

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

**Annual Meeting of the National Contact Points for the OECD Guidelines for  
Multinational Enterprises**

**SWITZERLAND**

**NATIONAL CONTACT POINT FOR THE MNE GUIDELINES**

**2014 REPORT TO THE OECD**

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OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES  
**SWISS NCP**  
REPORT TO THE OECD  
**2014**

National Contact Points must report annually to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances.

A Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs prepare these reports. This information is the basis for the Chair's Annual Report to the OECD Council.

## Common Reporting Framework

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## Common framework for annual reporting by National Contact Points

The role of National Contact Points is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability.

### A. Institutional arrangements

#### 1. Governmental location of the NCP

State Secretariat for Economic Affairs (SECO), Federal Department of Economic Affairs, Education and Research EAER

#### 2. Structure of the NCP

Monopartite  Interagency  Bipartite  Tripartite  Quadripartite  Independent Expert Body

All government offices and departments concerned by the thematic chapters of the Guidelines are involved in the handling of specific instances received by the NCP.

#### 3. Does the NCP have an advisory body?

Yes  No

14 representatives from different stakeholder groups: employer associations, trade unions, business associations, NGOs, academia (each group having 2 representatives in the advisory board), as well as 2 departments of the federal administration: 2 representatives of the Federal Department of Foreign Affairs FDFA (political direction, development agency) and 2 representatives of the Federal Department of Economic Affairs, Education and Research EAER (labour direction, international trade direction). The advisory board is co-chaired by State Secretary Marie-Gabrielle Ineichen-Fleisch, Director of the State Secretariat of Economic Affairs, and Professor Christine Kaufmann, Chair for Constitutional and Administrative Law and for European and International Law of the University of Zurich.

Functions: the advisory board advises the NCP on its strategic orientation as well as on the implementation of the OECD Guidelines and the procedural guidelines of the NCP according to the core criteria of visibility, accessibility, transparency and accountability. The advisory board also promotes the dialogue between stakeholder groups and contributes to the effective implementation of the OECD Guidelines.

The advisory board advises the NCP on procedural issues, such as the cooperation with other NCPs and with stakeholders. The advisory board will also be consulted on issues such as modifications of the published procedural guidelines of the NCP, changes of the mandate of the internal working groups of the federal administration that handle specific instances, the selection of external mediators, the annual report of the Swiss NCP and promotional activities of the NCP. The advisory board will be informed about the handling of specific instances by the NCP (state of the proceedings, appointment of an internal working group of the federal administration for a specific instances). However the advisory board is not directly involved in the handling of specific instances.

4. Does the NCP have an oversight body?  Yes  No

5. Was the NCP structure modified in the reporting period?  Yes  No

6. How does this structure enable the NCP to operate effectively?

All government offices of the Swiss federal administration concerned by a specific instance are participating in the work of the Swiss NCP if a specific instance is raised. The appointment of a multi-stakeholder advisory board moreover enables to address general issues related to the functioning of the NCP (such as its efficiency) with selected representatives of all stakeholder groups.

7. Does the NCP have an allocated budget?  Yes  No

8. Does the NCP have dedicated staff?  Yes  No

The office responsible within SECO for the NCP makes available the necessary human resources for the functioning of the Swiss NCP. Up to three public officials commit if necessary part of their work to the NCP.

9. Are changes in the structure or resources available to the NCP contemplated in the near future?

Yes  No

10. Does the NCP report within the Government on its activities?

Yes  No

The Swiss NCP reports to the Swiss Parliament on an annual basis in the Foreign Economic Policy Report.

## B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages?  Yes  No

The NCP has a comprehensive internet page providing all necessary information related to the Guidelines and the functioning of the NCP. It is regularly updated and can be consulted in the three official languages of Switzerland (French, German and Italian) as well as in English.

The English versions of these websites can be found under the following links:

Swiss NCP: <http://www.seco.admin.ch/ncp>

OECD Guidelines: <http://www.seco.admin.ch/themen/00513/00527/01213/index.html?lang=en>

12. Are the 2011 Guidelines available online?  Yes  No

in German, French, Italian and English

13. Are the 2011 Guidelines available in print?  Yes  No

**14. Did you develop other products to raise awareness of the Guidelines?**  Yes  No

Since 2010, the NCP is distributing a flyer intended for multinational companies and other stakeholders summarising the Guidelines as well as the functioning of the Swiss NCP. This flyer has been updated following the adoption of the updated OECD Guidelines and is distributed at conferences, meetings and other events involving the NCP. The flyer is available in the three official languages of Switzerland as well as in English.

Weblink: <http://www.seco.admin.ch/ncp>

**15. Is your Annual Report available online?**  Yes  No

<http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en>

**16. Is your Annual Report available in print?**  Yes  No

**17. Does the NCP coordinate with other government activities on responsible business conduct?**

Yes  No

The NCP is lodged in the unit of the State Secretariat for Economic Affairs (SECO) responsible for CSR policy and the coordination of CSR-related activities of the government. This office, in its function as focal point for general questions regarding responsible business conduct, regularly coordinates with other government offices on CSR matters. This includes amongst others regular co-operation with the units responsible for business and human rights.

**18. Does the NCP, together with appropriate state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs ...), inform prospective investors about the Guidelines and their implementation?**

Yes  No

The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism, the national contacts, including a direct link to the Swiss NCP: <http://www.serv-ch.com/en/sustainability/guidelines-for-multinational-enterprises/>

**19. If the NCP conducted surveys or collected data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct, provide details.**

**20. Does the NCP have a promotional plan on the Guidelines?**  Yes  No

The NCP avails itself - within the limits of its resources - of all appropriate possibilities to promote the awareness about the OECD Guidelines, such as through references in Government policies and publications, participation in international and national conferences, presentations to selected audiences, press releases, etc.

**21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?**

Yes  No

**22. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures?**

Yes  No

<b>Title</b>	Responsible business conduct and the role of the government
<b>Date</b>	3 Apr 2014
<b>Place</b>	Lucerne University of Applied Sciences and Arts
<b>Further details</b>	As part of a conference on competition and responsible business conduct
<b>Title</b>	Access to Remedy in Context of Business and Human Rights: Improving the Effectiveness of N <sup>+</sup>
<b>Date</b>	4 Apr 2014
<b>Place</b>	Den Haag (NL)
<b>Further details</b>	Participation of the NCP in this Expert Seminar on grievance mechanisms
<b>Title</b>	Support by the Swiss Government for companies active in conflict areas
<b>Date</b>	11 Apr 2014
<b>Place</b>	University of Basel and Swisspeace, Basel
<b>Further details</b>	Presentation in the framework of the Postgraduate Course in Civilian Peacebuilding, module Business, Conflict and Peacebuilding

**23. What use has been made of embassies, notably in emerging markets and other non-adhering countries, for raising awareness and promoting the Guidelines?**

Swiss embassies abroad are continuously involved in the promotion of the Guidelines and of responsible business conduct. All Swiss embassies have been informed about the OECD Guidelines and have received the flyer summarising the Guidelines as well as the functioning of the Swiss NCP. Swiss embassies are also assisting the NCP in dealing with specific instances.

**24. Does the NCP have a direct relationship with OECD partner organisations and/or other leading responsible business conduct instruments:**

- |   |   |  |
|---|---|--|
| <b>ILO?</b>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>UN Global Compact and its local networks?</b>                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>UN Office of the High Commissioner on Human Rights?</b>                    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>National Institution for the Protection and Promotion of Human Rights?</b> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Global Reporting Initiative?</b>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>ISO26000?</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Other</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

The Swiss NCP maintains close contact to the Swiss UN Global Compact Network, which is managed by the International Chamber of Commerce Switzerland.

The NCP is moreover in contact with the International Labour Organisation (ILO) through the responsible government unit and follows its activities in the fields of CSR.

The NCP also closely follows the activities of the UN and in particular of the Working Group on the issue of human rights and transnational corporations and other business enterprises. In this context, the NCP is participating actively in the follow-up work in Switzerland, following the adoption of the Guiding Principles on Business and Human Rights of the former UN Special Representative of the Secretary-General on human rights and business, John Ruggie.

**25. Does the NCP or another government agency promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones?**

- Yes    No

The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is presented on the website of the Swiss NCP as well as in presentations by the NCP at events organized to promote the Guidelines and CSR.

**26. Does the NCP or another government agency promote the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas?**

- Yes    No

The Swiss NCP actively takes part in the OECD work on Due Diligence in the extractive sector. In the framework of presentations and meetings of the NCP with stakeholders and business representatives, the NCP has already presented the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas to several audiences.

Next to the Swiss NCP and the government unit where the NCP is located, other governmental units have followed the OECD work on Due Diligence in the extractive sector, namely the Economic Cooperation and Development Division of the State Secretariat for Economic Affairs (SECO) and the Federal Department of Foreign Affairs.

The State Secretariat for Economic Affairs (SECO) has also paid a considerable financial contribution to the OECD to support the work on Due Diligence in the extractive sector in 2012. It has renewed its substantial financial support to this initiative in 2013-14. Moreover, Switzerland is engaged to implement the Guidance for the gold sector in particular by formally launching in 2013 the Swiss Better Gold Initiative (BGI).

**27. Were enquiries received on the Guidelines and their implementation procedures**

- |  |   |  |
|--|---|--|
| <b>From other NCPs?</b>                            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>From the business community?</b>                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>From labour organisations?</b>                  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>From non-governmental organisations?</b>        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>From governments of non-adhering countries?</b> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Other</b>                                       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

Academia (researchers and students), Consultants.

**C. Proactive agenda**

*In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries*

**28. Did the NCP identify new emerging challenges for enterprises, or engage in any related activities?**

- Yes     No

Against the backdrop of the importance of the financial sector in Switzerland and the prominent role played by Swiss banks in the discussion about the corporate responsibility to respect human rights, the Swiss NCP is actively engaged in the work of the OECD on environmental and social due diligence in the financial sector. Switzerland also financially supports the work stream of the OECD which aims to provide better guidance for financial institutions on the implementation of the OECD Guidelines and the UN Guiding Principles.

The Swiss National Contact Point has been involved in the work of the interdepartmental platform on commodities, which published the "Background Report Commodities" in March 2013. This report also mentions the NCP as a grievance mechanism for specific instances related to the extractive sector. The NCP also provided information for the follow-up report on the implementation of the recommendations of the Background Report Commodities, published in March 2014.

Since the publication of the Background Report Commodities and the adoption by the Federal Council of 17 recommendations, the staff of the Swiss National Contact Point is actively engaged in following-up to the mandate of the government, in particular recommendations 10, 11 and 12 which relate to CSR:

Recommendation 10 (excerpt): Switzerland should continue in its commitment to promote corporate social responsibility and intensify the multi-stakeholder dialogue being conducted by the Federal Department of Foreign Affairs (FDFA) and the Federal Department of Economic Affairs, Education and Research (EAER) on the UN Guiding Principles on Business and Human Rights.

Recommendation 11 (excerpt): A working group, in cooperation with representatives of the stakeholders involved (specifically, the cantons, as well as companies and NGOs) should prepare proposals for corporate social responsibility standards (including implementation mechanisms) for the commodity merchanting industry.

Recommendation 12 (excerpt): Based on the results of the comparative study of other legal regimes, possible legal options will be analyzed on environmental and human rights due diligence as well as on CSR reporting.

## **D. Co-operation and peer learning**

*In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs will engage in joint peer learning activities. In particular, they are encouraged to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.*

**29. Did the NCP engage in direct co-operation with other NCPs?**  Yes  No

The Swiss NCP closely cooperates with other NCPs in the framework of specific instances and the proactive agenda, namely in the reporting period, the NCPs of Germany and UK. The Swiss NCP maintained its cooperation and regular exchange with the German-speaking NCPs (Austria, Germany) and also strengthened contacts with other NCPs.

**30. Is the NCP interested in volunteering for a peer evaluation?**  Yes  No

The Swiss NCP has already announced its interest to engage in a voluntary peer review during the meeting of the Investment Committee in October 2011. Given the recent modifications of its structure and the availability of the OECD Secretariat, a voluntary peer review would seem to be most effective and fruitful after a certain implementation period, i.e. in 2015.

**31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation?**  Yes  No

no preference for a specific semester

## E. Specific instances

32. Did the NCP develop procedures for handling specific instances?  Yes  No

- are they available online?  Yes  No

- in which language/s ? German and English; French and Italian versions will be available soon.

- do procedures take into account the 2011 Procedural Guidance?  Yes  No

33. How many new specific instances did the NCP receive in the reporting period?

34. Do you have any updates on specific instances that were reported and not concluded in the previous reporting period?

Yes  No

<b>Title</b>	Manufacturing (D); India; 07/01/2012 and 25/01/2012
<b>Status</b>	In progress
<b>Summary</b>	Following the NCPs offer to facilitate a dialogue in its Initial Assessment the parties accepted this offer. The Swiss NCP contracted an independent mediator for the pre-mediation process and to lead a first mediation / conciliation meeting which took place in Bern on September 23, 2013. This specific instance has yet not been concluded, as the Swiss NCP is still engaged with the parties in facilitating follow-up actions.
<b>Link</b>	

## F. Useful experiences and future work

34. Provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP.

35. Based on your recent activities, what issues might deserve particular attention during the 2014-2015 implementation cycle of the OECD Guidelines?

- Coherence and frequency of voluntary peer reviews
- Exchange on best practices and lessons learned with recommendations in Final Statements.

- The potential of follow-up measures by the NCP after the publication of a Final Statement.
- Deepen the sharing of best practices and lessons learned with mediation.
- Handling of specific instances in non-adhering countries

## **NCP CONTACT INFORMATION**

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