a specific instance, the advisory body is consulted before the final decision. The AB discloses summary minutes of each meeting.

Ad hoc working groups: Whenever a specific instance is raised with the NCP, an ad hoc working group with representatives of the Federal Administration is formed (e.g. Federal Office of Environment, Federal Department for Foreign Affairs etc.). The members are selected for their expertise based on the issues raised in the submission. The ad hoc working groups meet generally 1-2 times during the phase of the initial assessment, 2-3 times during the mediation phase and once before closing a specific instance. The ad hoc working groups take decisions with respect to all important procedural steps of the specific instance, such as the decision during the Initial Assessment whether to accept a specific instance for further examination and the decision on the wording of the Final Statement.

3. If the NCP is not a single-agency NCP, does it have a secretariat?

Yes

3. (Continued) If the NCP is not a single-agency and has a Secretariat, in which ministry or agency is located the Secretariat?

State Secretariat for Economic Affairs (SECO)

3. (Continued) If the NCP is not a single-agency and has a Secretariat, in which department of the ministry or agency is located the Secretariat?

Federal Department of Economic Affairs, Education and Research EAER

4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)?

Yes

4. (Continued) If yes, please provide the name and date of this instrument, and a link if available

Ordinance on the Organisation of the National Contact Point for the OECD Guidelines for Multinational Enterprises and on its Advisory Board of 1 May 2013 (SR 946.15), see: <https://www.admin.ch/opc/fr/classified-compilation/20130820/index.html>

Additional comments on the section Structure, location and composition of the NCP:

See answer to question 2

B. Institutional arrangements - (b) Advisory body

5. Does the NCP have one or several advisory bodies?

Yes, one advisory body

5. (Continued) If the NCP has several advisory bodies, please specify.

5. (Continued) If yes, please describe the advisory body(ies)' functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing oversight, etc.)

Advisory Board (AB): The AB has 14 members including the Director of the State Secretariat of Economic Affairs (co chair) and 3 further members of the Federal Administration, 2 representatives from employers' federations, trade unions, business associations, non-governmental organisations and academia. The members are appointed by the Federal Council of Switzerland. The AB advises the NCP on its strategic orientation (e.g. e.g. proactive engagement of the NCP without submission) and specific questions such as the role of the NCP regarding national development on due diligence legislation. The AB also promotes the dialogue between stakeholder groups and contributes to the effective implementation of the OECD Guidelines. The advisory body is informed about ongoing specific instances and can ask procedural questions. In case of a decision by the ad working group to reject a specific instance, the advisory body is consulted before the final decision. The AB discloses summary minutes of each meeting.

5. (Continued) If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. (e.g. government, business, business organisation, NGO, trade union, academia, consumer organisation, etc.)

Government: State Secretariat for Economic Affairs (SECO); Federal Department of Foreign Affairs (FDFA)
Business: economiesuisse; ; SwissHoldings; Union patronale suisse, Union suisse des arts et métiers usam
NGO: Alliance Sud; Society for threatened peoples, Switzerland
Trade unions: Union syndicale suisse/ Trade Union Unia; Travail Suisse
Academia: University of Zurich, University of Lucerne
see also: www.admin.ch/ch/f/cf/ko/gremium_10614.html

5. (Continued) If yes, please indicate how often the advisory body(ies) meets

Other

5. (Continued) If yes, please indicate how often the advisory body(ies) meets [Other]

twice a year, upon request additional meetings are possible

6. If an advisory body provides oversight, please describe the oversight procedure:

Some activities of the Advisory Board (AB) have characteristics of the functions of an oversight body. E.g. if the ad hoc working group decides to reject a specific instance, the advisory body is consulted on the decision. Furthermore the AB was closely involved in the update of the NCP's written procedural guidance and requested specific amendments. The AB is also giving advice to the secretariat regarding topics like possible sanctions or making determinations of non compliance of the OECD Guidelines. Therefore, to a certain extent the AB is considered to be both, an advisory and an oversight body.

Additional comments on the section Advisory body(ies):

B. Institutional arrangements - (c) Human and financial resources

7. Does the NCP have dedicated full-time staff members?

Yes

7. (Continued) Please indicate the number of full-time staff members:

1

8. Does the NCP have dedicated part-time staff members?

Yes

8. (Continued) Please indicate the number of part-time staff members:

3

8. (Continued) Please indicate the percentage of time spent on NCP matters for each part-time staff member:

30%/20%/10%

9.1 Have any full-time staff members joined the NCP during the year?

No

9.2 Have any part-time staff members joined the NCP during the year?

No

10.1 Have any full-time staff members left the NCP during the year?

No

10.2 Have any part-time staff members left the NCP during the year?

No

11. Did the NCP have a dedicated budget this year?

Yes : 50 000 CHF (for mediation)

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Handle specific instances in an efficient and timely manner]

Yes

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Organise promotional events]

Yes

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Attend NCP meetings at the OECD]

Yes

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Attend events organised by other NCPs]

Yes

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Attend events organised by stakeholders]

Yes

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Cover professional mediator fees or in-house mediator fees]

Yes

12. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the NCP was not invited/chose not to attend such events [Conduct fact-finding research into specific instances]

Yes

12. (Continued) If you have answered "no" to any of the above, please specify:

Additional comments on the section Human and financial resources:

B. Institutional arrangements - (d) Reporting

13. Does the NCP report to the executive on its activities?

Yes

13. (Continued) If yes, how often?

Once a year

14. Does the NCP report to the legislative body on its activities?

Yes

14. (Continued) If yes, how often?

Once a year

15. Please indicate any other relevant transparency requirement(s) (e.g. access to information or disclosure laws) applicable to the NCP in your country:

The NCP provides an overview on its activities to the Parliament in a specific chapter of the annual Foreign Economic Report. The full report is available in French, German and Italian, the executive summary in English.

see: https://www.seco.admin.ch/seco/en/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Aussenwirtschafts/Berichte_zur_Aussenwirtschaftspolitik.html

The NCP reports on an annual basis to the OECD Investment Committee in accordance with the Procedural Guidance. These reports are also published on the NCP website which includes annual reports from the year 2007 onwards.

Additionally, activities of the NCP included in the updated CSR Action Plan 2020–2023 of the Federal Council as well the National Action Plan on Business and Human Rights will be reported to the Federal Council in 2023.

Additional comments on the section Reporting:

In 2021 the NCP published in addition to to annual report 2020 of the activities of the advisory body, a seperate annual report (2020) on the NCP activities (case handling, promotion, poractive agenda etc.). For the year of 2021, the NCP will merge those reports. The report will be published in the beginning of 2022.

C. Information and promotion - (a) Website

16. Does the NCP have a website?
Yes
16. (Continued) If yes, please provide the link:
www.seco.admin.ch/ncp
17.1 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
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [A description of the Guidelines]
Yes
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The OECD Due Diligence Guidance Documents]
Yes
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [Explanatory text about due diligence]
Yes
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [Information on the NCP and its mandate]
Yes
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The NCP Annual Report submitted to the OECD]
Yes
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The NCP's Report to the executive and/or legislative (if applicable)]
No
17.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The NCP's peer review report (if applicable)]
Yes
17.2 Are the following items available on the NCP website? Information about specific instances [Information on how to submit a specific instance]
Yes
17.2 Are the following items available on the NCP website? Information about specific instances [An online form to submit a specific instance]
No
17.2 Are the following items available on the NCP website? Information about specific instances [The NCP's rules of procedure]
Yes
17.2 Are the following items available on the NCP website? Information about specific instances [All final statements since 2011]
Yes
17.3 Are the following items available on the NCP website? Information on promotional activities: [The NCP's promotional plan]
No
17.3 Are the following items available on the NCP website? Information on promotional activities: [Information on upcoming events promoting the Guidelines]
Yes

17.3 Are the following items available on the NCP website? Information on promotional activities: [Information on past events promoting the Guidelines]

Yes

17.4 Are the following items available on the NCP website? Contact information: [Information on how to make an enquiry to the NCP]

Yes

17.4 Are the following items available on the NCP website? Contact information: [A phone number to reach the NCP directly]

Yes

17.4 Are the following items available on the NCP website? Contact information: [An email address to reach the NCP directly]

Yes

Additional comments on the section NCP website:

Information on events of the NCP (together with other RBC events) are available on www.csr.admin.ch. Information on past events organized by the NCP are available on the website.

C. Information and promotion - (b) Promotional activities*

18. Does the NCP have a promotional plan for the coming year(s)?

No

19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.

Yes

20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.

Yes

21. Did the NCP make use of social media to communicate on NCP promotional activities during the year?

Yes

21. (Continued) If yes, please provide additional details:

Measures to promote the OECD Guidelines are part of the updated CSR action plan 2020-2023 adopted by the Federal Council on 15. Januar 2020: see www.csr.admin.ch
Promotional events are reported on www.csr.admin.ch
There is no separate promotional plan of the NCP.

Information on the NCP activities including promotional events are reported on its social media account on linkedIn:
<https://www.linkedin.com/company/37545525/admin/>

22. Did the NCP hold a stakeholder meeting during the year?

Yes

23. Did the NCP promote the Guidelines among the business community during the year?

Yes

24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?

Yes

25. Did the NCP promote the Guidelines among NGOs during the year?

Yes

26. Did the NCP promote the Guidelines among trade unions during the year?

Yes

27. Did the NCP promote the Guidelines among government agencies during the year?

Yes

28. Did the NCP promote the Guidelines among embassies abroad during the year?
Yes

29. Did the NCP promote the Guidelines to investment promotion agencies during the year?
No

30. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Responsible Business Conduct]
Yes

30. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector]
Yes

30. Did the NCP focus on any of the following during promotional activities during the year: [Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors]
Yes

30. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas]
Yes

30. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector]
No

30. Did the NCP focus on any of the following during promotional activities during the year: [OECD-FAO Guidance for Responsible Agricultural Supply Chains]
Yes

Additional comments on the section Promotional activities:
The NCP is working closely with the promotional activities of the National Action Plan on Business and Human Rights as well of the Global Compact Network Switzerland. In events of both platforms, the OECD instruments are regularly presented. Joint brochures with both platforms were elaborated and are distributed.
E.g. during 2020 the Global Compact Network Switzerland organized a series of workshops on Due Diligence open only to business (around 30 participants) The OECD Due Diligence instruments formed the basis for the entire course. The NCP presented actively at one workshop its instruments and followed the program of the whole series of workshops on a strategic level. (a member of the NCP secretariat is member of the Programm Committee of the Global Compact Network)

D. Specific Instances - (a) NCP rules of procedure for handling specific instances

31. Does the NCP have rules of procedure describing the handling of specific instances?
Yes

32. Are the rules of procedure available online?
Yes

32. (Continued) If yes, please provide a link:
www.seco.admin.ch/ncp Organisation an procedures

32. (Continued) Please upload a copy of the rules of procedure via the "Upload files" button below (only ".doc", ".docx" or ".pdf" files) or upload a copy at the end of the questionnaire in the section Additional materials.

filecount - 32. (Continued) Please upload a copy of the rules of procedure via the "Upload files" button below (only ".doc", ".docx" or ".pdf" files) or upload a copy at the end of the questionnaire in the section Additional materials.

33. Were the NCP's rules of procedure modified this year?
No

Additional comments on the section Rules of procedure:

D. Specific Instances - (b) Specific instance practicalities

34. Does the NCP confirm receipt of a specific instance submission? Please select N/A if the NCP has never received a specific instance

Yes

35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance? Please select N/A if the NCP has never received a specific instance

Yes

36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)?

No

37. Did the NCP engage professional mediators during the year? Please select N/A if the NCP did not receive a specific instance during the year

Yes

38. Did the NCP staff or members conduct mediation this year? Please select N/A if the NCP has never received a specific instance

Yes

Additional comments on the section Specific instance practicalities:

Each mediation is conducted by a mediator (external or internal) and a staff member of the NCP secretariat with a clear role division. The mediator is responsible to conduct the mediation. The NCP secretariat staff member supports the mediator with expertise of the OECD Guidelines, procedural issues of the NCP as well as logistical issues.

D. Specific Instances - (c) Reporting specific instances

39. Did the NCP receive new specific instance submissions during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.

Yes

40. Did the NCP close specific instances during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.

Yes

41. 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 year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire. Select N/A if no specific instances were in progress at the start of the year.

Yes

42. Did the NCP follow up on a case during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire. Select N/A if no specific instances were concluded before the start of the year.

No

43. Is the OECD database of specific instances accurate and up to date with regard to cases handled by the NCP? Select N/A if the NCP has never received a specific instance.

Yes

43. (Continued) Please provide details (missing cases, out of date entries, broken links, etc.) in the box below:

Additional comments on the section Reporting specific instances:

Swiss NCP publishes Initial Assessments, Final Statements and on a case by case basis follow up statements.
Specific instances are reported to the OECD data base after receipt (before publishing the report of the Initial Assessment)

E. Peer learning and peer reviews

44. Did the NCP take part in the following activities with other NCPs during the year: [Host a peer learning activity]
No

44. Did the NCP take part in the following activities with other NCPs during the year: [Participate in peer learning activities hosted by other NCPs]
Yes

44. Did the NCP take part in the following activities with other NCPs during the year: [Co-operate with other NCPs in handling specific instances]
Yes

44. Did the NCP take part in the following activities with other NCPs during the year: [Provide mentoring/capacity building to another NCP]
Yes

45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2022?
No

46. Which topic would the NCP consider to be a priority to cover in a peer learning event?
Handling situations with parallel judicial proceedings

47. Is the NCP interested in participating in developing tools for use by NCPs?
Yes

48. Is the NCP interested in acting as a peer reviewer in the future?
Yes

If yes, please specify the semester and the year:
2022 (2nd semester)

Additional comments on the section Peer-learning and peer reviews:
Peer-learning and peer reviews: Peer Reviews: the Swiss NCP participated in the peer reviews of Belgium, USA, UK, Korea and has undergone its own Peer Review. The Swiss NCP is able to support other NCP in several languages (German, French, English, Spanish) Participating in Peer Reviews depends on availability and well-timed planning

F. Policy coherence*

49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)
Yes

49. (Continued) Please provide a short summary and a link to the legislation. If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

In 2021, the Federal Council has adopted the Ordinance implementing the new obligations set out in the Code of Obligations which are expected to enter into force on 1 January 2022 and applying for the first time to the business year 2023:

1. an obligation to report incl. on due diligence about environmental and labour issues, human rights and the fight against corruption for large public companies and financial institutions in a way similar to EU Directive 2014/95/EU. If the report is based on national, European or international standards such as the OECD Guidelines for Multinational Enterprises, these must be mentioned in the report.

2. an obligation to exercise due diligence and to report for companies that import minerals or metals consisting of tin, tantalum, tungsten or gold from conflict and high risk areas into Switzerland or process them here, similar to EU Regulation (EU)2017/821. The provisions are based on the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. A due diligence obligation shall also apply to companies that offer products or services for which there are reasonable grounds to suspect that they were manufactured or provided using child labour. The OECD Due Diligence for Responsible Business Conduct is mentioned as a tool which companies should use to exercise their due diligence.

"Based on Switzerland's revised Federal Law on Government Procurement entering into force on 1 January 2021, for goods, work and services to be provided abroad tenders need to comply with international environmental conventions and at least the eight International Labour Organisation's Core Conventions.

Furthermore, sustainability in its three dimensions is now a goal of the legislation. For goods, work and services in Switzerland, Swiss contracting authorities can exclude or sanction suppliers that do not comply with provisions related to the protection of employees, labour conditions, equal pay and environmental regulations. To monitor the implementation of social considerations, Switzerland has established a reporting system producing an annual, public report. The reporting is mandatory for the procurement of textiles, cleaning services, all-purpose cleaner, paper, ICT and mobile phones, furniture, vehicles and infrastructure."

50. Did your country adopt a National Action Plan (NAP) this year?

No

50. (Continued) Please indicate which type of National Action Plan: [NAP on Business and Human Rights]

N/A

50. (Continued) Please indicate which type of National Action Plan: [NAP on Corporate Social Responsibility]

N/A

50. (Continued) Please indicate which type of National Action Plan: [NAP on Responsible Business Conduct]

N/A

50. (Continued) Please provide a link to the NAP on Business and Human Rights: If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

50. (Continued) Did the NAP on Business and Human Rights make reference to: [The Guidelines?]

50. (Continued) Did the NAP on Business and Human Rights make reference to: [The NCP?]

50. (Continued) Please provide a link to the NAP on Corporate Social Responsibility: If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

50. (Continued) Did the NAP on Corporate Social Responsibility make reference to: [The Guidelines?]

50. (Continued) Did the NAP on Corporate Social Responsibility make reference to: [The NCP?]

50. (Continued) Please provide a link to the NAP on Responsible Business Conduct: If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

50. (Continued) Did the NAP on Responsible Business Conduct make reference to: [The Guidelines?]

50. (Continued) Did the NAP on Responsible Business Conduct make reference to: [The NCP?]

51. Was a NAP in development this year?
No

51. (Continued) If yes, please indicate which NAP: [NAP on Business and Human Rights]
N/A

51. (Continued) If yes, please indicate which NAP: [NAP on Corporate Social Responsibility]
N/A

51. (Continued) If yes, please indicate which NAP: [NAP on Responsible Business Conduct]
N/A

52. Did the NCP inform officials responsible for trade missions of its relevant statements and reports? Please select N/A if the NCP did not publish any statement this year
Yes

53. Did the NCP inform officials responsible for foreign trade and investment incentives of its relevant statements and reports? Please select N/A if the NCP did not publish any statement this year
Yes

54. Did the NCP inform officials responsible for public procurement of its relevant statements and reports? Please select N/A if the NCP did not publish any statement this year
No

55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process?
No

55. (Continued) Please provide a link to the legislation. If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities?
No

57. Were public procurement officials involved in any of your training/outreach activities?
No

58. What tools or activities does the NCP develop to support public procurement practitioners on RBC and OECD due diligence?

59. Please identify any specific initiatives/good practices involving public procurement and RBC in your country:
The Sustainable Procurement Knowledge Platform ("Plateforme de connaissances sur les achats publics responsables PAP" <https://www.woeb.swiss/>)) assists government procurement agencies in implementing the revised procurement law by providing buyers at all federal levels with information and tools for sustainable procurement.

60. Please include any other examples of policy coherence activities:
A member of the NCP secretariat coordinates the RBC working group within the public administration. This group involves all relevant units (around 15-20 units) dealing with RBC and meets 3-4 times a year. At every meeting a topic related with the OECD Guidelines is on the agenda (e.g. in 2021 the stocktaking, due diligence instruments etc.)
The Federal Council has adopted the Sustainable Development Strategy 2020-2030 to implement the UN Agenda 2030 in June 2021. It highlights the OECD Due Diligence Guidances in order to achieve SDG12 "Sustainable Consumption and Production". In parallel, the Federal Council published of an Action Plan to implement the Strategy. The Swiss NCP contributed to the development of the strategy and the action plan.

Additional comments on the section Policy Coherence:

G. Challenges

61. Has the NCP faced any particular challenge(s) it would like to highlight this year?

The NCP contributed to the elaboration of the Ordinance of the Federal Council to implement the new obligations for companies to carry out due diligence on conflict minerals (3T and gold) and child labour. It was challenging to align the provisions as much as possible with the recommendations set out in the OECD due diligence guidances, also as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas has some inconsistencies particularly between the supplement on 3Ts (2011) and the supplement on gold (2012).

In its report of 23 November 2021 on the Initial Assessment regarding the International Olympic Committee the Swiss NCP accepted the submission and offered its good services to the parties. While the submitting Parties accepted the offer of mediation of the Swiss NCP, the IOC declined the offer. In its decision, the IOC referred to the Implementation Procedure of the OECD Guidelines, which states that the effectiveness of specific instance procedures depends on good faith behaviour of all parties including maintaining confidentiality where appropriate, refraining from misrepresenting the process and genuinely engaging in the procedures with a view to finding a solution to the issues raised. In view of the IOC, these requirements were not fulfilled by the submitting Parties as the IOC's confidential written statement to the submission was disclosed on the website of one of the submitting Parties. The Swiss NCP regrets that it has not been possible to conduct a mediation with both parties. It recommends that the parties continue their dialogue building on the previous written exchange. Moreover, according to the Swiss NCP, the IOC should maintain contact with all stakeholders and disclose its policies and practices for implementing human rights due diligence in relation to the awarding and holding of the Olympic Games. Finally, the submitting Parties should respect the rules of confidentiality of the specific instance procedure under the OECD Guidelines when considering any future submission to an NCP.

Additional comments on the section Challenges:

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE 2021

Annex

This document is to provide detailed information on **NCP promotional activities (Part 1 below)** and on **specific instances (Part 2 below)**.

INSTRUCTIONS

This document should be completed and saved locally on a computer and uploaded from the same computer at the end of the online questionnaire in the section “**Annex: NCP Promotional activities & Specific Instances**” (after question 61).

Please note that only **Word files** (.doc or .docx) can be uploaded.

Guidance and instructions on how to complete the questionnaire ([here](#)) and the annex ([here](#)) are accessible on the NCP O.N.E Community Space.

HELP & ASSISTANCE

Please contact jean-francois.leruste@oecd.org and emily.halstead@oecd.org for any help or assistance to complete the questionnaire.

STRUCTURE

Part 1: NCP PROMOTIONAL ACTIVITIES

Part 2: SPECIFIC INSTANCES

Please enter country name of NCP: Switzerland

PART 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 (dd/mm/yyyy)	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>
How to manage corporate responsibility in the financial sector	07-Jun-2021	Virtual	Conference	50-100	Organised	Business and further stakeholders such as NGO	OECD Guidance on Due Diligence for Responsible Corporate Lending and Securities Underwriting
Human rights due diligence in energy trading	10-Jun-2021	Virtual	Conference	10-50	Co-organised	Energy Traders	OECD Guidelines and Due Diligence Instruments
20 Years Swiss NCP for the OECD Guidelines for MNE	13-Dec-2021	Berne / hybrid	Conference	>100	Organised	Business, NGO, Trade Unions, Mediators and further stakeholders	OECD Guidelines, NCP, Panel with Parties involved in specific instances (including professional mediator)
Click here to enter text.	Click here to enter a date.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Additional comments:

Total number of events:

3

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)	Theme of the intervention
Swiss NCP Mediation practice	04-Mar-2021	Virtual	Meeting	10-50	Japanese NCP and further stakeholders	OECD Secretariat	NCP mediation practice
How the OECD Guidelines help to implement RBC in the and outside the pandemic crisis	05-Mar-2021	Virtual	Conference	>100	Business, NGO, Trade Unions and further stakeholders	Zurich University of Applied Science (ZHAW)	OECD Guidelines, Due Diligence Instruments, NCP
Human rights due diligence in the precious stones, metals and minerals supply chains	16-Mar-2021	Virtual	Conference	10-50	Commodity traders and other actors (e.g. smelters, banks) in the metals and minerals supply chains	State Secretariat for Economic Affairs (SECO), Federal Department of Foreign Affairs	OECD Guidelines, Due Diligence Instruments, NCP
Human rights due diligence in the precious stones, metals and minerals supply chains	18-Mar-2021	Virtual	Conference	10-50	Commodity traders and other actors (e.g. smelters, banks) in the metals and minerals supply chains	State Secretariat for Economic Affairs (SECO), Federal Department of Foreign Affairs	OECD Guidelines, Due Diligence Instruments, NCP
OECD GL and NCP	31-Mar-2021	Virtual	Conference	>100	Master Students	Zurich University of Applied Science (ZHAW)	OECD Guidelines, Due Diligence Instruments, NCP, Swiss legislative development
CSR Action Plan of Federal Council and National Action Plan on Business and Human Rights	15-Apr-2021	Virtual	Meeting	10-50	SME Representatives (enterprises and associations)	State Secretariat for Economic Affairs (SECO), SME Division	OECD Guidelines, Due Diligence Instruments, NCP
Business Module Diplomatic Training	20-May-2021	Virtual	Conference	10-50	Future Swiss Diplomats	State Secretariat for Economic Affairs (SECO)	CSR Action Plan of Federal Council, OECD Guidelines, Due Diligence Instruments, NCP
Swiss Forum Business and Human Rights	14-Sep-2021	Berne / hybrid	Conference	>100	Business, NGO, Trade Unions and further stakeholders	State Secretariat for Economic Affairs (SECO), Federal Department of Foreign Affairs	OECD Guidelines, Due Diligence Instruments, NCP
Understanding child labour risks in supply chains of Swiss enterprises	26-Oct-2021	Virtual	Conference	50-100	Business, NGO, Trade Unions and further stakeholders	Global Compact Switzerland, State Secretariat for Economic Affairs (SECO)	UNGP, OECD Guidelines, Due Diligence Instruments
9th meeting Working Group sustainable supply chain management	12-Nov-2021	Virtual	Meeting	10-50	Business	Global Compact Switzerland, State Secretariat for Economic Affairs (SECO)	CSR Action Plan of Federal Council, OECD Guidelines, Due Diligence Instruments, NCP

Additional comments:

Total number of events:

10

PART 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and pending initial assessment, or found to merit further examination after the initial assessment and under consideration by the NCP).
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).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination after initial assessment).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

Please add additional lines if needed.

We encourage all NCPs to inform the OECD 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 OECD Secretariat, please complete and send this [form](#) to ncp-specific-instances@oecd.org¹.

¹ 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”.

For all specific instances that are currently IN PROGRESS:

Names of parties	Date received <i>(dd/mm/yyyy)</i>	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.
Syngenta and Public Eye, Maharashtra Association of Pesticide Poisoned Persons (MAPPP), Pesticide Action Network (PAN), Constitutional and Human Rights (ECCHR) and Pesticide Action Network Asia Pacific (PANAP)	17-Sep-2020	Yes	http://mneguidelines.oecd.org/databases/instances/ch0022.htm	No
Glencore and Global Legal Action Network (GLAN)	19-Jan-2021	Yes	Information sent to OECD	UK, Australia

Additional comments:

Total number of specific instances:

2

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	Does the final statement plan for a follow up?	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
LafargeHolcim and Building and Woodworker's International	12-Dec-2019	11-May-2021	http://mneguidelines.oecd.org/data-base/instances/ch0019.htm	The Swiss NCP concluded the instance without agreement, but noting positive outcomes, such as trust building, within the mediation process. The NCP issued recommendations, notably that the parties establish a social dialogue on a group level and that LH continues to follow-up the situation in the Philippines.	Follow-up planned for the future	No
BKW Group and Society for Threatened Peoples Switzerland	06-Jan-2020	26-Aug-2021	http://mneguidelines.oecd.org/data-base/instances/ch0020.htm	Conclusions with full agreement after both parties participated in mediation. Notably, BKW agreed to revise its Code of Conduct and integrate the respect of human rights as well as the the Principle of Free, prior and informed consent (FPIC) concerning vulnerable groups. BKW further agreed to make its grievance mechanism accessible to all groups affected by its projects and provide for or cooperate in the appropriate remediation of adverse impacts. BKW will demand a similar commitment from its business partners and will reflect its human rights standards in contracts with business partners, including the option to withdraw in the case of continued non-compliance.	Follow-up planned for the future	Norway
UBS and Society for Threatened Peoples Switzerland	22-Jun-2020	20-Dec-2021	http://mneguidelines.oecd.org/data-base/instances/ch0021.htm	The parties agreed to engage in the future, potentially via a structured and continuous process of regular meetings and exchanges, to discuss human rights issues and to define measures that can have a significant impact on the advancement of the industry regarding the inclusion of ESG criteria (related to human rights) into the management of passive investment funds. Furthermore, UBS confirmed to take a leading role in raising key issues related to ESG in the context of passive index funds	Follow-up planned for the future	No

				within the industry by e.g. spearheading an initiative within a major industry association such as the PRI and involving relevant actors. No agreement could be found regarding STP's request of making UBS' existing due diligence process on passive investment more robust by including exit clauses.		
International Olympic Committee and Swiss-Tibetan Friendship Association, Tibetan Youth Association in Europe, Tibetan Community of Switzerland and Liechtenstein and Tibetan Women's Association Switzerland	23-Jul-2021	21-Dec-2021	http://mneguidelines.oecd.org/data/base/instances/ch0023.htm	The Swiss NCP accepted the submission and offered its good services to the parties. While the submitting Parties accepted the offer of mediation of the Swiss NCP, the IOC declined the offer. In its decision, the IOC referred to the Implementation Procedure of the OECD Guidelines, which states that the effectiveness of specific instance procedures depends on good faith behaviour of all parties including maintaining confidentiality where appropriate, refraining from misrepresenting the process and genuinely engaging in the procedures with a view to finding a solution to the issues raised. In view of the IOC, these requirements were not fulfilled by the submitting Parties as the IOC's confidential written statement to the submission was disclosed on the website of one of the submitting Parties	N/A - no outcomes achieved	No

Additional comments:	
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Total number of specific instances:	4
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For all specific instances that were NOT ACCEPTED during the year:

Title	Date received (dd/mm/yyyy)	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.
Click here to enter text.	Click here to enter a date.	Click here to enter text.	Choose an item.	Click here to enter text.

Additional comments:

Total number of specific instances:

For all specific instances for which FOLLOW UP was performed during the year:

Title	Date concluded <i>(dd/mm/yyyy)</i>	Date of follow up <i>(dd/mm/yyyy)</i>	Was a public follow up statement issued?	Link to the follow up statement, if applicable
Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Choose an item.	Click here to enter text.

Additional comments:

Total number of specific instances:

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE 2021

Annex

This document is to provide detailed information on **NCP promotional activities (Part 1 below)** and on **specific instances (Part 2 below)**.

INSTRUCTIONS

This document should be completed and saved locally on a computer and uploaded from the same computer at the end of the online questionnaire in the section “**Annex: NCP Promotional activities & Specific Instances**” (after question 61).

Please note that only **Word files** (.doc or .docx) can be uploaded.

Guidance and instructions on how to complete the questionnaire ([here](#)) and the annex ([here](#)) are accessible on the NCP O.N.E Community Space.

HELP & ASSISTANCE

Please contact jean-francois.leruste@oecd.org and emily.halstead@oecd.org for any help or assistance to complete the questionnaire.

STRUCTURE

Part 1: NCP PROMOTIONAL ACTIVITIES

Part 2: SPECIFIC INSTANCES

Please enter country name of NCP: Switzerland

PART 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 (dd/mm/yyyy)	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>
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Human rights due diligence in energy trading	10-Jun-2021	Virtual	Conference	10-50	Co-organised	Energy Traders	OECD Guidelines and Due Diligence Instruments
20 Years Swiss NCP for the OECD Guidelines for MNE	13-Dec-2021	Berne / hybrid	Conference	>100	Organised	Business, NGO, Trade Unions, Mediators and further stakeholders	OECD Guidelines, NCP, Panel with Parties involved in specific instances (including professional mediator)
Click here to enter text.		Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Additional comments:

Total number of events:

3

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)	Theme of the intervention
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How the OECD Guidelines help to implement RBC in the and outside the pandemic crisis	05-Mar-2021	Virtual	Conference	>100	Business, NGO, Trade Unions and further stakeholders	Zurich University of Applied Science (ZHAW)	OECD Guidelines, Due Diligence Instruments, NCP
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9th meeting Working Group sustainable supply chain management	12-Nov-2021	Virtual	Meeting	10-50	Business	Global Compact Switzerland, State Secretariat for Economic Affairs (SECO)	CSR Action Plan of Federal Council, OECD Guidelines, Due Diligence Instruments, NCP

Additional comments:	
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Total number of events:

10

PART 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

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For all specific instances that are currently IN PROGRESS:

Names of parties	Date received <i>(dd/mm/yyyy)</i>	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.
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Glencore and Global Legal Action Network (GLAN)	19-Jan-2021	Yes	Information sent to OECD	UK, Australia

Additional comments:

Total number of specific instances:

2

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	Does the final statement plan for a follow up?	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
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BKW Group and Society for Threatened Peoples Switzerland	06-Jan-2020	26-Aug-2021	http://mneguidelines.oecd.org/data/base/instances/ch0020.htm	Conclusions with full agreement after both parties participated in mediation. Notably, BKW agreed to revise its Code of Conduct and integrate the respect of human rights as well as the the Principle of Free, prior and informed consent (FPIC) concerning vulnerable groups. BKW further agreed to make its grievance mechanism accessible to all groups affected by its projects and provide for or cooperate in the appropriate remediation of adverse impacts. BKW will demand a similar commitment from its business partners and will reflect its human rights standards in contracts with business partners, including the option to withdraw in the case of continued non-compliance.	Follow-up planned for the future	Norway
UBS and Society for Threatened Peoples Switzerland	22-Jun-2020	20-Dec-2021	http://mneguidelines.oecd.org/data/base/instances/ch0021.htm	The parties agreed to engage in the future, potentially via a structured and continuous process of regular meetings and exchanges, to discuss human rights issues and to define measures that can have a significant impact on the advancement of the industry regarding the inclusion of ESG criteria (related to human rights) into the management of passive investment funds. Furthermore, UBS confirmed to take a leading role in raising key issues related to ESG in the context of passive index funds	Follow-up planned for the future	No

				within the industry by e.g. spearheading an initiative within a major industry association such as the PRI and involving relevant actors. No agreement could be found regarding STP's request of making UBS' existing due diligence process on passive investment more robust by including exit clauses.		
International Olympic Committee and Swiss-Tibetan Friendship Association, Tibetan Youth Association in Europe, Tibetan Community of Switzerland and Liechtenstein and Tibetan Women's Association Switzerland	23-Jul-2021	21-Dec-2021	http://mneguidelines.oecd.org/data/base/instances/ch0023.htm	The Swiss NCP accepted the submission and offered its good services to the parties. While the submitting Parties accepted the offer of mediation of the Swiss NCP, the IOC declined the offer. In its decision, the IOC referred to the Implementation Procedure of the OECD Guidelines, which states that the effectiveness of specific instance procedures depends on good faith behaviour of all parties including maintaining confidentiality where appropriate, refraining from misrepresenting the process and genuinely engaging in the procedures with a view to finding a solution to the issues raised. In view of the IOC, these requirements were not fulfilled by the submitting Parties as the IOC's confidential written statement to the submission was disclosed on the website of one of the submitting Parties	N/A - no outcomes achieved	No

Additional comments:	
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Total number of specific instances:	4
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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.
Click here to enter text.	Click here to enter a date.	Click here to enter text.	Choose an item.	Click here to enter text.

Additional comments:

Total number of specific instances:

For all specific instances for which FOLLOW UP was performed during the year:

Title	Date concluded <i>(dd/mm/yyyy)</i>	Date of follow up <i>(dd/mm/yyyy)</i>	Was a public follow up statement issued?	Link to the follow up statement, if applicable
Click here to enter text.	Click here to enter a date.	Click here to enter a date.	Choose an item.	Click here to enter text.

Additional comments:

Total number of specific instances: