



Organisation for Economic Co-operation and Development

DAF/INV/RBC/RD(2018)2

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English - Or. English

1 March 2018

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

Working Party on Responsible Business Conduct

Swiss NCP follow-up to OECD Peer Review Recommendations

6-7 March 2018, Paris

Follow up document from the Swiss NCP on the OECD peer review

JT03427494



Peer Review of the National Contact Point of Switzerland

Implementation of recommendations

Berne, 14 February 2018

The report on the peer review of the Swiss National Contact Point (Swiss NCP) was published on 18 May 2017.¹ It includes six recommendations formulated by the Peer Review team composed by members of the NCP of Germany, UK and Chile along with the OECD Secretariat.

Since the planning phase, the multistakeholder Advisory Board of the Swiss NCP has been closely involved in the Peer Review process. It has started discussing the implementation of the recommendations on its [meeting of 29 March 2017](#) and will continue to monitor the process.

This document presents the actions taken by the Swiss NCP until end of February 2018 to implement the six recommendations.

Basis for the recommendation	Recommendation	NCP action and status of implementation
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Recommendation 1		
<p>The role of the Advisory Board is still being developed and the status of its advice with respect to the activities of the NCP is not fully clear.</p>	<p>The NCP could consider clarifying the role and authority of the Advisory Board, particularly in relation to the status of the advice it provides with respect to specific instances.</p>	<p>The tasks of the Advisory Board are defined in the Ordinance on the Organisation of the National Contact Point for the OECD Guidelines for Multinational Enterprises and on its Advisory Board (NCPO-OECD SR - 946.15). The Rules of Procedure of the Advisory Board of the NCP define the organisation and working procedure of the Advisory Board.</p> <p>The current procedure with respect to specific instances is as follows:</p> <p>The interministerial ad hoc working groups deal with specific instances (see also recommendation 2). They are responsible for taking all decisions (e.g. acceptance of a submission). The Advisory Board can ask procedural questions regarding ongoing specific instances at its meetings (e.g. regarding time management). Additionally, the NCP secretariat can seek guidance from the Advisory Board regarding general principles (e.g. applicability of OECD Guidelines to NGO).</p>

¹www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/NKP.html



		The Advisory Board will discuss at its next meeting in March 2018 whether there is a need for further clarification of its own role with respect to specific instances.
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Recommendation 2		
The contribution of ad hoc working groups to the specific instance process is unclear, not always visible to parties and adds a procedural burden to the process.	The NCP should consider whether ad hoc working groups should play a more active and visible role in specific instances or, alternatively, whether their role could be streamlined to make it less procedurally onerous.	The functioning of the ad hoc working groups has been reliable and successful and will be continued. As there were different perceptions by stakeholders regarding the ad hoc working groups (e.g. decision-making mechanism), information regarding its functioning and criteria for the selection of its members was published on the NCP website .

Recommendation 3		
Civil society groups, particularly NGOs, seem less aware of the value of the specific instance mechanism and the activities of the NCP.	The NCP could focus more attention on awareness raising and relationship building with civil society. In this respect, specific promotional events could be planned with civil society groups, particularly NGOs, to explain the potential benefits of the specific instance mechanism. The Advisory Board, which includes civil society representatives, could be instrumental in these outreach efforts.	The NCP has increased activities regarding awareness raising with civil society. In 2017, the NCP participated in an event organized by the NGO Solidarsuisse and Terre des Hommes. Additionally, the NCP mechanism was presented at an event organized by Amnesty International. Based on a study regarding the awareness of the OECD Guidelines (to be concluded in March 2018), the NCP Advisory Board will discuss further awareness raising activities, including events with NGOs, at its March meeting 2018.



Recommendation 4		
<p>The NCP promotes the Guidelines through participating in external events and strategic initiatives but does not organise many of its own promotional events.</p>	<p>The NCP could be more proactive with respect to promotion by organising its own promotional events and activities.</p>	<p>In the NCP's view, the effect and outcome of promotional activities are crucial, not who has organised the event.</p> <p>With the ongoing practice of participation in events of stakeholders (e.g. business associations, universities), different stakeholder groups can be reached in an effective and resource efficient way. The NCP will continue this strategy, but considers options to organize its own events.</p> <p>In 2017, the NCP co-organized one event for future Swiss diplomats. The planning 2018 foresees the co-organisation of two events: In March, the NCP will co-organize an event with the Swiss Network of the Global Compact, and in August the NCP will co-host a training for future diplomats.</p>
Recommendation 5		
<p>The NCP as well as users of the system have identified the length of specific instance proceedings as an ongoing challenge.</p>	<p>The NCP could consider streamlining processes, specifically with respect to information gathering during the phase between submission and initial assessment to reduce the time involved.</p>	<p>The NCP will publish a checklist for the submission of specific instances in April 2018 (after approval by the Advisory Board at its March 2018 meeting).</p> <p>The checklist will contain elements to be included in a submission to the NCP allowing the NCP to elaborate efficiently the Initial Assessment.</p>
Recommendation 6		
<p>Several stakeholders noted that final statements could be made more substantive in order to demonstrate the full added value of the specific instance mechanism to civil society and other parties, to encourage greater use of the specific instance mechanism.</p>	<p>The NCP could consider developing final statements, which include more meaningful recommendations and make efforts to encourage the parties to report agreed to actions relevant to better observing the Guidelines.</p>	<p>Primarily the parties involved in a specific instance decide which parts of the confidential outcome of the mediation are published in the Final Statement. However, the NCP works towards the publication of substantial information as well as more substantive recommendations.</p> <p>In 2017, all published final statements (regarding FIFA, Holcim Indonesia and WWF International) contained substantial information, recommendations and follow-up activities.</p>